PORTLAND ZONING CODE

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Effective January 1, 1991

Bureau of Planning
City of Portland, Oregon
January 1991

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PREFACE

To the Citizens of Portland:

I am proud to present this new zoning code for the city of Portland. In all of Portland's history, the city has had only two zoning codes, one adopted in 1924 and the other in 1959. The 1959 code has served us well, but over time it has become outdated and burdened by amendments. The new code is the product of a major four-year effort. This product is the result of substantial work from the citizens of Portland, business groups, the Planning Commission, the staff of the Bureau of Planning, and other agencies. During the process, the city Council, Planning Commission, and the Bureau of Planning held over 150 public meetings and hearings to hear public comments and review the new zoning code. Over 300 people testified before the Planning Commission and City Council and many, many letters have been received and considered. The creation of this document has truly been a public effort.

The new zoning code will result in a substantial improvement in the city's land use regulations to serve us into the twenty-first century. The code will also improve the implementation of the goals and policies of the city's Comprehensive Plan. The document is shorter and easier to read and understand than the present code. The regulations address the land use issues of today and prepare us for the growth of the future. The goal of providing certainty in regulations is balanced with the benefits of flexibility.

The improvements contained tin the new zoning code represent a positive step forward in land use regulation and growth management in Portland. The code will be a major factor in shaping the future vision and direction for our city. On behalf of the entire City Council, I wish to thank all the citizens in Portland who have worked so hard and given so much to develop this document.

Sincerely,

Earl Blumenauer
Commissioner of Public Works

Title 33, Planning and Zoning

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	CI2	Campus Institutional 2	33.150
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	CM1	Commercial/Mixed Use 1	33.130
	CM2	Commercial/Mixed Use 2	33.130
	CM3	Commercial/Mixed Use 3	33.130
	CX	Central Commercial	33.130
	EG1	General Employment 1	33.140
	EG2	General Employment 2	33.140
	EX	Central Employment	33.140
	IG1	General Industrial 1	33.140
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	IR	Institutional Residential	33.150
	OS	Open Space	33.100
	R1	Residential 1,000	33.120
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	R2.5	Residential 2,500	33.110
	R3	Residential 3,000	33.120
	R5	Residential 5,000	33.110
	R7	Residential 7,000	33.110
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Introduction

How to Use This Document

33.10 Legal Framework and Relationships

How To Use This Document

Organization of Title 33

General layout. The zoning code is organized as a reference document. It is not intended to be read from cover to cover. Instead, it is organized so you may look up only the parts you need. The list of chapters in the table of contents is, therefore, very important, as are the section listings at the beginning of each chapter. Later portions of this introduction explain two different methods to use the code for commonly asked questions. There are many other ways to use this code, depending on your objectives.

Chapters that cover related information have been grouped together. There are nine groups, or series of chapters. The first series, called the Introduction, contains some basic information on the legal framework of the code and this guide on how to use the code. The eight remaining series are summarized below.

This code is used in conjunction with other City Titles; many service and technical requirements are contained in other Titles.

The Base Zones (100 series). The 100 series contains the base zone chapters. These chapters state which uses are allowed in each zone. They also state which uses are allowed in limited situations, which are conditional uses, and which are prohibited. The general development standards for each base zone are also included. The development standards include requirements such as maximum heights and required setbacks.

Additional Use and Development Regulations (200 series). The 200 series contains regulations for specific uses and development types that apply in many base zones. The chapters in this series also state the development standards that apply across many zones such as the parking and landscaping regulations. This grouping provides consolidated information and less repetition in code language. There are references in the base zones to the requirements in the 200 series, when applicable. The regulations in the 200s generally supplement the regulations in the base zones.

Overlay Zones (400 series) and Plan Districts (500 series). Overlay zones consist of regulations that address specific subjects that may be applicable in a variety of areas in the City. Plan districts consist of regulations that have been tailored to a specific area of the City. Both overlay zones and plan districts are applied in conjunction with a base zone and modify the regulations of the base zone. The Official Zoning Maps identify overlay zones and plan districts as well as the base zones and other information.

Land Divisions and Planned Developments (600 series). The 600 series contains the regulations for dividing land and for Planned Developments. Within this series are four groups of chapters:

Chapters 33.605 through 33.615 address lot dimensions for all zones, and density for the single-dwelling zones and for the multi-dwelling zones when single-dwelling development is proposed.

Chapters 33.630 through 33.641 contain special regulations for lands subject to flood or landslide; the regulations for tree preservation, solar access, clearing and grading, phased plans and staged Final Plats, required recreation area, seeps and springs, traffic impact studies, and tracts and easements.

Chapters 33.651 through 33.654 are the regulations for services and utilities. These chapters are intended to tie together all of the requirements for services and utilities, many of which are found in other City Titles, manuals, and guides.

Chapters 33.660 through 33.664 include the information on reviews of each phase of a Land Division, including the procedure types and approval criteria. Chapter 33.667 contains the regulations for Property Line Adjustments and Chapter 33.668 contains the regulations for amending an approved PUD.

Administration and Procedures (700 series). The 700 series provides information on the City's administrative framework and procedures that relate to land use. Information on application requirements, staff-level processing, review bodies, public hearings, and appeals is included along with other provisions on administering the zoning code.

Land Use Reviews (800 series). The 800 series describes most of the various land use reviews. Some reviews may be applied for at the discretion of the applicant, such as a conditional use or adjustment request. Other reviews are mandatory in certain situations such as design review. The 800 series contains the thresholds that state when a review is required, and the approval criteria for the land use review.

General Terms (900 series). The 900 series contains the description of the use categories, which include all the uses regulated by the zoning code. The series also contains the definitions chapter and a chapter on methods of measurement.

Reserved Series (300s). The 300 series of chapters has been reserved for future amendments or additions to Title 33.

Determining the Zoning Regulations for a Specific Site

To determine the zoning regulations applicable to a site, you must first find the site on the Official Zoning Maps. The appropriate map will show the base zone that is applied to the site. It will also show if the site is subject to any overlay zones or plan districts, and if the site contains a historical landmark or recreational trail. You then look up all the corresponding regulations. Start with the base zones (the 100 series of chapters). The base zones state whether a use is allowed by right, allowed with limitations, a conditional use, or prohibited. The base zones also contain most of the development standards that apply to the uses that are allowed or limited. The base zones will indicate if certain reviews are necessary, such as conditional use review. In these cases look up the appropriate chapter.

Some uses and types of development have specific regulations stated in the 200 series of chapters. Although such instances are referenced in the base zones, it is a good idea to check over the 200 series to confirm if any of the chapters apply to your situation. Next, look up any overlay zones or plan districts that may apply to your site. These are listed in the 400 and 500 series of chapters. Finally, if the Official Zoning Maps indicate that the site has a historic landmark or recreational trail designation, look up those chapters for the corresponding regulations.

Chapters 33.910, Definitions and 33.930, Measurements may be helpful in understanding how to apply the regulations to a specific site.

Determining Where a Specific Use May Locate

To determine in what zones a specific use may be located, you must first determine what land use category it is in. Use Chapter 33.920, Descriptions of the Use Categories, to classify the specific use. Then look at the primary use tables in the base zone chapters to see the status of that category. Categories are either allowed, allowed with special limitations, may be allowed through a conditional use review, or are prohibited. You should also check the list of the 200s chapters, because some uses are subject to additional regulations. Finally, although a base zone might allow a use, a specific site may be subject to additional regulations from an overlay zone or plan district. The regulations of the overlay zone or plan district supersede the regulations of the base zone and may affect the status of the use, so those regulations should be considered.

Determining the Land Division Regulations for a Specific Site

To determine the Land Division regulations applicable to a site, you must first find the site on the Official Zoning Maps. The appropriate map will show the base zone that is applied to the site. This will tell you which chapters to look at in this Title; the 100s and 600s are organized by zone. The Zoning Map will also show if the site is subject to any overlay zones or plan districts, and if the site contains a historical landmark or recreational trail. You then look up all the corresponding regulations. All of these regulations will tell you what uses are allowed, what housing types may be considered, and what development regulations affect your site. Some of these development regulations will help you determine how to design your Land Division.

In the 600 series of chapters, you should first look in Chapters 33.605 through 33.615 for the zone of your site; these chapters contain the regulations on density and lot dimensions. Then review Chapters 33.630 through 33.641: Chapters 33.630, Tree Preservation, 33.635, Clearing, Grading, and Land Suitability, 33.636, Tracts and Easements, and 33.640, Streams, Springs, and Seeps apply to all Land Divisions. Chapter 33.639, Solar Access applies to land divisions where single-dwelling detached development is proposed. Chapters 33.631 and 33.632 apply only to sites that may be subject to flood or landslide; City maps can help you determine if your land may be subject to these hazards. Chapters 33.633, Phased Plans and Staged Final Plats apply to proposals that include those elements, while Chapter 33.634 only applies to sites where a recreation area is required. A traffic impact study may be required as per 33.641. Chapter 33.638 includes the regulations for Planned Developments.

Chapters 33.651 through 33.655 contain the regulations for services that apply to land divisions. Finally, Chapters 33.660 through 33.675 will tell you what reviews are needed for your Land Division or Property Line Adjustment, and what standards and approval criteria must be met for your request to be approved.

Chapters 33.910, Definitions and 33.930, Measurements may be helpful in understanding how to apply the land division regulations to a specific site.

Format of Title 33

Outline. The format of Title 33 follows the layout of all revised Titles in the City Code. The chapter and section numbers use an expandable decimal numbering system adopted by the City in 1969. Major divisions within the Title are called chapters. Major divisions within chapters are called sections. The format of the divisions in the Title are shown below.

33.xxx Chapter Title

XXX

Sections:

33.xxx.yyy

33.XXX.XXX Section

A. Subsection

1. Paragraph

a. Subparagraph

(1) Subsubparagraph

Referencing Within Title 33. References within Title 33 are made as follows:

Outside of the same section. When a reference is to text outside of the same section, the reference number starts with the Title number (i.e. 33), and continues to the appropriate level for the reference. For example, 33.110.050.B. refers to Subsection B. of Section 050, of Chapter 110, of Title 33. The names "Title" and "Chapter" are used if the reference is to an entire Title or Chapter.

Within the same section. When a reference is to text within the same section, the name of the division level is used (i.e. Subsection, Paragraph, Subparagraph, etc.), and the reference "number" starts with the appropriate subsection letter. For example, "See Paragraph D.2., below" refers to Paragraph 2., of Subsection D., of the same section.

Referencing Other Documents. When a reference is to a document outside of the Portland City Code, the referenced document's name is in italicized text, such as *Balch Creek Watershed Protection Plan*.

Terms

The code has been written in a "plain English" style and the meaning is intended to be clear as read. However, because it is also a legal document and because of the need for terms with specific meanings, the code also provides guidance on how specific terms are used. Chapter 33.910, Definitions, defines words that have a specific meaning in this code. 33.700.070, General Rules for Application of the Code Language, contains other information on how terms are used in this code.

33.10 Legal Framework and Relationships

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33.10.040 Other City, Regional, State, and Federal Regulations
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33.10.010 Purpose

The zoning code is intended to implement Portland's Comprehensive Plan and related land use plans in a manner which protects the health, safety, and general welfare of the citizens of Portland.

33.10.020 Official Names

The official name of this Title is "Title 33, Planning and Zoning" and it may be referred to as "Title 33" or the "zoning code".

33.10.030 When the Zoning Code Applies

A. All land and water. The zoning code applies to all land and water within the City of Portland except as provided in Subsections B., C., and D. below. All land divisions, uses and development must comply with all of the requirements specified in the zoning code for that location.

B. Clarification for rights-of-way. Land within private rights-of-way, including rail rights-of-way and utility rights-of-way, is regulated by Title 33. Land within public rights-of-way is regulated by Title 17, Public Improvements, and not by Title 33, except in the following situations where both Titles apply:

1. Rights-of-way in the greenway, river environmental, environmental conservation, environmental protection, pleasant valley natural resource, and scenic resource overlay zones, including the creation of new rights-of-way and the expansion or vacation of existing rights-of-way;
2. The act of creating or dedicating public rights-of-way through a land division;
3. Development within the design overlay or historic resources protection overlay zone;
4. Structures that project from private property over rights-of way, such as oriel windows; and
5. Proposals for park-and-ride facilities for mass transit.

C. Clarification for waterbodies. The siting of fills or structures on or over waterbodies is subject to the zoning code provisions. The zoning code does not regulate shipping, dredging, boating, and other similar uses on or in water bodies. The zoning code does

regulate dredging in the Willamette River Central Reach, but does not regulate dredging on or in any other portion of the Willamette River or any other water body.

D. Private rights-of-way. The creation of private rights-of-way is regulated by Title 33, Planning and Zoning. Street improvements in private rights-of-way are allowed by right in all zones.

33.10.040 Other City, Regional, State, and Federal Regulations

A. Compliance required. In addition to the requirements of the zoning code, all uses and development must comply with all other applicable City, regional, state, and federal regulations.

B. References to other regulations. All references in the zoning code to other City, regional, state, or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the City for enforcement of regional, state, or federal regulations.

C. Current versions and citations. All references to other City, regional, state, or federal regulations in the zoning code refer to the most current version and citation for those regulations, unless specifically indicated otherwise. Where the referenced regulations have been repealed, zoning code requirements for compliance are no longer in effect.

33.10.050 Official Zoning Maps

A. Content of Official Zoning Maps. The boundaries of the base zones, overlay zones, and plan districts are shown on the Official Zoning Maps of the City of Portland. The maps also show the location of historical landmarks, special street setbacks, and existing and planned major public trails. The Official Zoning Maps are a part of the zoning code, but are published separately. Maps that delineate areas subject to additional zoning regulations may be included in the zoning code, attached to the adopting ordinance, or adopted by reference. The Bureau of Planning and Sustainability maintains the Official Zoning Maps.

B. Changes to Official Zoning Maps. A proposed change to the Official Zoning maps is subject to the amendment process described in Chapter 33.855, Zoning Map Amendments.

C. Boundary lines.

1. Where a zoning line is shown on the Official Zoning Maps as being within an existing or vacated right-of-way, utility corridor, railroad line, or a water course, the line is in the center unless specifically indicated otherwise.

2. The location of a zoning line is determined with a scale when a zoning line does not follow a lot line or identifiable landmark and its location is not specifically indicated.

33.10.060 Comprehensive Plan Designations

A. Mapping format. The Official Zoning Maps also show the Comprehensive Plan designations. Where the zoning map symbol is a corresponding zone of the Comprehensive Plan designation, only the zoning map symbol is shown for an area. Where the zoning map symbol is a less intense zone than the Comprehensive Plan designation, the area of the differing Comprehensive Plan designation is outlined with a dotted line and the Comprehensive Plan designation is shown in parentheses.

B. Map symbols. Where there is only one corresponding zone for a Comprehensive Plan designation, the map symbol for the designation is the same symbol as for the corresponding zone. Where there is more than one corresponding zone for a Comprehensive Plan designation, the map symbols are as follows:

Comprehensive Plan Designation	Map Symbol
Mixed Use – Urban Center	MU – U
Mixed Use – Civic Corridor	MU – C
Mixed Use – Neighborhood	MU – N
Mixed Use – Dispersed	MU – D
Institutional Campus	CI
Mixed Employment	ME
Industrial Sanctuary	IS

33.10.070 Severability

If any portion of the zoning code is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the zoning code, and in no way affects the validity of the remainder of the zoning code.

(Amended by: Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 178657, effective 9/3/04; Ord. No. 186639, effective 7/11/14; Ord. No. 188177, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20.)

100s

Base Zones

33.100 Open Space Zone

33.110 Single-Dwelling Residential Zones

33.120 Multi-Dwelling Residential Zones

33.130 Commercial/Mixed Use Zones

33.140 Employment and Industrial Zones

33.150 Campus Institutional Zones

A list of symbols that appear on the Official Zoning Maps and their corresponding Zoning Code chapters is contained in the front of the Zoning Code, following the Table of Contents, under “Index of Symbols on the Official Zoning Maps”.

33.100 Open Space Zone

100

Sections:

General
33.100.010 Purpose
33.100.020 Short Name
33.100.030 Where the Zone Is Applied
33.100.040 Other Zoning Regulations
Use Regulations
33.100.100 Primary Uses
33.100.110 Accessory Uses
33.100.120 Nuisance-Related Impacts
Development Standards
33.100.200 Development Standards
33.100.205 Fences
33.100.210 Demolitions
33.100.220 Nonconforming Development
33.100.225 Signs
33.100.230 Trees
33.100.240 Recycling Areas

General

33.100.010 Purpose

The Open Space zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan. These areas serve many functions including:

- Providing opportunities for outdoor recreation;
- Providing contrasts to the built environment;
- Preserving scenic qualities;
- Protecting sensitive or fragile environmental areas;
- Enhancing and protecting the values and functions of trees and the urban forest;
- Preserving the capacity and water quality of the stormwater drainage system; and
- Providing pedestrian and bicycle transportation connections.

33.100.020 Short Name

The short name and map symbol of the Open Space zone is OS.

33.100.030 Where the Zone Is Applied

The Open Space zone is applied to all land designated as "Open Space" on the Comprehensive Plan map. In addition, property owners may request an open space designation for open or natural areas that meet the purpose of the zone, and for view, conservation, or similar easements that can be shown as open space. See Chapter 33.810, Comprehensive Plan Amendments.

33.100.040 Other Zoning Regulations

The regulations in this chapter state the allowed uses and the development standards for the open space zone. Sites in overlay zones, plan districts, or with designated historic landmarks are subject to additional regulations. The Official Zoning Maps indicate which sites are subject to the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

Table 100-1
Open Space Zone Primary Uses

Use Categories	OS Zone
Residential Categories	
Household Living	N
Group Living	N
Commercial Categories	
Retail Sales And Service	CU [1]
Office	N
Quick Vehicle Servicing	N
Vehicle Repair	N
Commercial Parking	N
Self-Service Storage	N
Commercial Outdoor Recreation	CU
Major Event Entertainment	N
Industrial Categories	
Manufacturing And Production	CU [6]
Warehouse And Freight Movement	N
Wholesale Sales	N
Industrial Service	N
Bulk Fossil Fuel Terminal	N
Railroad Yards	N
Waste-Related	N

33.100 Open Space Zone

100

Sections:

General
33.100.010 Purpose
33.100.020 Short Name
33.100.030 Where the Zone Is Applied
33.100.040 Other Zoning Regulations
Use Regulations
33.100.100 Primary Uses
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33.100.120 Nuisance-Related Impacts
Development Standards
33.100.200 Development Standards
33.100.205 Fences
33.100.210 Demolitions
33.100.220 Nonconforming Development
33.100.225 Signs
33.100.230 Trees
33.100.240 Recycling Areas

General

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- Enhancing and protecting the values and functions of trees and the urban forest;
- Preserving the capacity and water quality of the stormwater drainage system; and
- Providing pedestrian and bicycle transportation connections.

33.100.020 Short Name

The short name and map symbol of the Open Space zone is OS.

33.100.030 Where the Zone Is Applied

The Open Space zone is applied to all land designated as "Open Space" on the Comprehensive Plan map. In addition, property owners may request an open space designation for open or natural areas that meet the purpose of the zone, and for view, conservation, or similar easements that can be shown as open space. See Chapter 33.810, Comprehensive Plan Amendments.

33.100.040 Other Zoning Regulations

The regulations in this chapter state the allowed uses and the development standards for the open space zone. Sites in overlay zones, plan districts, or with designated historic landmarks are subject to additional regulations. The Official Zoning Maps indicate which sites are subject to the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

Table 100-1
Open Space Zone Primary Uses

Use Categories	**OS Zone**
Residential Categories	
Household Living	N
Group Living	N
Commercial Categories	
Retail Sales And Service	CU [1]
Office	N
Quick Vehicle Servicing	N
Vehicle Repair	N
Commercial Parking	N
Self-Service Storage	N
Commercial Outdoor Recreation	CU
Major Event Entertainment	N
Industrial Categories	
Manufacturing And Production	CU [6]
Warehouse And Freight Movement	N
Wholesale Sales	N
Industrial Service	N
Bulk Fossil Fuel Terminal	N
Railroad Yards	N
Waste-Related	N

Table 100-1 Open Space Zone Primary Uses	
Use Categories	**OS Zone**
Institutional Categories	
Basic Utilities	L/CU [5]
Community Service	CU [4]
Parks And Open Areas	L/CU [2]
Schools	CU
Colleges	N
Medical Centers	N
Religious Institutions	N
Daycare	CU
Other Categories	
Agriculture	L[7]
Aviation And Surface Passenger Terminals	N
Detention Facilities	N
Mining	CU
Radio Frequency Transmission Facilities	L/CU [3]
Rail Lines And Utility Corridors	CU

Y = Yes, Allowed L = Allowed, But Special Limitations CU = Conditional Use Review Required
N = No, Prohibited
Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.100.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Use Regulations

33.100.100 Primary Uses

A. Allowed uses. Uses allowed in the open space zone are listed in Table 100-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.

B. Limited uses. Uses allowed that are subject to limitations are listed in Table 100-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 100-1.

1. Retail Sales And Service. This regulation applies to all parts of Table 100-1 that have note [1]. Retail Sales And Services uses are conditional uses only when they are associated with a Park And Open Areas use. In other situations they are prohibited.

2. Parks And Open Areas. This regulation applies to all parts of Table 100-1 that have note [2]. Uses in the Park And Open Areas category are allowed by right. However, certain accessory uses and facilities which are part of a Park And Open Areas use require a conditional use review. These facilities are listed below.
    a. Swimming pools.
    b. Cemeteries, including mausoleums, chapels, and similar accessory structures associated with funerals or burial.
    c. Golf courses including club houses, restaurants and driving ranges.
    d. Boat ramps.
    e. Parking areas.
    f. Recreational fields for organized sports. Recreational fields used for organized sports are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.
3. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 100-1 that have note [3]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
4. Community Services. This regulation applies to all parts of Table 100-1 that have note [4]. Most Community Service uses are a conditional use. However, short term housing and mass shelters are prohibited.
5. Basic Utilities. This regulation applies to all parts of Table 100-1 that have note [5].
    a. Basic Utilities that serve a development site are accessory uses to the primary use being served.
    b. Small Scale Energy Production that provides energy for on-site or off-site use are considered accessory to the primary use on the site. Installations that sell power they generate—at retail (net metered) or wholesale—are included. However, they are only considered accessory if they generate energy from biological materials or byproducts from the site itself, or conditions on the site itself; materials from other sites may not be used to generate energy. The requirements of Chapter 33.262, Off Site Impacts, must be met;
    c. All other Basic Utilities are conditional uses.
6. Manufacturing and Production. This regulation applies to all parts of Table 100-1 that have note [6]. Utility Scale Energy Production from Large Wind Turbines is a conditional use. All other Manufacturing And Production uses are prohibited.
7. Agriculture. This regulation applies to all parts of Table 100-1 that have note [7]. Agriculture is an allowed use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden.

C. Conditional uses. Uses which are allowed if approved through the conditional use review process are listed in Table 100-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.

D. Prohibited uses. Uses listed in Table 100-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

33.100.110 Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory uses and all applicable development standards.

33.100.120 Nuisance-Related Impacts

A. Off-site impacts. All nonresidential primary and accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.

B. Other nuisances. Other nuisances are regulated by Section 29.20.010 of Title 29, Property and Maintenance Regulations.

Development Standards

33.100.200 Development Standards

A. Allowed or limited uses. Allowed or limited uses are subject to the development standards stated below.

1. Building setbacks. Except as specified in paragraph A.3., buildings must be set back from all property lines a minimum of 1 foot for each foot of building height.
2. Outdoor activity facility setbacks. Except as specified in paragraph A.3. below, outdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated. Where the outdoor activity facility abuts R-zoned properties in School uses, the required setback is reduced to zero.
3. Recreational fields for organized sports. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

B. Conditional uses. Conditional uses are subject to the development standards stated below.

1. Generally. Except as modified by paragraph B.2 and B.3, the development standards of Table 110-5, in Chapter 33.110, Single-Dwelling Zones, apply.
2. Minimum setbacks. Buildings must be set back from all property lines a minimum of 1 foot for each foot of building height. Setbacks for structures that are accessory to recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

3. Parking. Conditional uses must meet the parking standards for that use in the CE zone, as stated in Chapter 33.266, Parking and Loading.

33.100.205 Fences

A. Purpose. The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, lessen solar access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.

B. Types of fences. The standards apply to walls, fences and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location. Fences may be 8 feet tall at the property line. Fences taller than 8 feet must be set back from the property line one additional foot for each additional foot of fence height over 8 feet. A fence within 30 feet of a street lot line may not be more than 10 percent sight obscuring.

D. Reference to other regulations. Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

33.100.210 Demolitions

A. Generally. Demolition on a site that requires a demolition permit is subject to the tree preservation and protection requirements of Title 11, Trees. See Chapter 11.50, Trees in Development Situations.

B. Historic resources. Demolition of historic resources is regulated by Chapter 33.445, Historic Resource Overlay Zone.

33.100.220 Nonconforming Development

Existing developments that do not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

33.100.225 Signs

The sign regulations are stated in Title 32, Signs and Related Regulations.

33.100.230 Trees

Requirements for street trees and for on-site tree preservation, protection, and overall tree density are in Title 11, Trees. See Chapter 11.50, Trees in Development Situations.

33.100.240 Recycling Areas

See Section 17.102.270, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code for additional requirements for recycling areas.

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 167189, effective 1/14/94; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 174160, effective 2/9/00; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 183750, effective 6/4/10, Ord. No. 184016, effective 8/20/10; Ord. No. 184443, effective 4/1/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188142, effective 1/13/17; Ord. No. 189807, effective 12/18/19.)

33.110 Single-Dwelling Zones

110

Sections:

General
- 33.110.010 Purpose
- 33.110.020 List of the Single-Dwelling Zones
- 33.110.030 Other Zoning Regulations
- 33.110.050 Neighborhood Contact

Use Regulations
- 33.110.100 Primary Uses
- 33.110.110 Accessory Uses
- 33.110.120 Nuisance-Related Impacts

Development Standards
- 33.110.200 Housing Types Allowed
- 33.110.202 When Primary Structures are Allowed
- 33.110.213 Additional Development Standards for Lots and Lots of Record Created Before July 26, 1979
- 33.110.215 Height
- 33.110.220 Setbacks
- 33.110.225 Building Coverage
- 33.110.227 Trees
- 33.110.230 Main Entrances in R10 through R2.5 Zones
- 33.110.232 Street-Facing Facades in R10 through R2.5 Zones
- 33.110.235 Required Outdoor Areas
- 33.110.240 Alternative Development Options
- 33.110.245 Institutional Development Standards
- 33.110.250 Detached Accessory Structures
- 33.110.253 Additional Standards for Garages
- 33.110.255 Fences
- 33.110.257 Retaining Walls
- 33.110.260 Demolitions
- 33.110.270 Nonconforming Development
- 33.110.275 Parking and Loading
- 33.110.280 Signs

General

33.110.010 Purpose

The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing.

A. Use regulations. The use regulations are intended to create, maintain and promote single-dwelling neighborhoods. They allow for some non-household living uses but not to such an extent as to sacrifice the overall image and character of the single-dwelling neighborhood.

B. Development standards. The development standards preserve the character of neighborhoods by providing six different zones with different densities and development standards. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The development standards are generally written for houses on flat, regularly shaped lots. Other situations are addressed through special regulations or exceptions.

33.110.020 List of the Single-Dwelling Zones

The full names, short names, and map symbols of the single-dwelling residential zones are listed below. When this Title refers to the single-dwelling zones, it is referring to the six zones listed here. When this Title refers to the residential zones, or R zones, it is referring to both the single-dwelling zones in this chapter and the multi-dwelling zones in Chapter 33.120. The Residential Farm/Forest zone is intended to generally be an agricultural zone, but has been named Residential Farm/Forest to allow for ease of reference.

Full Name	Short Name/Map Symbol
Residential Farm/Forest	RF
Residential 20,000	R20
Residential 10,000	R10
Residential 7,000	R7
Residential 5,000	R5
Residential 2,500	R2.5

33.110.030 Other Zoning Regulations

The regulations in this chapter state the allowed uses and development standards for the base zones. Sites with overlay zones, plan districts, or designated historical landmarks are subject to additional regulations. The Official Zoning Maps indicate which sites are subject to these additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

33.110.050 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. Neighborhood contact I.

1. Neighborhood contact I requirements. When proposed development will add at least 10,000 square feet and not more than 25,000 square feet of net building area to a site, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I are required. All the steps in 33.705.020.A. must be completed before an application for a building permit can be submitted.

2. Exemption. 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.

B. Neighborhood contact II.

1. Neighborhood contact II requirements. When the proposed development will add more than 25,000 square feet of net building area to a site, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. All of the steps in 33.705.020.B. must be completed before an application for a building permit can be submitted.

2. Exemption. 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.

Use Regulations

33.110.100 Primary Uses

A. Allowed uses. Uses allowed in the single-dwelling zones are listed in Table 110-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed use will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.

B. Limited uses. Uses allowed that are subject to limitations are listed in Table 110-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 110-1.

1. Community Service Uses. This regulation applies to all parts of Table 110-1 that have note [1]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term housing and mass shelters have additional regulations in Chapter 33.285, Short Term Housing and Mass Shelters.

2. Parks And Open Areas. This regulation applies to all parts of Table 110-1 that have note [2]. Parks And Open Areas uses are allowed by right. However, certain accessory uses and facilities which are part of a Parks And Open Areas use require a conditional use review. These accessory uses and facilities are listed below.

   a. Swimming pools.

   b. Cemeteries, including mausoleums, chapels, and similar accessory structures associated with funerals or burial.

   c. Golf courses, including club houses, restaurants and driving ranges.

   d. Boat ramps.

e. Parking areas.

f. Recreational fields for organized sports. Recreational fields used for organized sports are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.

3. Daycare. This regulation applies to all parts of Table 110-1 that have note [3]. Daycare uses are allowed by right if locating within a building which contains or contained a College, Medical Center, School, Religious Institution, or a Community Service use.

4. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 110-1 that have note [4]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.

5. Basic Utilities. This regulation applies to all parts of Table 110-1 that have note [5].

   a. Basic Utilities that service a development site are accessory uses to the primary use being served.

   b. Small Scale Energy Production that provides energy for on-site or off-site use are considered accessory to the primary use on the site. Installations that sell power they generate—at retail (net, metered) or wholesale—are included. However, they are only considered accessory if they generate energy from biological materials or byproducts from the site itself, or conditions on the site itself; materials from other sites may not be used to generate energy. The requirements of Chapter 33.262, Off Site Impacts must be met.

   c. All other Basic Utilities are conditional uses.

6. Manufacturing And Production. This regulation applies to all parts of Table 110-1 that have note [6]. Utility Scale Energy Production from large wind turbines is a conditional use in the RF zone. All other Manufacturing And Production uses are prohibited.

7. Agriculture in RF and R20 zones. This regulation applies to all parts of Table 110-1 that have note [7]. Agriculture is an allowed use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden.

8. Agriculture in R10 and R7 zones. Agriculture is a conditional use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden, which does not require a conditional use.

9. Agriculture in R5 and R2.5 zones. This regulation applies to all parts of Table 110-1 that have note [9]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, it is prohibited.

10. Retail Sales and Service. This regulation applies to all parts of Table 110-1 that have note [10]. Retail plant nurseries are a conditional use. All other Retail Sales And Service uses are prohibited.

C. Conditional uses.

1. Table 110-1. Uses which are allowed if approved through the conditional use review process are listed in Table 110-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.

2. Accessory short-term rentals. Accessory short-term rentals are accessory uses that may require a conditional use review. See Chapter 33.207.

D. Prohibited uses. Uses listed in Table 110-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses And Development.

33.110.110 Accessory Uses

Accessory uses to a primary use are allowed if they comply with all development standards. Accessory home occupations, accessory dwelling units, and accessory short-term rentals have specific regulations in Chapters 33.203, 33.205, and 33.207 respectively.

33.110.120 Nuisance-Related Impacts

A. Off-site impacts. All nonresidential primary and accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.

B. Vehicles. The regulations for operable vehicles and for vehicle service and repair are stated in 33.266.150, Vehicles in Residential Zones. The open accumulation and storage of inoperable, neglected, or discarded vehicles is regulated by Section 29.20.010 of Title 29, Property and Maintenance Regulations.

C. Animals. Nuisance-type impacts related to animals are regulated by Title 13, Animals. Title 13 is enforced by the County Health Officer.

D. Other nuisances. Other nuisances are regulated by Section 29.20.010 of Title 29, Property and Maintenance Regulations.

Table 110-1
Single-Dwelling Zone Primary Uses

Use Categories	**RF**	**R20**	**R10**	**R7**	**R5**	**R2.5**
Residential Categories						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	CU	CU	CU	CU	CU	CU
Commercial Categories						
Retail Sales And Service	CU [10]	CU [10]	CU [10]	CU [10]	CU [10]	CU [10]
Office	N	N	N	N	N	N
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	N	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	N
Industrial Categories						
Manufacturing And Production	CU [6]	N	N	N	N	N
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	N
Bulk Fossil Fuel Terminal	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N

Y = Yes, Allowed
L = Allowed, But Special Limitations
CU = Conditional Use Review Required
N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.110.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Table 110-1
Single-Dwelling Zone Primary Uses

Use Categories	RF	R20	R10	R7	R5	R2.5
Institutional Categories						
Basic Utilities	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]
Community Service	CU [1]	CU [1]	CU [1]	CU [1]	CU [1]	CU [1]
Parks And Open Areas	L/CU [2]	L/CU [2]	L/CU [2]	L/CU [2]	L/CU [2]	L/CU [2]
Schools	CU	CU	CU	CU	CU	CU
Colleges	CU	CU	CU	CU	CU	CU
Medical Centers	CU	CU	CU	CU	CU	CU
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [3]	L/CU [3]	L/CU [3]	L/CU [3]	L/CU [3]	L/CU [3]
Other Categories						
Agriculture	L [7]	L [7]	L/CU [8]	L/CU [8]	L [9]	L [9]
Aviation And Surface Passenger Terminals	CU	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	CU	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]
Railroad Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed
L = Allowed, But Special Limitations
CU = Conditional Use Review Required
N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.110.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Development Standards

33.110.200 Housing Types Allowed

A. Purpose. Housing types are limited in the single-dwelling zones to maintain the overall image and character of the City's single-dwelling neighborhoods. However, the regulations allow options to increase housing variety and opportunities, and to promote affordable and energy-efficient housing.

B. Housing types. The kinds of housing types allowed in the single-dwelling zones are stated in Table 110-2.

Table 110-2 Housing Types Allowed In The Single-Dwelling Zones						
Housing Type	RF	R20	R10	R7	R5	R2.5
House	Yes	Yes	Yes	Yes	Yes	Yes
Attached house (See 33.110.240.C, E & H)	No	Yes	Yes	Yes	Yes	Yes
Accessory dwelling unit (See 33.205)	Yes	Yes	Yes	Yes	Yes	Yes
Duplexes: On corners (See 33.110.240.E) On transitional lots (See 33.110.240.H) Other situations (See 33.110.240.D)	 No No No	 Yes Yes No	 Yes Yes No	 Yes Yes No	 Yes Yes No	 Yes Yes Yes
Manufactured home (See Chapter 33.251)	Yes	Yes	Yes	Yes	Yes	Yes
Manufactured Dwelling park	No	No	No	No	No	No
Houseboat (See Chapter 33.236)	Yes	Yes	Yes	Yes	Yes	Yes
Single Room Occupancy (SRO) units	No	No	No	No	No	No
Attached Duplexes	Only in Planned Developments, See Chapter 33.270.					
Group structure	Only when in conjunction with an approved conditional use.					
Multi-dwelling structure	Only in Planned Developments, See Chapter 33.270.					

Yes = allowed; No = prohibited.

33.110.202 When Primary Structures are Allowed

A. Purpose. The regulations of this section allow for development of primary structures on lots and lots of record that are an adequate size, but do not legitimize plots that were divided after subdivision and partitioning regulations were established. The regulations ensure that development on a site will in most cases be able to comply with all site development standards. The regulations also allow development of primary structures on lots that were large enough in the past, but were reduced by condemnation or required dedications for right-of-way.

B. Adjustments. Adjustments to this section are prohibited.

C. Primary structures allowed. Development of a primary structure is allowed as follows:

1. On a lot created on or after July 26, 1979;
2. On a lot created through the Planned Development or Planned Unit Development process;
3. On a lot, lot of record, lot remnant, or combinations thereof that did not abut a lot, lot of record, or lot remnant under the same ownership on July 26, 1979, and has not abutted a lot, lot of record, or lot remnant under the same ownership since July 26, 1979;

4. On a lot or adjusted lot or combination thereof that either:

   a. Meets the minimum lot size requirements stated in Table 110-6; or

   b. Does not meet the minimum lot size requirements stated in Table 110-6 but meets all of the following:

      (1) No portion of the lot, adjusted lot or combination is in an environmental protection, environmental conservation, or river environmental overlay zone;

      (2) No portion of the lot, adjusted lot or combination is in the special flood hazard area; and

      (3) The lot, adjusted lot or combination has an average slope of less than 25 percent;

5. On a lot of record or lot remnant or combination thereof that meets the minimum lot size requirements of Table 110-6.

D. Plots. Primary structures are prohibited on plots that are not lots, adjusted lots, lots of record, or lot remnants or tracts.

Table 110-6 Minimum Lot Size Requirements	
RF through R5 Zones	
Lot	36 feet wide and meets the minimum lot area requirement of Table 610-2. [1, 2, 3, 4, 5]
Adjusted Lot	
Lot Remnant	
Lot of Record	
R2.5 Zone	
Lot	1600 sq. ft. [1, 4]
Adjusted Lot	
Lot Remnant	
Lot of Record	

Notes:
[1] A primary structure is allowed on a lot or lot of record that did meet the requirements of Table 110-6in the past but was reduced below the requirements solely because of condemnation or required dedication by a public agency for right-of-way.
[2] In the R5 zone, the minimum size requirements for adjusted lots and lot remnants approved through a property line adjustment under 33.667.300.A.5. are 36 ft. wide and 1,600 sq. ft.
[3] In the R20 zone, a primary structure is allowed on a lot, lot of record, adjusted lot, lot remnant, or combination thereof that did meet the requirements of Table 110-6in the past but no longer meets the requirements solely due to a zone change effective on May 24, 2018.
[4] A primary structure is allowed on a lot, lot of record, adjusted lot, lot remnant, or combination thereof that was separated from abutting lots through a lot confirmation that was finalized before September 11, 2020.
[5] Lot width for a flag lot is measured at the midpoint of the flag portion of the lot.

33.110.213 Additional Development Standards for Lots and Lots of Record Created Before July 26, 1979

A. Purpose. These standards increase the compatibility of new houses on small and narrow lots.

B. Where these regulations apply.

1. RF through R7 zones. These regulations apply in the RF through R7 zones, if the lot, lot of record, or combination of lots or lots of record is less than 36 feet wide and has not abutted any lot or lot of record owned by the same family or business on July 26, 1979, or any time since that date.

2. R5 zone. In the R5 zone, these regulations apply to lots, lots of record, or combinations of lots or lots of record that were created before July 26, 1979 and are:

   a. Less than 3,000 square feet in area; or

   b. Less than 36 feet wide.

3. R2.5 zone. In the R2.5 zone, these regulations apply to lots, lots of record, or combinations of lots or lots of record that were created before July 26, 1979 and are less than 1,600 square feet in area.

4. Planned unit developments. Lots in planned unit developments are exempt from the requirements of this section.

C. Standards. Modifications to the standards of this subsection may be requested through Design Review. Adjustments are prohibited. The standards are:

1. Maximum height. The maximum height allowed for all primary structures is 1.5 times the width of the structure, up to the maximum height limit listed in Table 110-3;

2. Maximum building coverage. The maximum combined building coverage for structures on lots, adjusted lots, and lots of record in the R5 zone that have not had a dwelling unit on it in the last five years, and is not in an environmental zone is 40 percent.

3. Main entrance. The main entrance that meets Subsection 33.110.230.C, Main entrances in R10 through R2.5 Zones, must be within 4 feet of grade. For the purposes of this requirement, grade is the average grade measured along the foundation of the longest street-facing wall of the dwelling unit. See Figure 110-7;

4. Garage door. In addition to meeting the requirements of 33.110.253.E, if the garage door is part of the street-facing facade, it may not be more than 8 feet wide. If there is more than one garage door, the combined width may not be more than 8 feet;

5. No parking required. No off-street parking is required;

6. Exterior finish materials. The standards of this paragraph must be met on all building facades.

   a. Plain concrete block, plain concrete, corrugated metal, plywood, composite materials manufactured from wood or other products, and sheet pressboard may

not be used as exterior finish material, except as secondary finishes if they cover no more than 10 percent of each facade.

b. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than 6 inches wide;

c. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes;

d. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of 6 inches or less, or vinyl or aluminum siding which is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width;

e. Siding material may not cover required window and door trim.

7. Trim. Trim must mark all building rooflines, porches, windows, and doors on all facades. The trim must be at least 3-1/2 inches wide. Buildings with an exterior material of stucco or masonry are exempt from this standard;

8. Eaves. Roof eaves must project from the building wall at least 12 inches on all elevations; and

9. Attached housing. Attached housing is allowed, but no more than two units may be attached. Attached housing allowed under this provision is not subject to the development standards of subsection 33.110.240.C.

10. Setbacks. Adjustments to minimum required setbacks are prohibited. Modifications may be requested through Design Review.

Table 110-3 Summary of Development Standards In Single-Dwelling Zones							
Standard	**RF**	**R20**	**R10**	**R7**	**R5**	**R2.5** detached See 33.110.240.C	 attached
Maximum Height (See 33.110.215)	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	35 ft.	35 ft.
Minimum Setbacks - Front building setback - Side building setback - Rear building setback - Garage entrance setback (See 33.110.220)	 20 ft. 10 ft. 10 ft. 18 ft.	 20 ft. 10 ft. 10 ft. 18 ft.	 20 ft. 10 ft. 10 ft. 18 ft.	 15 ft. 5 ft. 5 ft. 18 ft.	 10 ft. 5 ft. 5 ft. 18 ft.	 10 ft. 5 ft. 5 ft. 18 ft.	 10 ft. 0/5 ft 5 ft. 18 ft.
Required Outdoor Area - Minimum area - Minimum dimension (See 33.110.235)	 250 sq. ft. 12 ft. x 12 ft.	 250 sq. ft. 12 ft. x 12 ft.	 250 sq. ft. 12 ft. x 12 ft.	 250 sq. ft. 12 ft. x 12 ft.	 250 sq. ft. 12 ft. x 12 ft.	 250 sq. ft. 12 ft. x 12 ft.	 200 sq. ft. 10 ft. x 10 ft.

33.110.215 Height

A. Purpose. The height standards serve several purposes:

- They promote a reasonable building scale and relationship of one residence to another;
- They promote options for privacy for neighboring properties; and
- They reflect the general building scale and placement of houses in the city's neighborhoods.

B. Maximum height.

1. Generally. The maximum height allowed for all structures is stated in Table 110-3. The maximum height standard for institutional uses is stated in 33.110.245, Institutional Development Standards. The maximum height standards for detached accessory structures are stated in 33.110.250, Detached Accessory Structures.

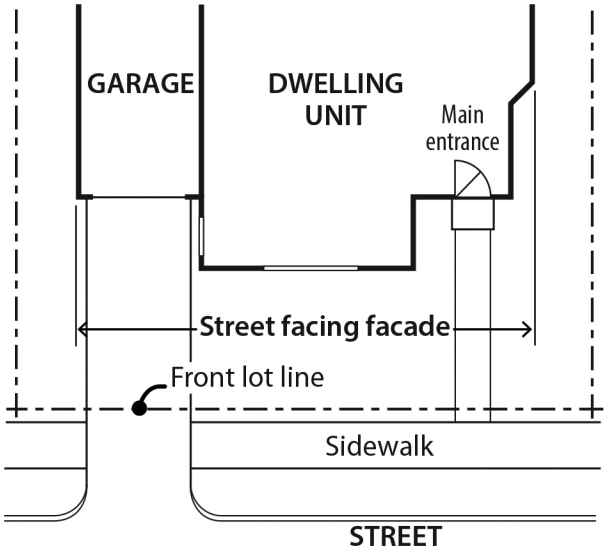
2. Exceptions.

   a. R10-R5 zones. The maximum height for all primary structures on new narrow lots in the R10 to R5 zones is 1.2 times the width of the structure, up to the maximum height limit listed in Table 110-3; and

b. R2.5 zone. The maximum height for all primary structures on new narrow lots in the R2.5 zone is 1.5 times the width of the new structure, up to the maximum height limit listed in Table 110-3.

For the purposes of this Paragraph, width is the length of the street-facing facade of the dwelling unit. See Figure 110-1. Modifications are allowed through Planned Development Review, see Chapter 33.638, Planned Development. Adjustments to this paragraph are prohibited.

Figure 110-1
Width of Street-Facing Facade



C. Exceptions to the maximum height.

1. Chimneys, flag poles, satellite receiving dishes and other similar items attached to a building, with a width, depth, or diameter of 3 feet or less may extend above the height limit, as long as they do not exceed 5 feet above the top of the highest point of the roof. If they are greater than 3 feet in width, depth, or diameter, they are subject to the height limit.

2. Farm buildings associated with an agricultural use, such as silos and barns are exempt from the height limit as long as they are set back from all lot lines, at least one foot for every foot in height.

3. Antennas, utility power poles, and public safety facilities are exempt from the height limit.

4. Small wind turbines are subject to the standards of Chapter 33.299.

5. Roof mounted solar panels are not included in height calculations, and may exceed the maximum height limit if the following are met;

   a. For flat roofs or the horizontal portion of mansard roofs, they may extend up to 5 feet above the top of the highest point of the roof.

b. For pitched, hipped or gambrel roofs, they must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.

D. Alternative height limits for steeply sloping lots.

1. Downhill slope from street. On lots that slope downhill from the street with an average slope of 20 percent or greater, the height limit is the higher of either 23 feet above the average grade of the street, or the normal height limit calculated as stated in Chapter 33.930, Measurements. In addition, the alternative height and setback standards of Subsection 33.110.220.D apply.

2. Uphill slope from the street. On lots that slope uphill from the street with an average slope of 20 percent or greater the alternative height and setback standards of Subsection 33.110.220.D apply.

33.110.220 Setbacks

A. Purpose. The setback regulations for buildings and garage entrances serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of houses in the city's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

B. Required setbacks. The required setbacks for buildings and garage entrances are stated in Table 110-3. The walls of the garage structure are subject to the front, side, and rear building setbacks stated in Table 110-3. The minimum setbacks for institutional uses are stated in 33.110.245. Other setbacks may apply to specific types of development or situations.

C. Extensions into required building setbacks.

1. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback. However, the feature must be at least three feet from a lot line:

a. Eaves, chimneys, fireplace inserts and vents, mechanical equipment, and fire escapes;

b. Water collection cisterns and stormwater planters that do not meet the standard of Paragraph C.2;

c. Decks, stairways, wheelchair ramps and uncovered balconies that do not meet the standards of Paragraph C.2; and

d. Bays and bay windows that meet the following requirements:

(1) Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building facade cannot be more than 30 percent of the area of the facade;

(2) At least 30 percent of the area of each bay which faces the property line requiring the setback must be glazing or glass block;

(3) Bays and bay windows must cantilever beyond the foundation of the building; and

(4) The bay may not include any doors.

2. The following minor features of a building may extend into the entire required building setbacks:

a. Utility connections attached to the building that are required to provide services such as water, electricity, and other similar utility services;

b. Gutters and downspouts that drain stormwater off a roof of the structure;

c. Stormwater planters that are no more than 2-1/2 feet above the ground;

d. Water collection cisterns that are 6 feet or less in height;

e. Attached decks, stairs and ramps that are no more than 2-1/2 feet above the ground. However, stairways and wheelchair ramps that lead to one entrance on the street-facing façade of a building are allowed to extend into the required setback from a street lot line regardless of height above ground; and

f. On lots that slope down from the street, vehicular or pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation.

3. Detached accessory structures. The setback standards for detached accessory structures including detached mechanical equipment are stated in 33.110.250. Fences are addressed in 33.110.255. Detached accessory dwelling units are addressed in Chapter 33.205.

D. Exceptions to the required setbacks.

1. Setback averaging. The front building setback, garage entrance setback, and the setback of decks, balconies, and porches may be reduced to the average of the respective setbacks on the abutting lots. See Chapter 33.930, Measurements, for more information.

2. Flag lots. The lot in front of a flag lot may reduce its side building setback along the flag pole lot line to 3 feet. Eaves may be within 2 feet of the flag pole lot line. All other setback requirements remain the same.

3. Environmental zone. The front building and garage entrance setback may be reduced to zero where any portion of the site is in an environmental overlay zone. Where a side lot line is also a street lot line the side building and garage entrance setback may be reduced to zero. All other provisions of this Title apply to the building and garage entrance.

4. Steeply sloping lots. This provision applies to lots which slope up or down from the street with an average slope of 20 percent or greater. See Chapter 33.930, Measurements, for more information on how to measure average slope.

    a. In the RF, R20, R10, and R7 zones, the front building setback for the dwelling may be reduced to 10 feet. However, the height limitations of subparagraph c. below apply. See Figures 110-2 and 110-3.

    b. In all single-dwelling residential zones, the front building setback for the garage wall and/or the garage entrance setback may be reduced to five feet. However, the height limitations of c. below apply. See Figures 110-2 and 110-3.

    c. Height limitation. The height limit in the area of the reduced setback is lowered one foot for every foot of reduced setback. See Figures 110-2 and 110-3.

5. Established building lines. The front, side, or rear building setback for the primary structure may be reduced for sites with existing nonconforming development in a required setback. The reduction is allowed if the width of the portion of the existing wall of the primary structure within the required setback is at least 60 percent of the width of the respective facade of the existing primary structure. The building line created by the nonconforming wall serves as the reduced setback line. Eaves associated with the nonconforming wall may extend the same distance into the reduced setback as the existing eave. However, side or rear setbacks may not be reduced to less than 3 feet in depth and eaves may not project closer than 2 feet to the side or rear property line. See Figure 110-4. This reduced setback applies to new development that is no higher than the existing nonconforming wall. For example, a second story could not be placed up to the reduced setback line if the existing nonconforming wall is only one story high.

6. Split zoning. No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.

7. Land divisions with existing development. In the R7, R5, and R2.5 zones, the following setback reductions are allowed when proposed as part of a land division:

    a. The minimum setback between an existing building and a side lot line along a proposed right-of-way dedication or street tract may be reduced to three feet;

    b. When a dedication of public right-of-way along the frontage of an existing street is required as part of a land division, the minimum front or side setback between

an existing building and a lot line that abuts the right-of-way may be reduced to zero. Future additions or development must meet required minimum setbacks.

c. Eaves on an existing building may extend one foot into the reduced setback allowed by D.7.a. or b. above, except they may not extend into the right-of-way.

8. Alley. No side, rear, or garage entrance setback is required from a lot line abutting an alley.

Figure 110-2
Exceptions To Front Building Setback And Garage Entrance Setback—Downhill

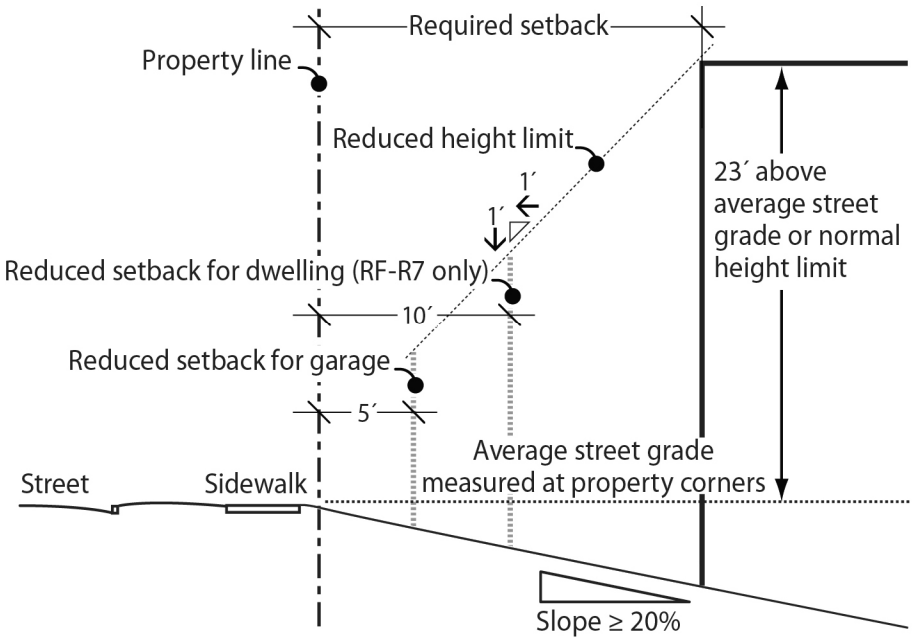


Figure 110-3
Exceptions To Front Building Setback And Garage Entrance Setback—Uphill

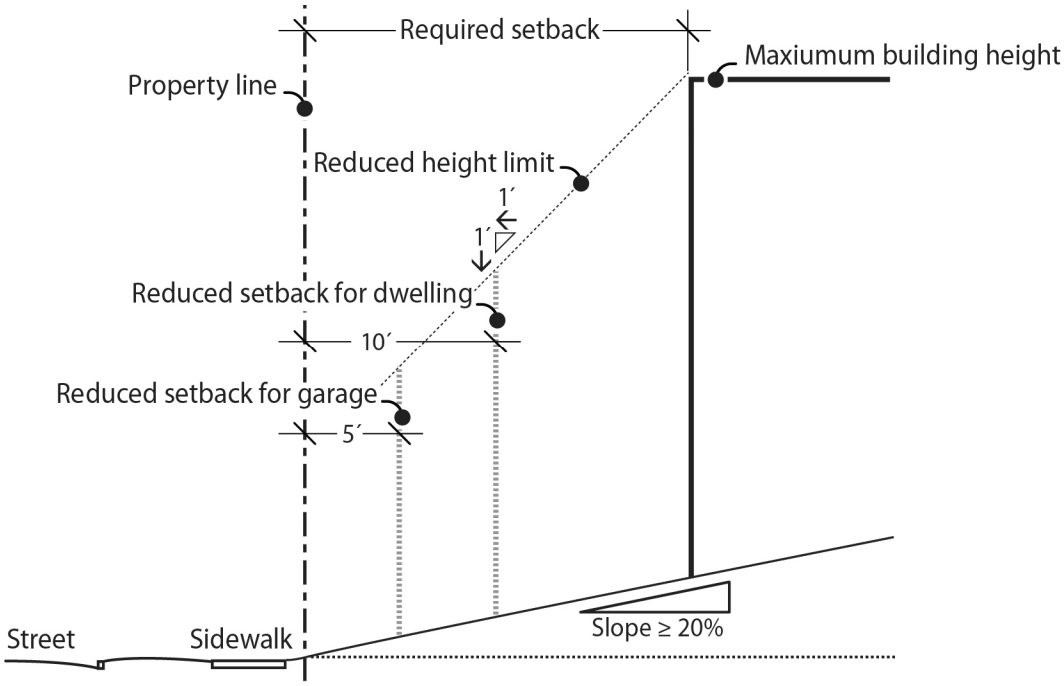
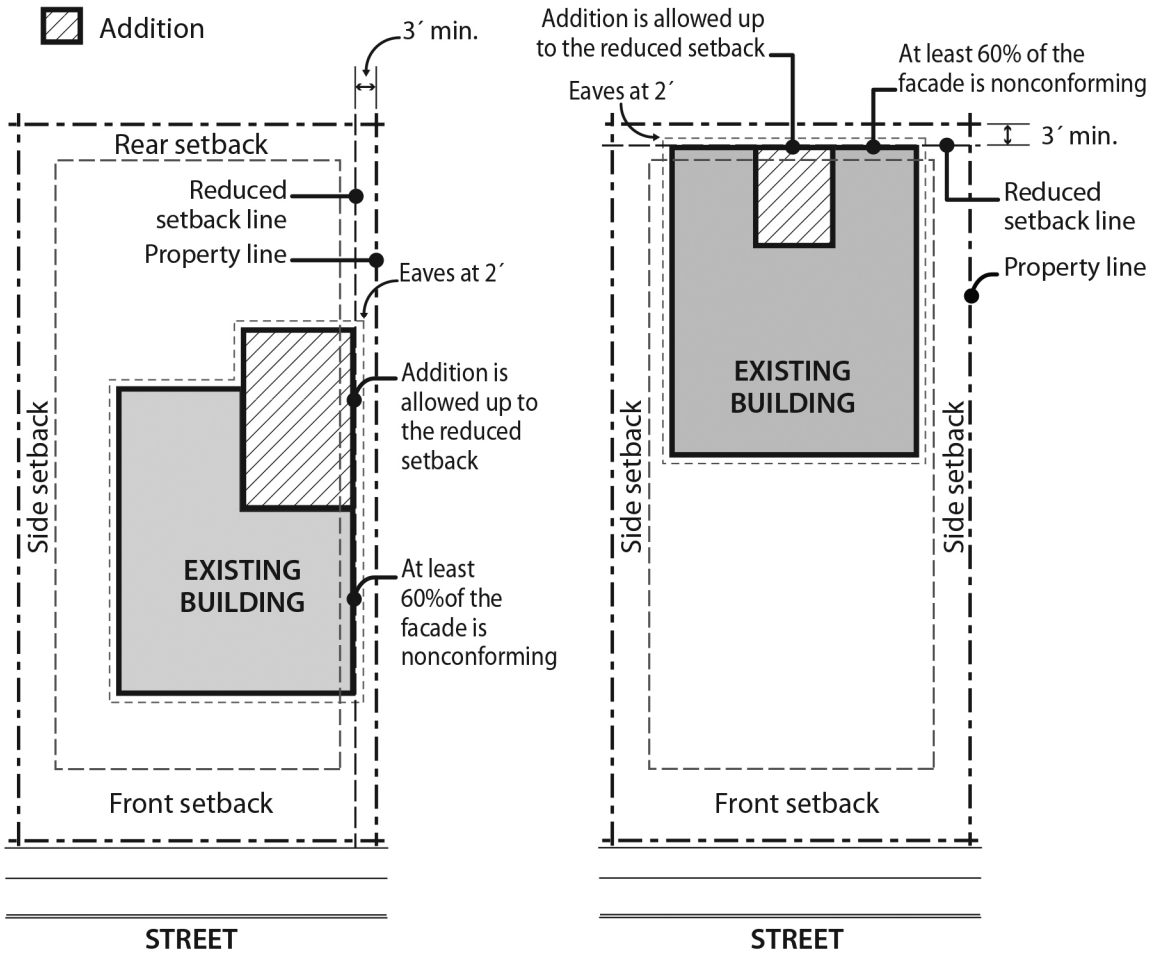


Figure 110-4
Established Building Lines



33.110.225 Building Coverage

A. **Purpose.** The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site.

B. **Building coverage standards.** The maximum combined building coverage allowed on a site for all covered structures is stated in Table 110-4.

Table 110-4 Maximum Building Coverage Allowed in the RF through R2.5 Zones [1]	
Lot Size	**Maximum Building Coverage**
Less than 3,000 sq. ft.	50% of lot area
3,000 sq. ft or more but less than 5,000 sq. ft.	1,500 sq. ft. + 37.5% of lot area over 3,000 sq. ft.
5,000 sq. ft. or more but less than 20,000 sq. ft.	2,250 sq. ft + 15% of lot area over 5,000 sq. ft.
20,000 sq. ft. or more	4,500 sq. ft. + 7.5% of lot area over 20,000 sq. ft.

Notes:
[1] Group Living uses are subject to the maximum building coverage for institutional development stated in Table 110-5.

33.110.227 Trees

Requirements for street trees and for on-site tree preservation, protection, and overall tree density are specified in Title 11, Trees. See Chapter 11.50, Trees in Development Situations.

33.110.230 Main Entrances in R10 through R2.5 Zones

A. Purpose. These standards:

- Together with the street-facing facade and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- Enhance public safety for residents and visitors and provide opportunities for community interaction;
- Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
- Ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.
- Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.

B. Where these standards apply.

1. The standards of Subsection C apply to houses, attached houses, manufactured homes, and duplexes in the R10 through R2.5 zones;
2. The standard of Subsection D applies to attached houses on new narrow lots.
3. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added;
4. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street frontage, the applicant may choose on which frontage to meet the standards.
5. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more is exempt from these standards; and
6. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from these standards.

C. Location. At least one main entrance for each structure must:

1. Be within 8 feet of the longest street-facing wall of the dwelling unit; and

2. Either:

   a. Face the street. See Figure 110-5;

   b. Be at an angle of up to 45 degrees from the street; or

   c. Open onto a porch. See Figure 110-6. The porch must:

      (1) Be at least 25 square feet in area;

      (2) Have at least one entrance facing the street; and

      (3) Have a roof that is:

      - No more than 12 feet above the floor of the porch; and
      - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.

D. Distance from grade. The main entrance that meets Subsection .C, above, must be within 4 feet of grade. For the purposes of this Subsection, grade is the average grade measured along the foundation of the longest street-facing wall of the dwelling unit. See Figure 110-7. Modifications to this standard are allowed through Planned Development Review. See Chapter 33.638, Planned Development. Adjustments are prohibited.

Figure 110-5
Main Entrance Facing the Street

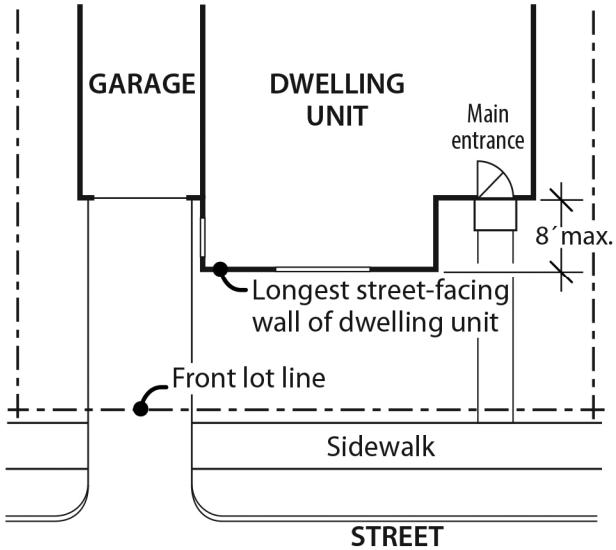


Figure 110-6
Main Entrance Opening onto a Porch

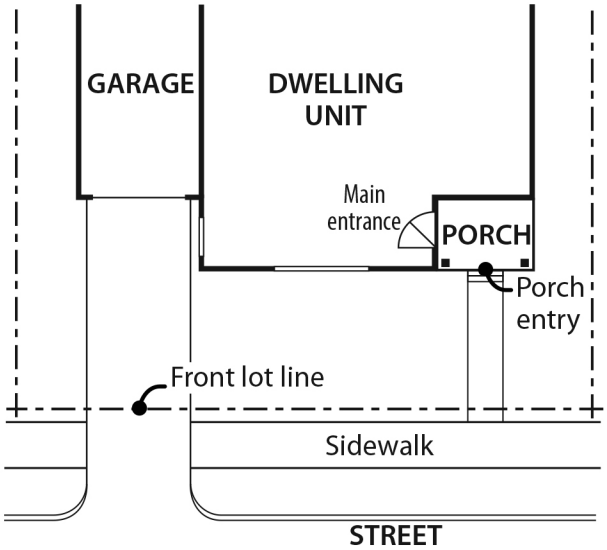
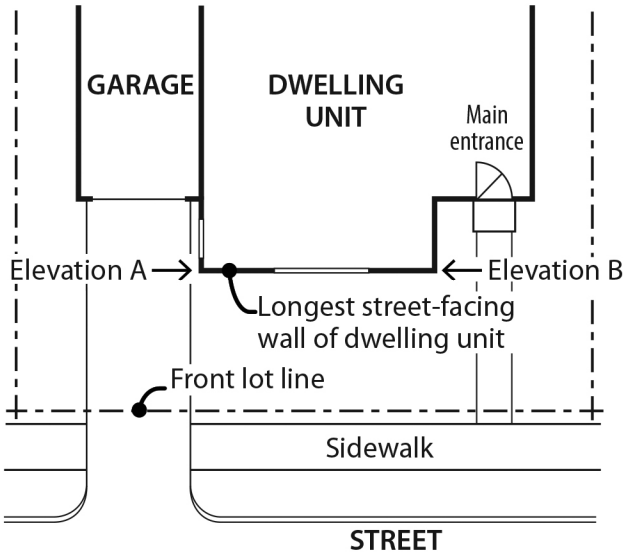


Figure 110-7
Calculation of Grade: (Elevation A + Elevation B) / 2



33.110.232 Street-Facing Facades in R10 through R2.5 Zones

A. Purpose. This standard:

- Together with the main entrance and garage standards, ensures that there is a visual connection between the living area of the residence and the street;
- Enhances public safety by allowing people to survey their neighborhood from inside their residences; and
- Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

B. Where this standard applies. The standard of this section applies to houses, attached houses, manufactured homes, and duplexes in the R10 through R2.5 zones. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing facade. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard. In addition, subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.

C. The standard. At least 15 percent of the area of each facade that faces a street lot line must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line.

33.110.235 Required Outdoor Areas

A. Purpose. The required outdoor areas standards assure opportunities in the single-dwelling zones for outdoor relaxation or recreation. The standards work with the maximum building coverage standards to ensure that some of the land not covered by buildings is of an adequate size and shape to be usable for outdoor recreation or relaxation. The location requirements provide options for private or semiprivate areas. The requirement of a required outdoor area serves in lieu of a large rear setback requirement and is an important aspect in addressing the livability of a residential structure.

B. Required outdoor area sizes. The minimum sizes of required outdoor areas per dwelling unit are stated in Table 110-3. The shape of the outdoor area must be such that a square of the stated dimension will fit entirely in the outdoor area.

C. Requirements.

1. The required outdoor area must be a contiguous area and may be on the ground or above ground.
2. The area must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed.
3. General landscaped areas which are included as part of the required outdoor area may extend into the required side and rear building setback, but the required outdoor area may not be located in the front building setback.

33.110.240 Alternative Development Options

A. Purpose. The alternative development options allow for variety in development standards while maintaining the overall character of a single-dwelling neighborhood. These options have several public benefits:

- They allow for development that is sensitive to the environment, especially in hilly areas and areas with water features and natural drainageways;
- They allow for the preservation of open and natural areas;
- They promote better site layout and opportunities for private recreational areas;
- They promote opportunities for affordable housing;
- They promote energy-efficient development;
- They allow for the provision of alternative structure types where density standards are met; and
- They reduce the impact that new development may have on surrounding residential development.

B. General requirements for all alternative development options. The alternative development options listed in this section are allowed by right unless specifically stated otherwise. The project must comply with all of the applicable development standards of this section. The project must also conform with all other development standards of the base zone unless those standards are superseded by the standards in this section.

C. Attached housing. Attached housing allows for more efficient use of land and for energy-conserving housing.

1. R20 through R5 zones.

   a. Lot dimensions. Each attached house must be on a lot that complies with the lot dimension standards for new lots in the base zone stated in Chapter 33.610, Lots in RF through R5 Zones.

   b. Building setbacks.

      (1) Interior (noncorner) lots. On interior lots the side building setback on the side containing the common wall is reduced to zero. The reduced setback applies to all buildings on the lot and extends along the full length of the lot line that contains the common or abutting wall. The side building setback on the side opposite the common wall must be double the side setback standard of the base zone.

      (2) Corner lots. On corner lots either the rear setback or nonstreet side setback may be reduced to zero. However, the remaining nonstreet setback must comply with the requirements for a standard rear setback.

   c. Number of units. Two attached houses may have a common wall. Structures made up of three or more attached houses are prohibited unless approved as a Planned Development.

   d. Landscape standards. The following landscape standards must be met on lots in the R10 through R5 zones that do not meet the minimum lot width standard of 33.610.200.D.1, and were created by a land division submitted after July 1, 2002. Modification of these standards is allowed through Planned Development Review. See Chapter 33.638, Planned Development. Adjustments are prohibited.

(1) All street-facing facades must have landscaping along the foundation. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and

(2) Sixty percent of the area between the front lot line and the front building line must be landscaped. At a minimum, the required landscaped area must be planted with ground cover. Up to one-third of the required landscaped area may be for recreational use, or for use by pedestrians. Examples include walkways, play areas, or patios.

2. R2.5 zone.

a. Density and lot size. The density and minimum lot dimension standards are stated in Chapter 33.611, Lots in the R2.5 Zone, apply.

b. Number of units. Up to eight attached houses may have common walls. Structures made up of nine or more attached houses are prohibited.

c. Building setbacks.

(1) Perimeter building setbacks. The front, side, and rear building setbacks around the perimeter of an attached housing project are those of the base zone.

(2) Interior building setbacks. The side building setback on the side containing the common wall is reduced to zero. The reduced setback extends along the full length of the lot line that contains the common or abutting wall.

(3) Corner lots. On corner lots either the rear setback or nonstreet side setback may be reduced to zero. However, the remaining nonstreet setback must comply with the requirements for a standard rear setback.

d. Landscape standards. The following landscape standards must be met on lots in the R2.5 zone that do not meet the minimum lot width standard of 33.611.200.C.1, and were created by a land division submitted after July 1, 2002. Modification of these standards is allowed through Planned Development Review. See Chapter 33.638, Planned Development. Adjustments are prohibited:

(1) All street-facing facades must have landscaping along the foundation. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and

(2) Sixty percent of the area between the front lot line and the front building line must be landscaped. At a minimum, the required landscaped area must be planted with ground cover. Up to one-third of the required landscaped area may be for recreational use, or for use by pedestrians. Examples include walkways, play areas, or patios.

D. Duplex in R2.5 zone. Duplexes are allowed in the R2.5 zone if the following are met:

1. Density. A maximum density of 1 unit per 2,500 square feet of site area is allowed. Density for this standard is calculated before public right-of-way dedications are made;

2. Development standards. Duplexes must comply with the height, building setback, building coverage, and required outdoor area requirements of the base zone, overlay zone, or plan district; and

3. Front facade. Fire escapes, or exterior stairs that provide access to an upper level are not allowed on the front facade of the building.

E. Duplexes and attached houses on corners. This provision allows new duplexes and attached houses in locations where their appearance and impact will be compatible with the surrounding houses. Duplexes and attached houses on corner lots can be designed so each unit is oriented towards a different street. This gives the structure the overall appearance of a house when viewed from either street.

1. Qualifying situations. This provision applies to corner lots in the R20 through R2.5 zones.

2. Density. One extra dwelling unit is allowed up to a maximum of two units.

3. Lot dimension regulations. Lots in the R20 through R2.5 zones must meet the lot dimension regulations of this section. Adjustments are prohibited.

   a. In the R20 through R7 zones:

      (1) Duplexes. Lots for duplexes must meet the minimum lot dimension standards for new lots in the base zone.

      (2) Attached houses. Where attached houses are proposed, the original lot, before division for the attached house proposal, must meet the minimum lot dimension standards for new lots in the base zone. The new lots created for the attached houses must meet the minimum lot dimension standards stated in Chapter 33.611, Lots in the R2.5 Zone.

      (3) Attached houses as a result of a Property Line Adjustment. Attached houses are allowed on adjusted lots that are a result of a Property Line Adjustment.

   b. In the R5 zone:

      (1) Duplexes. Lots for duplexes must be at least 4,500 square feet in area.

      (2) Attached houses as a result of a land division. Where attached houses are proposed, the original lot, before division for the attached house proposal, must be at least 4,500 square feet. The new lots created for the attached houses must meet the minimum lot dimension standards stated in Chapter 33.611, Lots in the R2.5 Zone.

      (3) Attached houses as a result of a Property Line Adjustment. Attached houses are allowed on adjusted lots that are a result of a Property Line Adjustment.

c. In the R2.5 zone:

(1) Duplexes. Lots for duplexes must be at least 3,000 square feet in area.

(2) Attached houses as a result of a land division. Where attached houses are proposed, the original lot, before division for the attached house proposal, must be at least 3,000 square feet. There are no minimum lot dimension standards for the new lots.

(3) Attached houses as a result of a Property Line Adjustment. Attached houses are allowed on adjusted lots that are a result of a Property Line Adjustment.

4. Development standards. Both units of the duplex or attached houses must meet the following standards to ensure that the two units have compatible elements. Adjustments to this paragraph are prohibited, but modifications may be requested through Design Review. The standards are:

a. Entrances. Each of the units must have its address and main entrance oriented towards a separate street frontage. Where an existing house is being converted to two units, one main entrance with internal access to both units is allowed;

b. Height. If attached housing is proposed, the height of the two units must be within four feet of each other; and

c. On both units:

(1) Exterior finish materials. The exterior finish material must be the same, or visually match in type, size and placement.

(2) Roof pitch. The predominant roof pitch must be the same.

(3) Eaves. Roof eaves must project the same distance from the building wall.

(4) Trim. Trim must be the same in type, size and location.

(5) Windows. Windows must match in proportion and orientation.

F. Flag lot development standards. The development standards for flag lots include specific screening and setback requirements to protect the privacy of abutting residences. The following standards apply to development on flag lots:

1. Setbacks. Flag lots have required building setbacks that are the same along all lot lines. The required setbacks are:

Zone	Setback
RF, R20, R10	15 feet
R7, R5, R2.5	10 feet

2. Landscaped buffer area. In the R7 through R2.5 zones, on lots that are 10,000 square feet or less in area, a landscaped area is required around the perimeter of the flag lot to buffer the flag portion from surrounding lots. The pole and the lot lines that are internal to the original land division site, or adjacent to an alley, are exempt from this requirement. The landscaped area must be at least 5 feet deep and be landscaped to

at least the L3 standard. It may be reduced where the pole portion meets the flag portion to accommodate a 9-foot driveway. See Figure 110-9.

3. Building coverage. Only the area of the flag portion of the flag lot is considered when calculating building coverage. The area of the pole portion of the lot is not included.

4. Required outdoor area. The required outdoor area may not extend into the required landscaped buffer area required by F.2.

5. Detached accessory structures. Detached accessory structures may project into the flag lot setbacks as allowed in 33.110.250. However, these structures may not extend into the landscaped buffer area required by F.2.

G. Planned development. See Chapter 33.270, Planned Developments.

H. Transitional sites. The transitional site standards allow for a transition of development intensities between nonresidential and single-dwelling zones. A stepped increase in density is allowed on single-dwelling zoned lots that are adjacent to most commercial/mixed use, employment, industrial, or campus institutional zones. The transitional site provisions promote additional housing opportunities in a way that has minimal impacts on built-up single-dwelling neighborhoods.

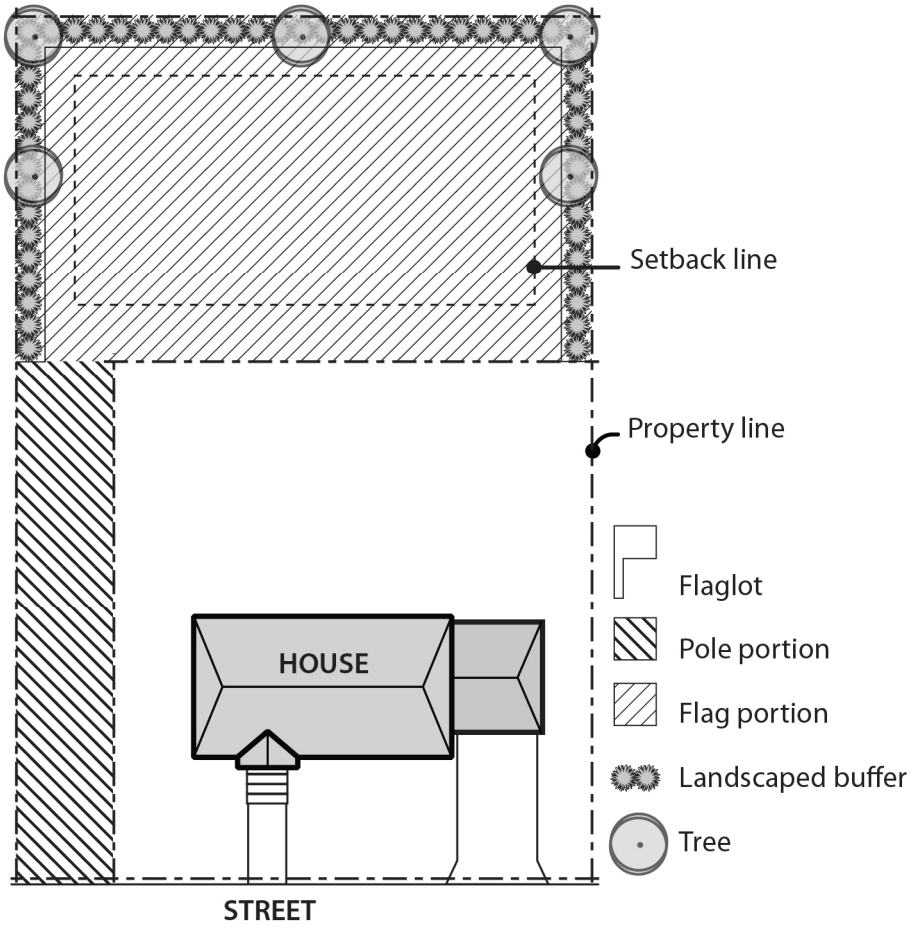
1. Qualifying situations. The transitional site regulations apply only to sites in the R20 through R2.5 zones that have a side lot line that abuts a lot in the CM2, CM3, CE, CX, E, I, or CI zones. The side lot line of the residential site must abut the lot in a nonresidential zone for more than 50 percent of the residential site's length. The residential site must comply with the minimum lot dimension standards in the applicable base zone listed in Chapters 33.610 and 33.611.

2. Density. The site may have one dwelling unit more than the density allowed by 33.610.100.C.1 and 33.611.100.C.1.

3. Housing types allowed. The site may contain a duplex or be divided for attached houses.

4. Standards for attached housing projects. New lots created for attached houses must meet the minimum lot dimension standards stated in Chapter 33.611, Lots in the R2.5 Zone. Development must meet the site development regulations for attached houses in the R2.5 zone.

Figure 110-9
Flag Lot Description and Buffer



I. Zero lot line. A zero lot line development is where houses in a development on a common street frontage are shifted to one side of their lot. See Figure 110-10. This provides for greater usable yard space on each lot. These developments require that the planning for all of the house locations be done at the same time. Because the exact location of each house is predetermined, greater flexibility in site development standards is possible while assuring that the single-dwelling character is maintained.

1. Qualifying situations. Zero lot line developments are allowed for houses in the R20 through R2.5 zones.

2. Procedure. Zero lot line developments are allowed by right. Restrictions which assure the minimum distance between houses, and any required easements, must be recorded on the deeds of the applicable lots. Proof of such recording must be submitted as part of the building permit application.

3. Building setbacks. The side building setback on one side of the house may be reduced to zero. This reduction does not apply to the side building setback adjacent to a street,

or to the side building setback adjacent to lots that are not part of the zero lot line project.

4. Additional site development standards.

   a. Distance between houses. The minimum distance between all buildings in the development must be equal to twice the required side building setback standard of the base zone. A deed restriction must be recorded on the deed of each applicable lot to ensure the continued fulfillment of this setback.

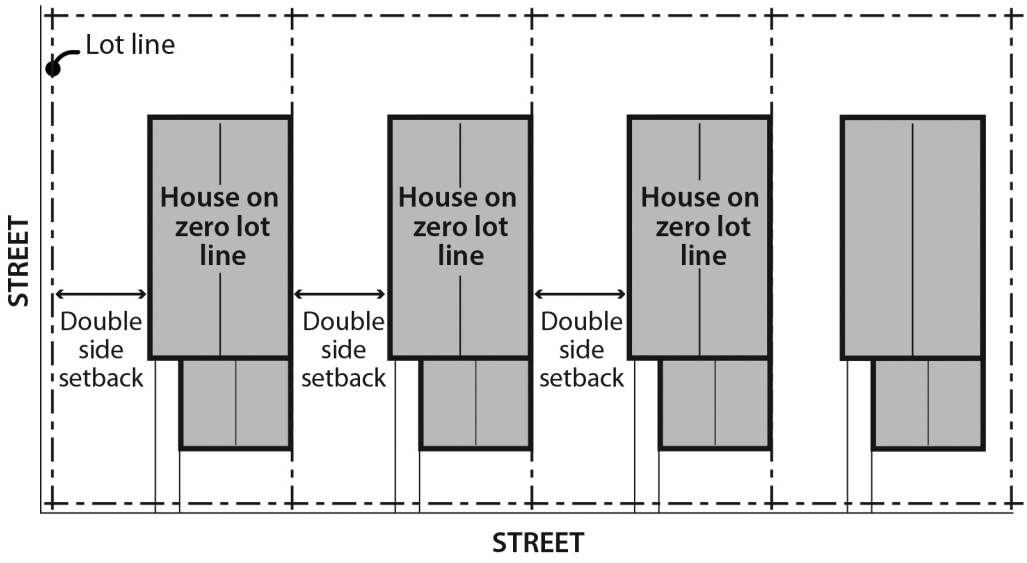
   b. Eaves. The eaves on the side of a house with a reduced setback may project a maximum of 18 inches over the adjacent property line. In this case, an easement for the eave projection must be recorded on the deed for the lot where the projection occurs.

   c. Maintenance. An easement between the two property owners to allow for maintenance or repair of the house is required when the eaves or side wall of the house are closer than four feet to the adjacent property line. The easement on the adjacent property must be wide enough to allow four feet between the eaves or side wall and the edge of the easement.

   d. Privacy. If the side wall of the house is on the property line, or within three feet of the property line, windows or other openings which allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed.

J. Permit-Ready Houses. Chapter 33.278 contains provisions for Permit-Ready houses on narrow lots.

Figure 110-10
Zero Lot Line Development



33.110.245 Institutional Development Standards

A. Purpose. The general base zone development standards are designed for residential buildings. Different development standards are needed for institutional uses which may be allowed in single-dwelling zones. The intent is to maintain compatibility with and limit the negative impacts on surrounding residential areas.

B. Use categories to which these standards apply. The standards of this section apply to uses in the institutional group of use categories, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions to institutional uses. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.

C. The standards.

1. The development standards are stated in Table 110-5. If not addressed in this section, the regular base zone development standards apply.

2. Setbacks on a transit street or in a Pedestrian District.

   a. Purpose. The purpose of these regulations is to reduce reliance on the automobile and encourage pedestrians and transit riders by ensuring safe and convenient pedestrian access to buildings.

   b. Building setbacks on a transit street or in a Pedestrian District. Buildings on a transit street or in a Pedestrian District must meet the provisions of 33.120.220.C.

   c. Conflicts.

      (1) If the depth of the minimum building setback or buffering standards conflicts with the maximum building setback standard, the depth of the maximum building setback standard supersedes the depth of the minimum building setback and buffering standards.

      (2) If the depth of the minimum setback standard for detached accessory structures conflicts with the depth of the minimum buffering standard, the depth of the minimum buffering standard supersedes the depth of the minimum setback standard for detached accessory structures.

   d. Exception. Development that is not subject to conditional use review under Section 33.815.040 is exempt from the maximum transit street setback requirement.

3. Exterior storage. Exterior storage of materials or equipment is prohibited.

4. Outdoor activity facilities. Except as specified in paragraph C.5. below, outdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated. Where the outdoor activity facility abuts R-zoned properties in School uses, the required setback is reduced to zero.

5. Recreational fields for organized sports. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.

6. Mechanical equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an R zone:

   a. A parapet along facades facing the R zone that is as tall as the tallest part of the equipment;

   b. A screen around the equipment that is as tall as the tallest part of the equipment; or

   c. The equipment is set back from roof edges facing the R zone 3 feet for each foot of height of the equipment.

7. Electrical substations. In addition to the standards in Table 110-5, the entire perimeter of electrical substations, including the street lot line (except for the access point), must be landscaped to the L3 standards stated in Chapter 33.248. This landscaping must be planted on the outside of any security fence. Electrical substations that are in a fully enclosed building are exempt from this requirement.

8. Grassy areas. Grassy play areas, golf courses, cemeteries, and natural areas are not subject to the L3 landscaping standard of Table 110-5 and are exempt from the setback standard of Paragraph 4, above.

9. Garbage and recycling collection areas. All exterior garbage cans. Garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening. See Section 17.102.270, Business and Multifamily Complexes Required to Recycle, of the Portland City Code for additional requirements for recycling areas.

10. Pedestrian standards. The on-site pedestrian circulation system must meet the standards of Section 33.120.255, Pedestrian Standards.

Table 110-5 Institutional Development Standards [1]	
Minimum Site Area for New Uses	10,000 sq. ft.
Maximum Floor Area Ratio [2]	0.5 to 1
Maximum Height [3]	50 ft.
Minimum Building Setbacks [2]	1 ft. back for every 2 ft. of bldg. height, but in no case less than 15 ft.
Maximum Building Setback Transit Street or Pedestrian District [7]	20 ft. or per CU/IMP review
Maximum Building Coverage [2]	50% of site area
Minimum Landscaped Area [2,4]	25% of site area to the L1 standard
Buffering from Abutting Residential Zone [5]	15 ft. to L3 standard
Buffering Across a Street from a Residential Zone [5]	15 ft. to L1 standard
Setbacks for All Detached Accessory Structures Except Fences [6]	10 ft.
Parking and Loading	See Chapter 33.266, Parking And Loading
Signs	See Title 32, Signs and Related Regulations

Notes:
[1] The standards of this table are minimums or maximums as indicated. Compliance with the conditional use approval criteria might preclude development to the maximum intensity permitted by these standards.
[2] For campus-type developments, the entire campus is treated as one site. Setbacks are only measured from the perimeter of the site. The setbacks in this table only supersede the setbacks required in Table 110-3. The normal regulations for projections into setbacks and for detached accessory structures still apply.
[3] Towers and spires with a footprint of 200 square feet or less may exceed the height limit, but still must meet the setback standard. Elevator mechanical equipment that is set back at least 15 feet from all roof edges on street facing facades may extend up to 16 feet above the height limit. Other mechanical equipment and stairwell enclosures that provide rooftop access when these cumulatively cover no more than 10 percent of the roof area and are set back at least 15 feet from all roof edges on street facing facades may extend up to 10 feet above the height limit.
[4] Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.
[5] Surface parking lots are subject to the parking lot setback and landscaping standards stated in Chapter 33.266, Parking And Loading.
[6] Setbacks for structures that are accessory to recreational fields for organized sports on a school, school site, or in a park, are stated in Chapter 33.279, Recreational Fields for Organized Sports.
[7] The maximum building setbacks are described in 33.110.245.C.

33.110.250 Detached Accessory Structures

A. Purpose. This section regulates detached structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards limit the height and bulk of the structures, promote compatibility of design for larger structures, provide for necessary access around larger structures, help maintain privacy to abutting lots, and maintain open front setbacks.

B. General standards.

1. The regulations of this section apply to all detached accessory structures. Farm structures associated with an agricultural use such as barns and silos are exempt from these standards as long as they are set back from all lot lines at least one foot for every foot in height. Additional regulations for accessory dwelling units are stated in Chapter 33.205.

2. Detached accessory structures are allowed on a lot only in conjunction with a primary building, and may not exist on a lot prior to the construction of the primary structure, except as allowed by Paragraph B.3, below.

3. A detached accessory structure that becomes the only structure on a lot as the result of a land division, a property line adjustment, a separation of ownership, or a demolition of the primary structure may remain on the lot if the owner has executed a covenant with the City that meets the requirements of Section 33.700.060.

   a. For a land division, the covenant must require the owner to remove the accessory structure if, within two years of final plat approval, a primary structure has not been built and received final inspection. The covenant must be executed with the City prior to final plat approval.

   b. For a property line adjustment or a separation of ownership, the covenant must require the owner to remove the accessory structure if a primary structure has not been built and received final inspection within two years. The two years begins on the date the letter from BDS confirming the property line adjustment or separation of ownership is mailed. The covenant must be executed with the City before the final letter from BDS is issued.

   c. For a demolition of a primary structure, the covenant must require the owner to remove the accessory structure if a new primary structure has not been built and received final inspection within two years. The two years begins on the date of the final inspection of the demolition. The covenant must be executed with the City prior to the issuance of the demolition permit.

C. Detached covered accessory structures. Detached covered accessory structures are items such as garages, carports, greenhouses, artist's studios, guest houses, accessory dwelling units, storage buildings, wood sheds, water collection cisterns, and covered decks or patios. The following standards apply to all detached covered accessory structures. Garages are also subject to the standards of 33.110.253.

1. Height. The maximum height allowed for all detached covered accessory structures is 20 feet.

2. Setbacks. Except as follows, detached covered accessory structures are subject to required building setbacks. See the additional regulations for garages in 33.110.253.

   a. Water collection cisterns that are 6 feet or less in height are allowed in side and rear setbacks.

b. In the R7, R5 and R2.5 zones, detached covered accessory structures other than water collection cisterns are allowed in the side and rear building setbacks if all of the following are met:

(1) The structure is at least 40 feet from a front lot line, and if on a corner lot, at least 20 feet from a side street lot line;

(2) The structure has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;

(3) If more than one structure is within the setback, the combined length of all structures in the setback adjacent to each property line is no more than 24 feet;

(4) The structure is no more than 15 feet high, and the walls of the structure are no more than 10 feet high, excluding the portion of the wall within a gable;

(5) The portion of the structure within the setback must be screened from adjoining lots by a fence or landscaping, unless it is enclosed within the setback by a wall. Screening is not required for enclosed structures. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening;

(6) Walls located within the setback do not have doors or windows facing the adjacent lot line;

(7) The structure does not have a rooftop deck; and

(8) Dormers are set back at least 5 feet from the side and rear lot lines.

3. Building coverage. The following additional building coverage standards apply to detached covered accessory structures:

a. The combined building coverage of all detached covered accessory structures may not exceed 15 percent of the total area of the site; and

b. The building coverage of a detached covered accessory structure may not be greater than the building coverage of the primary structure.

4. Additional development standards for detached covered accessory structures. The following additional standards apply to detached covered accessory structures that are more than 15 feet high. Additions to existing structures that do not meet a standard are exempt from that standard.

a. Exterior finish materials. The exterior finish materials on the detached covered accessory structure must meet one of the following:

(1) The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the primary structure; or

(2) Siding must be made from wood, composite boards, vinyl or aluminum products, and the siding must be composed in a shingle pattern, or in a

horizontal clapboard or shiplap pattern. The boards in the pattern must be 6 inches or less in width.

b. Roof Pitch. The roof pitch of the detached covered accessory structure must meet one of the following:

(1) The predominant roof pitch must be the same as the predominant roof pitch of the primary structure; or

(2) The roof pitch must be at least 6/12.

c. Trim. The trim on the detached covered accessory structure must meet one of the following:

(1) The trim must be the same in type, size, and location as the trim used on the primary structure; or

(2) The trim around all windows and doors must be at least 3 ½ inches wide.

d. Windows. The windows on all street facing facades of the detached covered accessory structure must meet one of the following:

(1) The windows must match those on the street facing façade of the primary structure in orientation (horizontal or vertical); or

(2) Each window must be square or vertical – at least as tall as it is wide.

e. Eaves. The eaves on the detached covered accessory structure must meet one of the following:

(1) The eaves must project from the building walls the same distance as the eaves on the primary structure;

(2) The eaves must project from the building walls at least 1 foot on all elevations; or

(3) If the primary structure has no eaves, no eaves are required.

D. Detached uncovered vertical structures. Detached uncovered vertical structures are items such as flag poles, trellises, arbors and other garden structures, play structures, antennas, satellite receiving dishes, and lamp posts. The following standards apply to detached uncovered vertical structures. Fences are addressed in 33.110.255:

1. Height. Except as follows, the maximum height allowed for all detached uncovered vertical structures is 20 feet:

a. Antennas**,** utility power poles, and public safety facilities are exempt from the height limit.

b. Flagpoles are subject to the height limit of the base zone for primary structures.

c. Detached small wind turbines are subject to the standards of 33.299, Wind Turbines.

2. Setbacks. Except as follows, detached uncovered vertical structures are subject to required building setbacks:

   a. Detached uncovered vertical structures that are no larger than 3 feet in width, depth, or diameter and no taller than 8 feet are allowed in required building setbacks.

   b. A single arbor structure that is up to 6 feet wide, up to 3 feet deep, and up to 8 feet tall is allowed in the front setback. The arbor must allow for pedestrian access under its span.

   c. Flagpoles are allowed in required building setbacks.

   d. In the R7, R5, and R2.5 zones, detached uncovered vertical structures that exceed the allowances of Subparagraph 2.a are allowed in side and rear setbacks if all of the following are met:

      (1) The structure is at least 40 feet from a front lot line, and if on a corner lot, at least 20 feet from a side street lot line;

      (2) The structure has dimensions that do not exceed 24 feet by 24 feet;

      (3) The structure is no more than 10 feet high;

      (4) The portion of the structure within the setback must be screened from adjoining lots by a fence or landscaping, unless it is enclosed within the setback by a wall. Screening is not required for enclosed structures. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening; and

      (5) The structure does not have a rooftop deck.

E. Detached uncovered horizontal structures. Uncovered horizontal structures are items such as decks, stairways, swimming pools, hot tubs, tennis courts, and boat docks not covered or enclosed. The following standards apply to detached uncovered horizontal structures.

1. Height. The maximum height allowed for all detached uncovered horizontal structures is 20 feet.

2. Setbacks. Except as follows, detached uncovered horizontal structures are subject to required buildings setbacks:

   a. Detached uncovered decks, ramps, and stairways that are more than 2-1/2 feet above the ground may extend into a required building setback up to 20 percent of the depth of the setback. However, the deck or stairway must be at least three feet from a lot line.

   b. Structures that are no more than 2-1/2 feet above the ground are allowed in required building setbacks.

F. Detached mechanical equipment. Detached mechanical equipment includes items such as heat pumps, air conditioners, emergency generators, radon mitigation components, and water pumps. Generally, detached mechanical equipment will not be attached to a building

but may have components such as ventilation or electrical systems attached to the primary structure. The following standards apply to detached mechanical equipment:

1. Height. The maximum height allowed for all detached mechanical equipment is 20 feet.

2. Setbacks. Except as follows, detached mechanical equipment is subject to required buildings setbacks. Detached mechanical equipment is allowed in side or rear building setbacks if all of the following are met:

   a. The equipment is no more than 5 feet high; and

   b. The equipment is screened from adjoining lots by walls, fences or vegetation. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

33.110.253 Additional Standards for Garages

A. Purpose. These standards:

- Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
- Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
- Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
- Enhance public safety by preventing garages from blocking views of the street from inside the residence.

B. Additional Regulations. The regulations of this Section apply in addition to those of 33.110.250, Accessory Structures.

C. Existing detached garages.

1. Rebuilding. A detached garage that is nonconforming due to its location in a setback, may be rebuilt on the footprint of the existing foundation, if the garage was originally constructed legally. In this case, the rebuilt garage may be no more than 15 feet high, and the garage walls may be no more than 10 feet high, excluding the portion of the wall within a gable. Decks are not allowed on the roof of the garage. The rebuilt garage is not required to comply with other standards of this chapter.

2. Additions. An addition may be made to an existing detached garage that is nonconforming due to its location in a setback as follows:

   a. The expanded garage complies with all other standards of this chapter; or

   b. The combined size of the existing foundation and the addition is no larger than 12 feet wide by 20 feet deep. In this case, the garage may be no more than 15 feet high, and the walls of the addition may be no more than 10 feet high, excluding the portion of the wall within a gable. Decks are not allowed on the

roof of the garage. The expanded garage is not required to comply with other standards of this chapter.

D. Length of street-facing garage wall.

1. Where these regulations apply. Unless exempted by Paragraph E.2, below, the regulations of this subsection apply to garages accessory to houses, attached houses, manufactured homes, and duplexes in the R10 through R2.5 zones.

2. Exemptions.

   a. Garages that are accessory to development on flag lots, or development on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from the standards of this subsection.

   b. Garages in subdivisions and PUDs that received Preliminary Plan approval between September 9, 1990, and September 9, 1995, are exempt from the standards of this subsection.

   c. On corner lots, only one street-facing garage wall must meet the standards of this subsection.

3. Standards.

   a. The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building facade. See Figure 110-11. For duplexes, this standard applies to the total length of the street-facing facades. For all other lots and structures, the standards apply to the street-facing facade of each unit.

   b. Where the street-facing facade is less than 22 feet long, an attached garage is not allowed as part of that facade.

4. Exception. Where the building is not being built on a new narrow lot, the garage wall facing the street may exceed the standards listed in Paragraph D.3 above if D.4.a and either D.4.b or c. are met. See Figure 110-12.

   a. The garage wall facing the street is no more than 12 feet long; and

   b. There is interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall; or

   c. There is a covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.

5. For new narrow lots, modifications to the standards of this subsection are allowed through Planned Development Review. See Chapter 33.638, Planned Development. Adjustments are prohibited.

E. Street lot line setbacks.

1. Where this standard applies. The standard of this paragraph applies to garages that are accessory to houses, attached houses, manufactured homes, and duplexes in the

R10 through R2.5 zones. Where a proposal is for an alteration or addition to existing development, the standard applies only to the portion being altered or added.

2. Exemptions.

   a. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.

   b. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.

   c. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing facade on which the main entrance is located.

3. Standard. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 110-13.

4. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:

   a. The street-facing garage wall is 40 percent or less of the length of the building facade; and

   b. There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 110-14. The porch must meet the following:

      (1) The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;

      (2) The porch must have a solid roof; and

      (3) The roof may not be more than 12 feet above the floor of the porch.

Figure 110-11
Length of Street-Facing Garage Wall

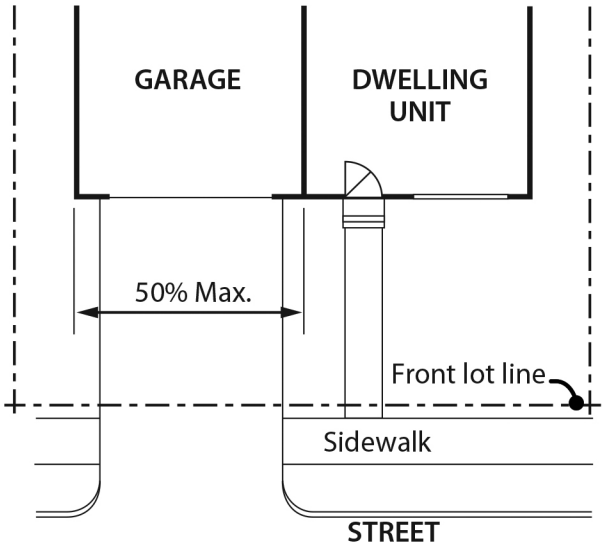


Figure 110-12
Length of Street-Facing Garage Wall Exception

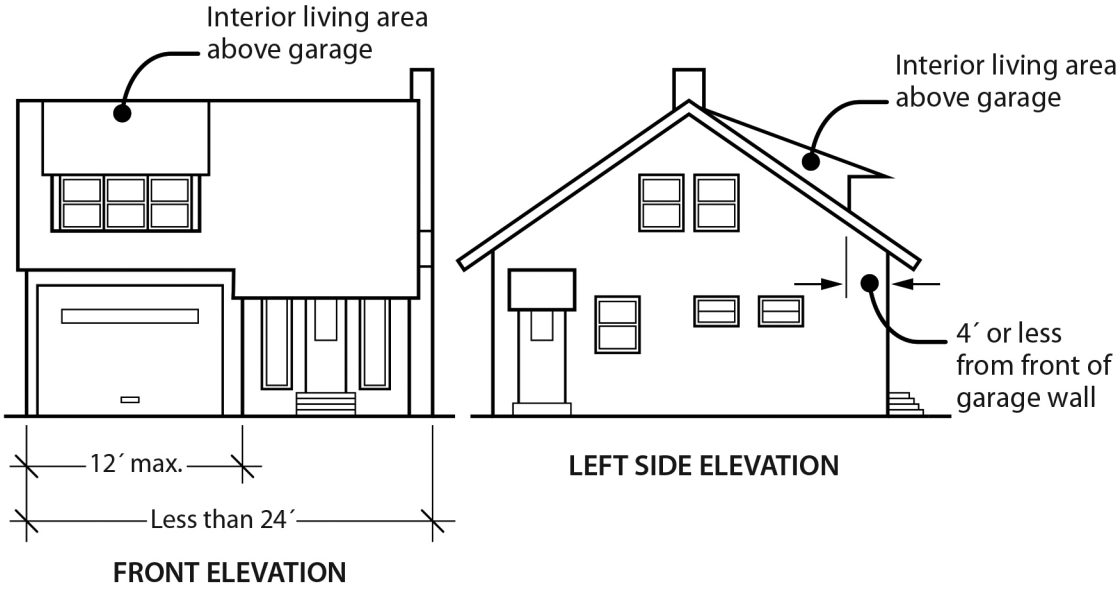


Figure 110-13
Street Lot Line Setback

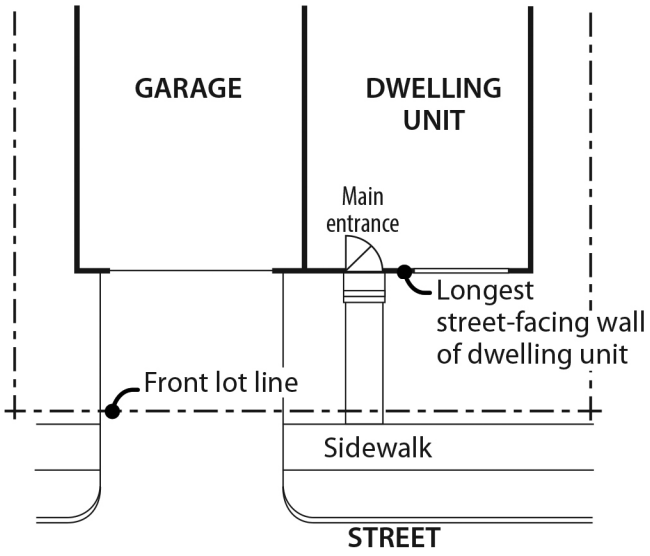
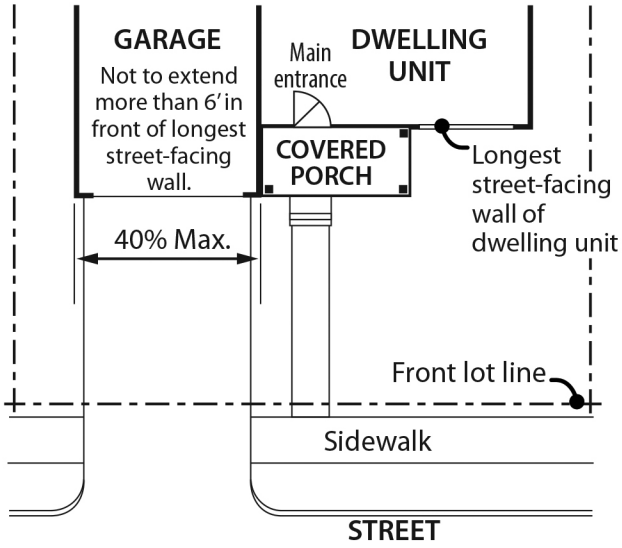


Figure 110-14
Garage Front Setback Exception



33.110.255 Fences

A. Purpose. The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, hinder the safe movement of pedestrians and vehicles, and create an unattractive

appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.

B. Types of fences. The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location and height.

1. Front building setbacks. Fences up to 3-1/2 feet high are allowed in required front building setbacks.

2. Side and rear building setbacks.

   a. Fences up to 8 feet high are allowed in required side or rear building setbacks that do not abut a pedestrian connection.

   b. Fences abutting a pedestrian connection.

      (1) Fences up to 8 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is at least 30 feet wide.

      (2) Fences up to 3-1/2 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is less than 30 feet wide.

3. Exceptions for corner lots. On corner lots, if the main entrance is on the facade facing the side street lot line, the applicant may elect to meet the following instead of C.1 and C.2. See Figure 110-15.

   a. Fences up to 3-1/2 feet high are allowed within the first 10 feet of the side street lot line.

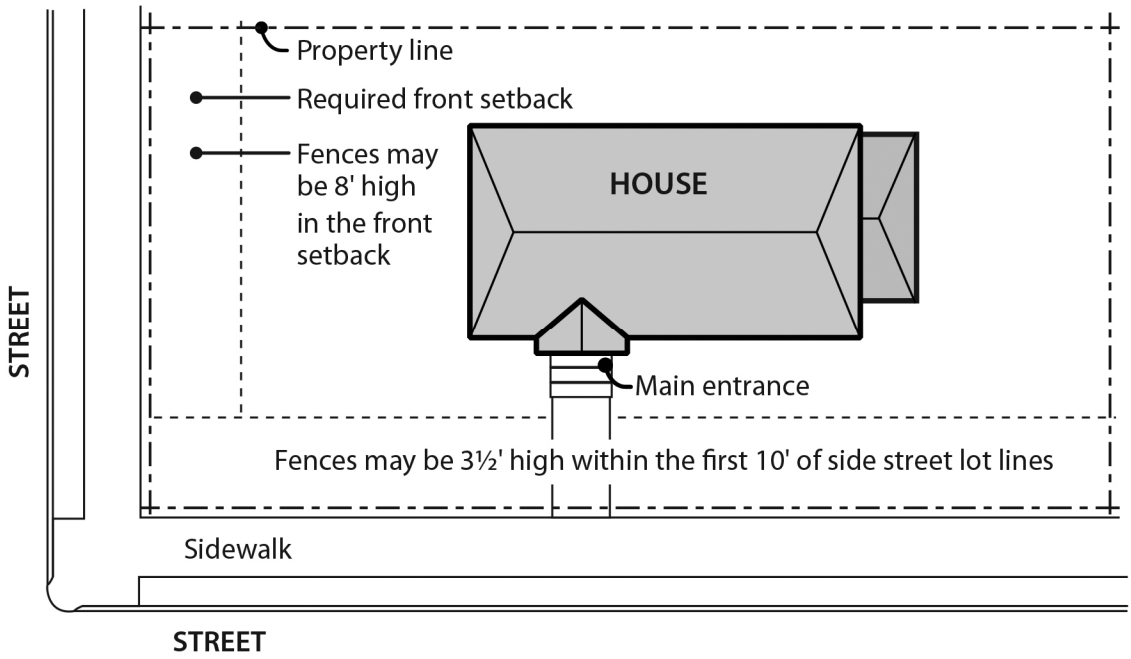
   b. Fences up to 3-1/2 feet high are allowed in required setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is less than 30 feet wide;

   c. Fences up to 8 feet high are allowed in the required front building setback, outside of the area subject to 3a.

   d. Fences up to 8 feet high are allowed in all other side or rear building setbacks.

4. Not in building setbacks. The height for fences that are not in required building setbacks is the same as the regular height limits of the zone.

Figure 110-15
Fence Height Option on Corner Lots



D. Reference to other regulations. Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

33.110.257 Retaining Walls

A. Purpose. The standards of this section help mitigate the potential negative effects of large retaining walls. Without mitigation, such walls can create a fortress-like appearance and be unattractive. By requiring large walls to step back from the street and provide landscaping, the wall is both articulated and visually softened.

B. Where these regulations apply.

1. Generally. These regulations apply to the portions of street-facing retaining walls that are in required setbacks along street lot lines. Where there is no required setback, or the setback is less than 10 feet, the regulations apply to the first 10 feet from the line.

2. Exceptions. The following are not subject to the regulations of this section:

   a. Retaining walls in the areas described in B.1 that are less than four feet high, as measured from the bottom of the footing.

   b. Retaining walls on sites where the site slopes downward from a street in the area described in B.1.

   c. Retaining walls on sites where the site slopes upward from a street and the existing slope within the area regulated by B.1 is 50 percent or more.

   d. Replacing an existing retaining wall, where the replacement will not be taller or wider than the existing wall.

e. Retaining walls on sites where any portion of the site is in an environmental overlay zone.

C. Standards.

1. Retaining walls are limited to 4 feet in height measured from the bottom of the footing, as shown in Figure 110-16.

2. Retaining walls must be set back at least 3 feet from other street-facing retaining walls, as shown in Figure 110-16. The 3 foot setback area must be landscaped to at least the L2 standard, except that trees are not required. A wall or berm may not be substituted for the shrubs.

33.110.260 Demolitions

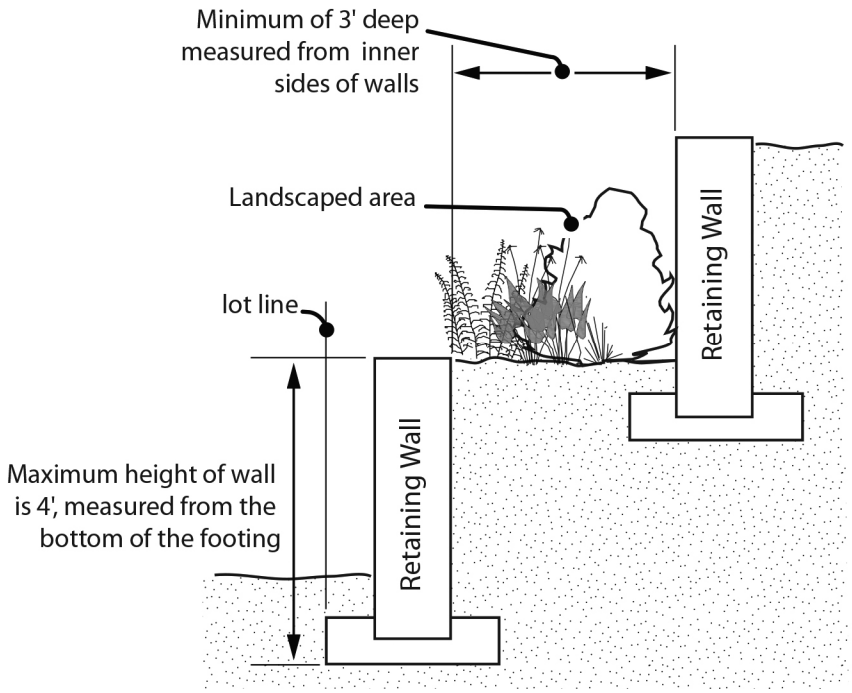
A. Generally. Demolition on a site that requires a demolition permit is subject to the tree preservation and protection requirements of Title 11, Trees. See Chapter 11.50, Trees in Development Situations.

B. Historic resources. Demolition of historic resources is regulated by Chapter 33.445, Historic Resource Overlay Zone.

33.110.270 Nonconforming Development

Existing developments that do not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

Figure 110-16
Retaining Walls



33.110.275 Parking and Loading

A. Access to parking. Vehicle access to a lot must be from an alley under the following conditions. Modifications to this standard are allowed through Planned Development Review. See Chapter 33.638, Planned Development. Adjustments are prohibited.

1. The lot abuts an alley;
2. The lot was created by a land division submitted after July 1, 2002; and
3. The lot is either:
   a. In the R10 through R5 zones and does not meet the minimum lot width standard of 33.610.200.D.1; or
   b. In the R2.5 zone and does not meet the minimum lot width standard of 33.611.200.C.1.

B. Parking and loading. For all other parking and loading regulations, see Chapter 33.266, Parking and Loading.

33.110.280 Signs

The sign regulations are stated in Title 32, Signs and Related Regulations.

(Amended by: Ord. No.165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 166313, effective 4/9/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169324, effective10/12/95; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 173533, effective 8/2/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/9/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177643, effective 7/10/03; Ord. No. 177701, effective 8/30/03; Ord. No. 177975, effective 11/14/03; Ord. No. 178045, effective 12/10/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178927, effective 12/31/04; Ord. No. 179092, effective 4/1/05; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183750, effective 6/4/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184235, effective 11/26/10; Ord. No. 185412, effective 6/13/12; Ord. No. 185915; effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15. Ord. No. 187471, effective 1/1/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 190093, effective 9/11/20.)

33.120 Multi-Dwelling Zones

120

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- 33.120.020 List of the Multi-Dwelling Zones
- 33.120.030 Characteristics of the Zones
- 33.120.040 Other Zoning Regulations
- 33.120.050 Neighborhood Contact

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- 33.120.100 Primary Uses

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- 33.120.210 Floor Area Ratio
- 33.120.211 Floor Area Bonus Options
- 33.120.212 Maximum Density
- 33.120.213 Minimum Density
- 33.120.215 Height
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- 33.120.255 Pedestrian Standards
- 33.120.260 Recycling Areas
- 33.120.270 Alternative Development Options
- 33.120.275 Development Standards for Institutions
- 33.120.280 Detached Accessory Structures
- 33.120.283 Additional Development Standards for Structured Parking and Garages
- 33.120.284 Additional Development Standards for Flag Lots
- 33.120.285 Fences
- 33.120.290 Demolitions
- 33.120.300 Nonconforming Development
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- 33.120.310 Signs
- 33.120.320 Inclusionary Housing
- 33.120.330 Street and Pedestrian Connections

Supplemental Information
Map 120-1 Civic and Neighborhood Corridors
Map 120-2 Minimum Required Site Frontage Areas
Map 120-3 Pattern Areas

General

33.120.010 Purpose

The multi-dwelling zones are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing.

A. Use regulations. The use regulations are intended to create and maintain higher density residential neighborhoods. At the same time, they allow for institutional, limited commercial, and other nonresidential uses, but not to such an extent as to sacrifice the overall residential neighborhood character of the multi-dwelling zones and their intended role as places for housing.

B. Development standards. The six multi-dwelling zones are distinguished primarily by their allowed scale and development standards. The development standards work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally assure that new development will be compatible with the City's character and contribute to the intended characteristics of each zone. At the same time, the standards allow for flexibility for new development. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The development standards are generally written for development on flat, regularly shaped lots. Other situations are addressed through special standards or exceptions.

33.120.020 List of the Multi-Dwelling Zones

The full and short names of the multi-dwelling residential zones and their map symbols are listed below. When this Title refers to the multi-dwelling zones, it is referring to the six zones listed here. When this Title refers to the residential zones or R zones, it is referring to both the single-dwelling zones in Chapter 33.110 and the multi-dwelling zones in this chapter.

Full Name	Short Name/Map Symbol
Residential Multi-Dwelling 1	RM1
Residential Multi-Dwelling 2	RM2
Residential Multi-Dwelling 3	RM3
Residential Multi-Dwelling 4	RM4
Central Residential	RX
Residential Manufactured Dwelling Park	RMP

33.120.030 Characteristics Of The Zones

A. RM1 zone. The RM1 zone is a low-scale multi-dwelling zone that is generally applied in locations intended to provide a transition in scale to single-dwelling residential areas, such as the edges of mixed-use centers and civic corridors, and along or near neighborhood corridors. Allowed housing is characterized by one to three story buildings that relate to the patterns of residential neighborhoods, but at a somewhat larger scale and building coverage than allowed in the single-dwelling zones. The major types of new development

will be duplexes, triplexes, rowhouses, courtyard housing, small apartment buildings, and other relatively small-scale multi-dwelling and small-lot housing types that are compatible with the characteristics of Portland's residential neighborhoods.

B. **RM2 zone.** The RM2 zone is a medium-scale multi-dwelling zone that is generally applied in and around a variety of centers and corridors that are well-served by transit. Allowed housing is characterized by buildings of up to three or four stories with a higher percentage of building coverage than in the RM1 zone, while still providing opportunities for landscaping and outdoor spaces that integrate with residential neighborhood characteristics. The major types of new housing development will be a diverse range of multi-dwelling structures and other compact housing that contribute to the intended urban scale of centers and corridors, while providing transitions in scale and characteristics to lower-scale residential neighborhoods.

C. **RM3 zone.** The RM3 zone is a medium to high density multi-dwelling zone applied near the Central City, and in centers, station areas, and along civic corridors that are served by frequent transit and are close to commercial services. It is intended for compact, urban development with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets. This zone is intended for areas where the established residential character includes landscaped front setbacks. Allowed housing is characterized by mid-rise buildings up to six stories tall. The Design overlay zone is applied to this zone.

D. **RM4 zone.** The RM4 zone is a high density, urban-scale multi-dwelling zone applied near the Central City, and in town centers, station areas, and along civic corridors that are served by frequent transit and are close to commercial services. It is intended to be an intensely urban zone with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets, with buildings located close to sidewalks with little or no front setback. This is a mid-rise to high-rise zone with buildings of up to seven or more stories. The Design overlay zone is applied to this zone.

E. **RX zone.** The RX zone is a high density multi-dwelling zone that allows the greatest intensity of development scale in the residential zones. The zone is applied within Portland's most intensely urban areas, specifically the Central City and the Gateway Regional Center. Allowed housing development is characterized by large buildings with a very high percentage of building coverage. The major types of new housing development will be mid-rise and high-rise multi-dwelling structures, often with allowed retail, institutional, or other service oriented uses. Development is intended to be pedestrian-oriented, with buildings that contribute to an urban environment with a strong street edge of buildings located close to sidewalks. The Design overlay zone is applied to this zone.

F. **RMP zone.** The RMP zone is a low-scale multi-dwelling zone that allows manufactured dwelling parks. Allowed density may be up to 29 units per acre. Allowed housing is manufactured dwellings that are assembled off-site. Units are generally surrounded by vehicle circulation systems, pedestrian pathways and open area, often resulting in lower building coverage than other multi-dwelling zones. Development is compatible with low- and medium-density single-dwelling development and multi-dwelling development. Generally, RMP zoning will be applied on large sites.

33.120.040 Other Zoning Regulations

The regulations in this chapter state the allowed uses and development standards for the base zones. Sites with overlay zones, plan districts, or designated historical landmarks are subject to additional regulations. The Official Zoning Maps indicate which sites are subject to these additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

33.120.050 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. Neighborhood contact I.

1. Neighborhood contact I requirements. When proposed development will add at least 10,000 square feet and not more than 25,000 square feet of net building area to a site, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. All the steps in 33.705.020.A. must be completed before an application for a building permit can be submitted.

2. Exemption. 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.

B. Neighborhood contact II.

1. Neighborhood contact II requirements. When the proposed development will add more than 25,000 square feet of net building area to a site, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. All of the steps in 33.705.020.B. must be completed before an application for a building permit can be submitted.

2. Exemption. 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.

Use Regulations

33.120.100 Primary Uses

A. Allowed uses. Uses allowed in the multi-dwelling zones are listed in Table 120-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed use will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.

B. Limited uses. Uses allowed in these zones subject to limitations are listed in Table 120-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those

chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 120-1.

1. Group Living. This regulation applies to all parts of Table 120-1 that have a [1].

   a. General regulations. All Group Living uses in the multi-dwelling zones, except for alternative or post incarceration facilities, are regulated as follows:

      (1) Seven to 15 residents. Group Living uses for 7 to 15 residents are allowed by right subject to the regulations of Chapter 33.239, Group Living.

      (2) More than 15 residents. Group Living facilities for more than 15 residents are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.

      (3) Exception. Normally all residents of a structure are counted to determine whether the use is allowed or a conditional use as stated in (1) and (2) above. The only exception is residential facilities licensed by or under the authority of the state Department of Human Resources under ORS 443.400 to 443.460. In these cases, staff persons are not counted as residents to determine whether the facility meets the 15 resident cutoff, above which a conditional use is required.

   b. Alternative or post incarceration facilities. Group Living uses which consist of alternative or post incarceration facilities are conditional uses regardless of size. They are also subject to the regulations of Chapter 33.239, Group Living.

2. Retail Sales And Service and Office uses. This regulation applies to all parts of Table 120-1 that have a [2].

   a. Limited uses. Retail Sales And Service and Office uses are allowed when:

      (1) Retail Sales And Service and Office use on Civic and Neighborhood corridors. Retail Sales And Service and Office uses are allowed, up to the following amounts, on sites that abut a Civic or Neighborhood corridor shown on Map 120-1. All of the Retail Sales And Service and Office uses allowed by this Subsubparagraph must be located on the ground floor within 100 feet of the street lot line adjacent to the Civic or Neighborhood corridor and there can be no exterior activities associated with the use except for outdoor seating:

         - In the RM1 and RM2 zones, each use allowed by this Subsubparagraph is limited to 1,000 square feet of net building area up to a total combined floor area ratio of .25 to 1 for all of the uses allowed by this Subsubparagraph. More than .25 to 1 total on the site and more than 1,000 square feet per use is prohibited; and
         - In the RM3, RM4, and RX zones, each use allowed by this Subsubparagraph is limited to 2,000 square feet of net building area up to a total combined floor area ratio of .4 to 1 for all of the uses allowed by this Subsubparagraph. More than .4 to 1 total on the site and more than 2,000 square feet per use is prohibited;

(2) Retail Sales And Service and Office use in the RM3 and RM4 zones. Retail Sales and Service and Office uses are allowed in multi-dwelling buildings in the RM3 and RM4 zones. Each use allowed by this Subsubparagraph is limited to 1,000 square of net building area up to a total combined floor to area ratio of .1 to 1 for all of the uses allowed by this Subsubparagraph. More than.1 to 1 total on the site and more than 1,000 square feet per use is prohibited. The uses allowed by this Subsubparagraph must be located entirely within the building and must have no external doors or signs visible from the exterior of the building. Development of a use allowed by this Subsubparagraph must not result in reduction of existing dwelling units.

b. Conditional uses. Retail plant nurseries that do not meet the standards of Subparagraph B.2.a. are a conditional use.

3. Commercial Parking in RX. This regulation applies to all parts of Table 120-1 that have a [3]. Outside the Central City plan district, Commercial Parking facilities in parking structures are a conditional use. Commercial Parking facilities in surface lots are prohibited. Within the Central City plan district, there are special regulations; see Chapter 33.510. Any ground floor retail requirements that result from other regulations continue to apply and are reviewed as part of the land use review process.

4. Community Service and Schools in RX. This regulation applies to all parts of Table 120-1 that have a [4]. Short term housing and mass shelters are also regulated by Chapter 33.285, Short Term Housing and Mass Shelters.

a. Limited uses. Community Service and Schools uses are allowed in a multi-dwelling development if all of the Community Service and Schools uses are located on the ground floor. If any portion of a Community Service or Schools use is not on the ground floor of a multi-dwelling development, the Community Services and Schools uses are limited to 20 percent of the net building area;

b. Conditional uses. If any portion of the Community Service and Schools uses is not on the ground floor of a multi-dwelling development and the uses exceed 20 percent of the total net building area, then a conditional use review is required.

5. Community Service in RM1 through RM4 and RMP. This regulation applies to all parts of Table 120-1 that have a [5]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term housing and mass shelters are regulated by Chapter 33.285, Short Term Housing and Mass Shelters.

6. Parks And Open Areas. This regulation applies to all parts of Table 120-1 that have a [6]. Parks And Open Areas uses are allowed by right. However, certain accessory uses and facilities which are part of a Parks And Open Areas use require a conditional use review. These accessory uses and facilities are listed below.

a. Swimming pools.

b. Cemeteries, including mausoleums, chapels, and similar accessory structures associated with funerals or burial.

c. Golf courses, including club houses, restaurants, and driving ranges.

d. Boat ramps.

e. Parking areas.

f. Recreational fields for organized sports. Recreational fields used for organized sports are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.

7. Daycare. This regulation applies to all parts of Table 120-1 that have a [7]. Daycare uses are allowed as follows:

a. Allowed use. Daycare uses are allowed by right if located in within a building that currently contains or did contain a College, Medical Center, School, Religious Institution, or a Community Service use.

b. Limited use. Daycare uses are allowed when:

(1) The total amount of Daycare use on the site does not exceed 3,000 square feet of net building area. The total amount allowed does not include outdoor play area; and

(2) All of the Daycare use, except for outdoor play area, is located on the ground floor.

c. Conditional uses. Daycare uses that do not meet Subparagraph B.7.a. or b. are a conditional use.

8. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 120-1 that have a [8]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.

9. Basic Utilities. These regulations apply to all parts of Table 120-1 that have a [9].

a. Basic Utilities that serve a development site are accessory uses to the primary use being served;

b. Small Scale Energy Production that provides energy for on-site or off-site use are considered accessory to the primary use on the site. Installations that sell power they generate—at retail (net metered) or wholesale—are included. However, they are only considered accessory if they generate energy from biological materials or byproducts from the site itself, or conditions on the site itself; materials from other sites may not be used to generate energy. In the RX zone, up to 10 tons per week of biological materials or byproducts from other sites may be used to generate energy. The requirements of Chapter 33.262 Off Site Impacts must be met;

c. All other Basic Utilities are a conditional use except in the RX zone where all other Basic Utilities are allowed but are limited to 20 percent of the net building area on a site. If they are over 20 percent of the net building area, a conditional use review is required.

10. Agriculture. This regulation applies to all parts of Table 120-1 that have a [10]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, it is prohibited.

11. Retail Sales and Service in the RMP zone. This regulation applies to all parts of Table 120-1 that have note [11]. Recreational vehicle parks are allowed by right in the RMP zone. All other Retail Sales And Service uses are prohibited.

C. Conditional uses.

1. Table 120-1. Uses which are allowed if approved through the conditional use review process are listed in Table 120-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.

2. Accessory short-term rentals. Accessory short-term rentals are accessory uses that may require a conditional use review. See Chapter 33.207.

D. Prohibited uses. Uses listed in Table 120-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses And Development.

Table 120-1
Multi-Dwelling Zone Primary Uses

Use Categories	RM1	RM2	RM3	RM4	RX	RMP
Residential Categories						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	N
Commercial Categories						
Retail Sales And Service	L [2]	L [2]	L [2]	L [2]	L [2]	L [11]
Office	L [2]	L [2]	L [2]	L [2]	L [2]	N
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	CU [3]	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	N
Industrial Categories						
Manufacturing And Production	N	N	N	N	N	N
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	N
Bulk Fossil Fuel Terminal	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
Institutional Categories						
Basic Utilities	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]
Community Service	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [4]	L/CU [5]
Parks And Open Areas	L/CU [6]	L/CU [6]	Y	Y	Y	L/CU [6]
Schools	CU	CU	CU	CU	L/CU [4]	CU
Colleges	CU	CU	CU	CU	CU	CU
Medical Centers	CU	CU	CU	CU	CU	CU
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]	Y	L/CU [7]

Table 120-1 Multi-Dwelling Zone Primary Uses						
Use Categories	**RM1**	**RM2**	**RM3**	**RM4**	**RX**	**RMP**
Other Categories						
Agriculture	L [10]	L [10]	L [10]	L [10]	L [10]	L [10]
Aviation And Surface Passenger Terminals	N	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	N	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]
Rail Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed
L = Allowed, But Special Limitations
CU = Conditional Use Review Required
N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.120.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Development Standards

33.120.200 Housing Types Allowed

A. Purpose. A broad range of housing types are allowed in the multi-dwelling zones. This range allows for efficient use of land, provides options to increase housing variety and housing opportunities, and promotes affordable and energy-efficient housing.

B. Housing types. The types of housing allowed in the multi-dwelling zones are stated in Table 120-2.

Table 120-2 Housing Types Allowed In The Multi-Dwelling Zones						
Housing Type	**RM1**	**RM2**	**RM3**	**RM4**	**RX**	**RMP**
House	Yes	Yes	Yes	Yes	Yes	No
Attached House (See 33.120.270 C.)	Yes	Yes	Yes	Yes	Yes	No
Accessory dwelling unit (See 33.205)	Yes	Yes	Yes	Yes	Yes	No
Duplex	Yes	Yes	Yes	Yes	Yes	No
Attached Duplex (See 33.120.270.F)	Yes	Yes	Yes	Yes	Yes	No
Triplex	Yes	Yes	Yes	Yes	Yes	No
Fourplex	Yes	Yes	Yes	Yes	Yes	No
Multi-Dwelling Structure	Yes	Yes	Yes	Yes	Yes	No
Multi-Dwelling Development	Yes	Yes	Yes	Yes	Yes	Yes [1]
Manufactured Dwelling (See Chapter 33.251)	Yes	Yes	Yes	Yes	Yes	Yes [2]
Manufactured Dwelling Park (See Chapter 33.251)	Yes	No	No	No	No	Yes
Houseboat (See Chapter 33.236)	Yes	Yes	Yes	Yes	Yes	No
Single Room Occupancy (SRO) units	No	Yes	Yes	Yes	Yes	No
Group Living Facility	Yes	Yes	Yes	Yes	Yes	No

Yes = allowed; No = prohibited.
Notes:
[1] The only type of multi-dwelling development allowed in the RMP zone is manufactured dwellings in a manufactured dwelling park.
[2] Except on individual lots created under the provisions of 33.642, Land Divisions of Manufactured Dwelling Parks, manufactured dwellings are only allowed in manufactured dwelling parks.

33.120.205 Development on Lots and Lots of Record

A. Purpose. The regulations of this section require lots and lots of record to be an adequate size so that development on a site will in most cases be able to comply with all site development standards, including density. Where more than one lot is in the same ownership, these standards prevent breaking up large vacant ownerships into small lots, which are difficult to develop in conformance with the development standards. However, where more than one lot is in the same ownership, and there is existing development, allowing the ownership to be separated may increase opportunities for residential infill while preserving existing housing.

B. Where these regulations apply. These regulations apply to existing lots and lots of record in the multi-dwelling zones. The creation of new lots is subject to the lot size standards listed in Chapter 33.612, Lots in Multi-Dwelling Zones.

C. Ownership of multiple lots and lots of record. Where more than one abutting lot or lot of record is in the same ownership, the ownership may be separated as follows:

1. If all requirements of this Title will be met after the separation, including lot dimensions, minimum density, and parking, the ownership may be separated; or

2. If one or more of the lots or lots of record does not meet the lot dimension standards in Chapter 33.612, Lots in Multi-Dwelling Zones, the ownership may be separated if all requirements of this paragraph are met. Such lots and lots of record are legal.

   a. There is a primary use on at least one of the lots or lots of record, and the use has existed since December 31, 1980. If none of the lots or lots of record have a primary use, they may not be separated; and

   b. Lots or lots of record with a primary use on at least one of them may be separated as follows:

      (1) The separation must occur along the original lot lines;

      (2) Lots or lots of record with primary uses on them may be separated from lots or lots of record with other primary uses; and

      (3) Lots or lots of record with primary uses on them may be separated from lots or lots of record without primary uses.

D. New development on standard lots and lots of record. New development on lots and lots of record that comply with the lot dimension standards in Chapter 33.612, Lots in Multi-Dwelling Zones, is allowed by right subject to the development standards.

E. New development on substandard lots and lots of record. New development is allowed on lots and lots of record which do not conform to the lot dimension standards in Chapter 33.612, Lots in Multi-Dwelling Zones, if both of the following are met:

1. The development is proposed for a lot or lot of record. Development on plots that are not lots or lots of record is prohibited; and

2. The lot or lot of record did not abut any property owned by the same family or business on July 26, 1979, or any time since that date, unless the ownership was separated as allowed in Subsection C, above.

33.120.206 Minimum Required Site Frontage for Development

A. Purpose. The purpose of the minimum required site frontage standard is to ensure that sites in and around certain centers in Eastern Portland have sufficient street frontage and site area to:

- Accommodate new streets where pedestrian, bicycle and vehicular connectivity is lacking;
- Foster efficient site design;
- Allow for buildings with an orientation to the street; and
- Provide opportunities to create outdoor space and preserve trees.

B. Where the standard applies. The minimum required site frontage standard applies in the multi-dwelling zones to sites shown on Map 120-2.

C. Minimum required site frontage standard.

1. Standard. If the site is more than 160 feet deep, new dwelling units are prohibited unless the site has at least 90 feet of frontage on a street. Adjustments are prohibited.

2. Exceptions. The following exceptions apply:

   a. Adding an accessory dwelling unit to a lot with an existing house, existing attached house, existing manufactured home, or existing duplex is allowed;

   b. Development is allowed on a site when all of the lots that share a side lot line with the development site meets at least one of the following:

      (1) The lot is zoned multi-dwelling and meets the minimum density standard for the base zone;

      (2) The lot is zoned multi-dwelling and has an existing multi-dwelling structure or multi-dwelling development; or

      (3) The lot is not zoned multi-dwelling; and

   c. Development approved through a Planned Development Review is allowed. See Chapter 33.270, Planned Development.

Table 120-3
Summary of Development Standards in Multi-Dwelling Zones

Standard	RM1	RM2	RM3	RM4	RX	RMP
Maximum FAR (See 33.120.210)	FAR of 1 to 1	FAR of 1.5 to 1	FAR of 2 to 1	FAR of 4 to 1 or 3 to 1	FAR of 4 to 1	NA
Maximum Density (See 33.120.212)	none	none	none	none	none	1 unit per 1,500 sq. ft. of site area
Maximum Density with Affordable Housing Bonus (See 33.120.212.F)	NA	NA	NA	NA	NA	1 unit per 1,000 sq. ft. of site area
Minimum Density (See 33.120.213)	1 unit per 2,500 sq. ft. of site area	1 unit per 1,450 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	1 unit per 500 sq. ft. of site area	1 unit per 1,875 sq. ft. of site area
Base Height (See 33.120.215)	35 ft.	45 ft.	65 ft.	75/100 ft.	100 ft.	35 ft.

Table 120-3
Summary of Development Standards in Multi-Dwelling Zones

Standard	RM1	RM2	RM3	RM4	RX	RMP
Step-down Height (see 33.120.215.B.2 - Within 25 ft. of lot line abutting RF-R2.5 zones - Within 15 ft. of lot line across a local service street from RF – R2.5 Zones	35 ft. 35 ft.	35 ft. 45 ft.	35 ft. 45 ft.	35 ft. 45 ft.	35 ft. 45 ft.	35 ft. 35 ft.
Minimum Setbacks - Front building setback - Side and rear building setback. - Garage entrance setback (See 33.120.220)	10 ft. 5 ft. [1] 18 ft.	10 ft. 5 ft. [1] 5/18 ft.	10 ft. 5/10 ft. [1] 5/18 ft.	5 ft. 5/10 ft. [1] 5/18 ft.	0 ft. 0 ft. 5/18 ft.	10 ft. 10 ft. 18 ft.
Maximum Setbacks (See 33.120.220) Transit Street or Pedestrian District	20 ft.	20 ft.	20 ft.	10 ft.	10 ft.	NA
Max. Building Coverage (See 33.120.225)	50% of site area	60/70% of site area	85% of site area	85% of site area	100% of site area	50% of site area
Max. Building Length (See 33.120 230)	Yes	Yes	No	No	No	Yes
Min. Landscaped Area (See 33.120.235)	30% of site area	20% of site area	15% of site area	15% of site area	none	30% of site area
Required Outdoor Areas (See 33.120.240)	Yes	Yes	Yes	Yes	No	See 33.251

Notes:
[1] See 33.120.220.B.2 for Eastern Pattern Area special rear building setback.

33.120.210 Floor Area Ratio

A. **Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.

B. **FAR standard.** The maximum floor area ratios are stated in Table 120-3 and apply to all uses and development. In the RM4 zone the maximum FAR is 4 to 1, except in Historic Districts and Conservation Districts, where the maximum FAR is 3 to 1. Floor area ratio is not applicable in the RMP zone. There is no maximum limit on the number of dwelling units within the allowable floor area, but the units must comply with all building and housing

code requirements. Additional floor area may be allowed through bonus options described in Section 33.120.211, or transferred as described in Subsection D. Maximum FAR does not apply to one alteration or addition of up to 250 square feet when the alteration or addition is to a primary structure that received final inspection at least 5 years ago. This exception is allowed once every 5 years. Adjustments to the maximum floor area ratios are prohibited. Floor area does not include the following:

1. Floor area for structured parking and required long-term bicycle parking not located in a dwelling unit, up to a maximum FAR of 0.5 to 1; and

2. Floor area for indoor common area used to meet the requirements of Section 33.120.240.

C. Maximum increase in FAR. An increase in FAR using bonuses and transfers of more than is stated in Table 120-5 is prohibited. This total FAR includes FAR transferred from another site, and any additional FAR allowed from bonus options.

D. Transfer of FAR. FAR may be transferred from one site to another subject to the following:

1. Sending site. FAR may be transferred from:

   a. A site where all existing dwelling units are affordable to those earning no more than 60 percent of the area median family income. In order to qualify for this transfer, the applicant must provide a letter from the Portland Housing Bureau certifying that this affordability standard and any administrative requirements have been met. The letter must be submitted before a building permit can be issued for the development, but is not required in order to apply for a land use review.;

   b. A site where trees that are at least 12 inches in diameter are preserved. The maximum amount of floor area that may be transferred for each preserved tree is indicated in Table 120-4, however the maximum amount of FAR that can be transferred may not exceed the total amount of unused FAR on the site. This transfer provision does not apply to dead, dying or dangerous, or nuisance trees. To qualify for this transfer, a report is required from the City Forester or a certified arborist documenting that the trees to be preserved are not nuisance trees and are not dead, dying or dangerous.; or

   c. A site that contains a Historic or Conservation landmark or a contributing resource in a Historic or Conservation district. Sites that are eligible to send floor area through this transfer are allowed to transfer:

      (1) Unused FAR up to the maximum FAR allowed by the zone; and

      (2) An additional amount equivalent to 50 percent of the maximum FAR for the zone. To qualify to transfer this additional amount of FAR, the Bureau of Development of Services must verify that the landmark or contributing resource on the site meets one of the following:

         - If the building is classified as Risk category I or II, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the American Society of Civil Engineers (ASCE) 41- BPOE improvement standard as defined in City of Portland Title 24.85;

- If the building is classified as Risk category III or IV, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the ASCE41- BPON improvement standard as defined in City of Portland Title 24.85; or
- The owner of the landmark or contributing resource has entered into a phased seismic agreement with the City of Portland as described in Section 24.85.

2. Receiving site. The transfer must be to a site zoned RM1, RM2, RM3, RM4, RX, CM1, CM2, CM3, or CE outside of the Central City plan district. Transferring to a site zoned RMP is prohibited. Transferring to a site where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years is prohibited unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure on the site that was demolished was an accessory structure, or the demolition was approved through demolition review.

3. Maximum increase in FAR. An increase in FAR on the receiving site of more than 1 to 1 from a transfer is prohibited. In addition, the total FAR on the receiving site, including FAR from transfers and bonuses, may not exceed the overall maximum FAR with other bonuses stated in Table 120-5.

4. Covenants. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060 and is attached to, and recorded with, the deeds of both the site transferring and the site receiving the density. The covenant must reflect the respective increase and decrease of potential FAR. In addition:

   a. The covenant for the historic resource transferring the density must also meet the requirements of 33.445.610.D., Covenant.

   b. The covenant for the site where trees will be preserved must:

      (1) Require that all trees be preserved for at least 50 years; and

      (2) Require that any tree covered by the covenant that is dead, dying or dangerous be removed and replaced within a 12-month period. The trees must be determined to be dead, dying, or dangerous by the City Forester or a certified arborist. If a tree covered by the covenant is removed in violation of the requirements of this Section, or is dead, dying, or dangerous as the result of a violation, Tree Review is required.

Table 120-4
Transferable Floor Area for Tree Preservation in Multi-Dwelling Zones

	Transferable Floor Area for Each Tree (by zone)			
Diameter of Tree Preserved	RM1	RM2	RM3	RM4 & RX
12 to 19 inches	1,000 sq. ft.	1,500 sq. ft.	2,000 sq. ft.	4,000 sq. ft.
20 to 35 inches	2,000 sq. ft.	3,000 sq. ft.	4,000 sq. ft.	8,000 sq. ft.
36 inches or greater	4,000 sq. ft.	6,000 sq. ft.	8,000 sq. ft.	16,000 sq. ft.

33.120.211 Floor Area Bonus Options

A. Purpose and description. The bonus options allow additional floor area as an incentive for development that includes affordable housing, family-sized units, or units that are physically accessible to people of all abilities. The bonus options are designed to allow additional development intensity in a manner that is consistent with the purposes of the multi-dwelling zones.

B. General floor area bonus regulations.

1. The floor area bonus options in this section are only allowed in the RM1, RM2, RM3, RM4, and RX zones outside the Central City and Gateway plan districts. Sites where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years are not eligible to use bonus options unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure on the site that was demolished was an accessory structure, or the demolition was approved through demolition review.

2. More than one bonus may be used up to the overall maximum per site stated in Table 120-5. Adjustments to the maximum amount of floor area obtainable through bonuses are prohibited.

3. The increment of additional FAR allowed per bonus is stated in Table 120-5 and described in Subsection C.

4. The bonus option standards must be met in full to receive the bonus.

Table 120-5 Summary of Bonus FAR				
	RM1	RM2	RM3	RM4 & RX
Overall Maximum Per Site [1]				
Maximum FAR with deeper housing affordability bonus (see 33.120.211.C.2)	2 to 1	3 to 1	4 to 1	7 to 1 or 6 to 1 [3]
Maximum FAR with other bonuses [2]	1.5 to 1	2.25 to 1	3 to 1	6 to 1 or 4.5 to 1 [3]
Increment of Additional FAR Per Bonus				
Inclusionary Housing (see 33.120.211.C.1)	0.5 to 1	0.75 to 1	1 to 1	2 to 1 or 1.5 to 1 [3]
Deeper Housing Affordability (see 33.120.211.C.2)	1 to 1	1.5 to 1	2 to 1	3 to 1
Three-Bedroom Units (see 33.120.211.C.3)	0.25 to 1	0.4 to 1	0.5 to 1	1 to 1 or 0.75 to 1 [3]
Visitable Units (see 33.120.211.C.4)	0.25 to 1	0.4 to 1	0.5 to 1	1 to 1 or 0.75 to 1 [3]

[1] Overall maximum FAR includes FAR received from a transfer.
[2] Other bonuses are the Inclusionary Housing, Three-Bedroom Units, and Visitable Units bonuses.
[3] The lower FAR applies in the RM4 zone in Historic and Conservation districts.

C. Bonus options.

1. Inclusionary housing bonus option. Maximum FAR may be increased as stated in Table 120-5 if one of the following is met:

   a. Mandatory inclusionary housing. Bonus FAR is allowed up to the maximum with inclusionary housing bonus stated in Table 120-5 for development that triggers the requirements of 33.245, Inclusionary Housing. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met; or

   b. Voluntary inclusionary housing. Bonus FAR is allowed up to the maximum with inclusionary housing bonus stated in Table 120-5 when one of the following voluntary bonus options is met:

      (1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter must be submitted before a building permit can be issued for the development, but is not required in order to apply for a land use review; or

(2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development but is not required in order to apply for a land use review.

2. Deeper housing affordability bonus option. Bonus FAR is allowed up to the maximum with deeper housing affordability bonus as stated in Table 120-5 when at least 50 percent of all the dwelling units on the site are affordable to those earning no more than 60 percent of area median family income or an affordability level established by Title 30. Projects taking advantage of this bonus are also allowed an additional 10 feet of base height and an additional 10 percent of building coverage beyond the limits for the zone stated in Table 120-3. To qualify for this bonus the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau. The letter must be submitted before a building permit can be issued for the development but is not required in order to apply for a land use review.

3. Three-bedroom unit bonus option. Bonus FAR is allowed up to the maximum with three-bedroom unit bonus as stated in Table 120-5 if at least 50 percent of the dwelling units on the site have at least three bedrooms and are affordable to those earning no more than 100 percent of the area median family income. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the required three-bedroom units meet the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau.

4. Visitable units bonus option. Bonus FAR is allowed up to the maximum with visitable units bonus as stated in Table 120-5 when at least 25 percent of all the dwelling units on the site are built to either Type A or Type C standards as described below. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060 and ensures that the features required by the Type A or Type C standards cited below are retained for the life of the dwelling unit:

   a. Dwelling units in houses, attached houses, duplexes, attached duplexes, triplexes, fourplexes, and multi-level dwelling units in multi-dwelling structures or multi-dwelling development must meet the requirements for Type C visitable units in ICC A117.1 (2009 Edition) and must have at least 200 square feet of living area on the same floor as the main entrance;

   b. Other types of dwelling units must meet the requirements for Type A units as defined in the Oregon Structural Specialty Code.

33.120.212 Maximum Density

A. Purpose. The maximum number of dwellings per unit of land, the maximum density, is controlled in the RMP zone so that housing can match the availability of public services and the availability of support commercial areas. The standards also allow the housing density to be matched with the carrying capacity of the land. In addition, the density standard is used as one type of control of overall building bulk. The bonus density options allow additional floor area as an incentive for providing affordable housing.

B. Maximum density. The maximum density for the RMP zone is stated in Table 120-3. There is no maximum density for any other multi-dwelling zone. All new housing built, or converted from other uses, must be on sites large enough to comply with the density standards. The number of units allowed on a site is based on the presumption that all site development standards will be met. The allowed density is not a special right that justifies adjusting other development standards.

C. RMP zone affordable housing bonus option. In the RMP zone, maximum density can be increased up to the maximum with RMP affordable housing bonus stated in Table 120-3 when at least 50 percent of all of the dwelling units on the site are affordable to those earning no more than 60 percent of area median family income. To qualify for this bonus the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau. The letter must be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.

D. Transfer of density.

1. Density may be transferred from a site zoned RMP to a site zoned RM1, RM2, RM3, or RM4 outside of the Central City plan district. When density will be transferred from a site zoned RMP, one dwelling unit is equal to 800 square feet of floor area. Transfers of density or FAR to a site zoned RMP is prohibited.

2. The property owner must execute a covenant with the City that is attached to, and recorded with, the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant for the receiving site must meet the requirements of Section 33.700.060.

33.120.213 Minimum Density

A. Purpose. The minimum density standards ensure that the service capacity is effectively utilized and that the City's housing goals are met. The standards also ensure that incremental development will not preclude the ability to meet the intended development intensity of the zoning of a site.

B. Minimum density. The minimum density requirements for the multi-dwelling zones are stated in Table 120-3. Land within an Environmental zone may be subtracted from the calculation of minimum density.

1. If units are being added to a site with an existing building with residential units, the minimum density is reduced by two units.

2. In the RMP zone, if maximum density is two units then minimum density is two units. If maximum density is one unit, minimum density is one unit.

3. On sites where trees that are 12 or more inches in diameter are proposed for preservation, minimum density may be reduced as follows:

   a. The maximum allowed reduction in minimum density is shown in Table 120-6.

   b. When this provision is used to reduce density, the owner must execute a covenant with the City. The covenant is not required if the site is also part of a proposed Land Division. The covenant must:

      (1) Require that all trees used to reduce the minimum density be preserved for at least 10 years;

      (2) Allow trees used to reduce the minimum density that die, are dying, or become dangerous to be removed and replaced within the 10 year preservation period. The trees must be determined to be dead, dying, or dangerous by an arborist, and a Title 11 tree permit must be obtained. If a tree used to reduce the minimum density is dead, dying, or dangerous as the result of a violation, Tree Review is required; and

      (3) The covenant must meet the requirements of Section 33.700.060 and be recorded before a development permit is issued.

Table 120-6
Reduction in Minimum Residential Density from Tree Preservation

Required Minimum Residential Density	No. of 12-Inch Trees To Be Preserved	Reduction of Minimum Residential Density
Up to 7 units	1	1
8-12 units	1	1
	2 or more	2
13-17 units	1	1
	2	2
	3 or more	3
18 or more units	1	1
	2	2
	3	3
	4 or more	4

33.120.215 Height

A. Purpose. The height standards serve several purposes:

- They promote a reasonable building scale and relationship of one residence to another;
- They promote options for privacy for neighboring properties; and
- They reflect the general building scale of multi-dwelling development in the City's neighborhoods.

B. Height standard.

1. Base height. The base heights allowed in the multi-dwelling zones are stated in Table 120-3. The maximum height standard for institutional uses is stated in 33.120.275, Development Standards for Institutions. The maximum height standards for detached accessory structures are stated in 33.120.280, Detached Accessory Structures. In the RM4 zone the base height is 75 feet, except as follows:

   a. On sites that are not within a Historic or Conservation district but are within 500 feet of a transit street with 20-minute peak hour service the base height is 100 feet; and

   b. On sites within 1,000 feet of a transit station the base height is 100 feet, including on sites that are within a Historic or Conservation district.

2. Step-down height. In the following situations, the base height is reduced, or stepped-down:

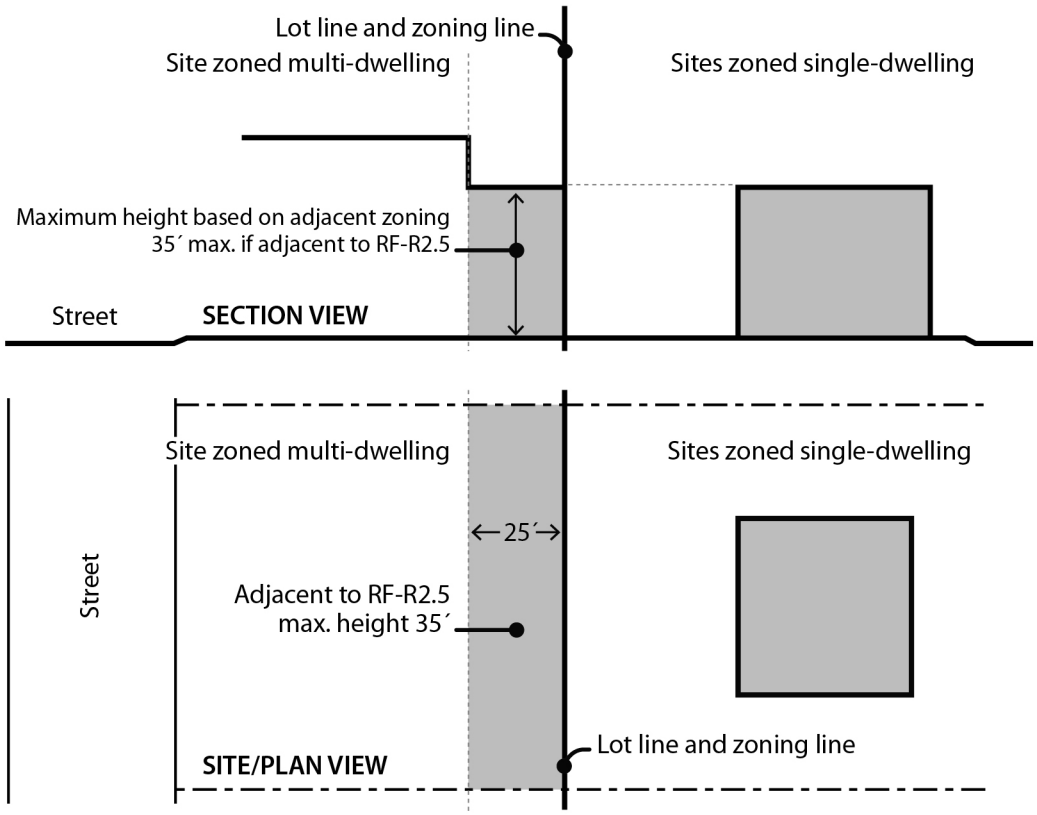
   a. On the portion of a site within 25 feet of a lot line abutting a site zoned RF through R2.5, the step-down height is 35 feet. See Figure 120-1. Sites with property lines that abut a single-dwelling zone for less than a 5-foot length are exempt from this standard; and

   b. On the portion of the site within 15 feet of a lot line that is across a local service street or alley from a site zoned RF through R2.5 the following step-down height limits apply. The limits do not apply to portions of buildings within 100 feet of a transit street.

      (1) The step-down height is 45 feet for sites in the RM2, RM3, RM4, and RX zones.

      (2) The step-down height is 35 feet for sites in the RM1 and RMP zones.

Figure 120-1
Step-Down Height Adjacent to Single-Dwelling Zones



C. Exceptions to the maximum height.

1. Chimneys, vents, flag poles, satellite receiving dishes, and other similar items, with a width, depth, or diameter of 5 feet or less may extend above the height limit, as long as they are attached to a building and do not exceed 5 feet above the top of the highest point of the roof. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.

2. Parapets and railings. Parapets and rooftop railings may extend 4 feet above the height limits.

3. Walls and fences. Walls or fences located between individual rooftop decks may extend 6 feet above the height limit provided that the wall or fence is set back at least 4 feet from the edges of the roof.

4. Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades.

   a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and

b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.

5. Antennas, utility power poles, and public safety facilities are exempt from the height limit.

6. Small wind turbines are subject to the standards of Chapter 33.299.

7. Roof mounted solar panels are not included in height calculations, and may exceed the maximum height limit as follows:

a. For flat roofs or the horizontal portion of mansard roofs, the roof mounted solar panel may extend up to 5 feet above the top of the highest point of the roof.

b. For pitched, hipped, or gambrel roofs, the roof mounted solar panel must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.

33.120.220 Setbacks

A. Purpose. The building setback regulations serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of multi-dwelling development in the City's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for building residents and neighboring properties;
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity;
- Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

B. Minimum building setbacks. The required minimum building setbacks apply to all buildings and structures on the site except as specified in this section. Setbacks for parking areas are in Chapter 33.266.

1. Generally. The required minimum building setbacks, if any, are stated in Table 120-3. In the RM3 and RM4 zones, the minimum side and rear building setbacks apply as follows:

a. Buildings that are up to 55 feet tall. The required minimum side and rear building setback for buildings that are up to 55 feet tall is 5 feet. Minor projections allowed by Paragraph 33.120.215.C do not count toward this height measurement; and

b. Buildings more than 55 feet tall. The required minimum side and rear building setback for buildings that are more than 55 feet tall is 10 feet from a side or rear

lot line that is not a street lot line, and 5 feet from a side or rear lot line that is a street lot line.

2. Eastern Pattern Area minimum rear building setback.

   a. Minimum rear building setback. In the RM1, RM2, RM3 and RM4 zones in the Eastern Pattern Area the required minimum rear building setback is an amount equal to 25 percent of the total depth of the site. No more than 50 percent of the Eastern Pattern Area rear setback can be vehicle area. The Eastern Pattern Area is shown on Map 120-3.

   b. Exemptions. The following are exempt from the Eastern Pattern Area minimum rear building setback. When a site is exempt from the Eastern Pattern Area minimum rear building setback, the base zone required minimum rear building setback stated in Table 120-3 applies:

      (1) Corner lots and lots that are up to 100 feet deep are exempt from the Eastern Pattern Area minimum rear building setback; and

      (2) Sites where at least 10 percent of the total site area is outdoor common area and the common areas measure at least 30 feet in all directions are exempt from the Eastern Pattern Area minimum rear setback.

3. Exceptions to the required building setbacks.

   a. Setback matching. The minimum front and side street building setbacks and the setback of decks, balconies, and porches may be reduced to match the setback on an abutting lot.

   b. Raised ground floor. In the RM2 and RM3 zones the minimum front building setback may be reduced to 5 feet, and in the RM4 zone the minimum front and side street building setbacks may be reduced to zero feet, for buildings where the finished floor of ground floor residential units is at least 2 feet above the grade of the closest adjoining sidewalk. This exception does not apply in the Eastern Pattern Area shown on Map 120-3.

   c. Courtyard. Except in the Eastern Pattern Area shown on Map 120-3, the required minimum front or side street setback may be reduced to zero in the RM2 and RM3 zones, and may be reduced to 5 feet in the RM1 zone when:

      (1) At least 20 feet or 25 percent of the length of the street-facing building facade, whichever is greater, is setback at least 40 feet from the street lot line;

      (2) At least half of the area between the setback portion of the building and the street lot line is landscaped to at least the L1 standard and the setback includes no vehicle area; and

      (3) The finished floor of the ground floor is at least 2 feet above the grade of the closest abutting sidewalk.

   d. Ground floor commercial. The required minimum front or side street setbacks may be reduced to zero in the RM2, RM3 and RM4 zones when the ground floor

includes a commercial use and at least 50 percent of the length of the ground-floor street-facing façade is in a commercial use or is an indoor common area, such as an indoor recreation facility or community room. This exception does not apply in the Eastern Pattern Area shown on Map 120-3.

e. Environmental zone. The required minimum front and street building setback and garage entrance setback may be reduced to zero where any portion of the site is in an environmental overlay zone. Where a side lot line is also a street lot line the side building and garage entrance setback may be reduced to zero. All other provisions of this Title apply to the building and garage entrance.

f. Split zoning. No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.

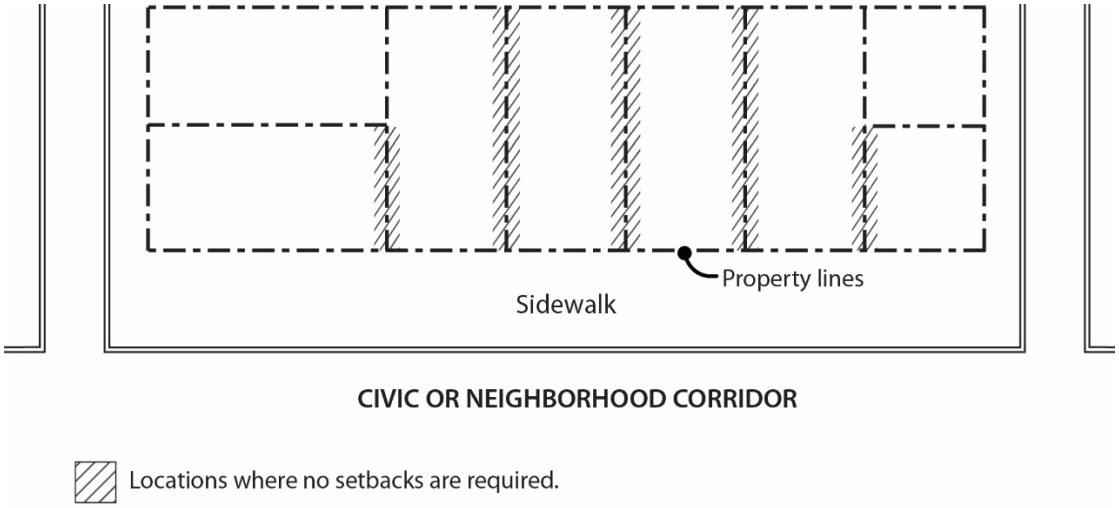
g. Alley. No side or rear building setback is required from a lot line abutting an alley.

h. Land divisions with existing development. When a dedication of public right-of-way along the frontage of an existing street is required as part of a land division, the minimum front or side setback between an existing building and a lot line that abuts the right-of-way may be reduced to zero. Eaves on an existing building may extend one foot into the reduced setback, except that they may not extend into the right-of-way. Future additions or development must meet required minimum setbacks.

i. Eastern Pattern Area. In the Eastern Pattern Area, the footprint of buildings containing only indoor common area, such as recreational facilities or tenant community rooms, may cover up to 25 percent of the Eastern Pattern Area minimum rear building setback. In this case, the building must be set back at least 5 feet from the rear lot line.

j. Inner Pattern Area. In the RM2, RM3, and RM4 zones in the Inner Pattern Area, on sites that abut a Civic or Neighborhood Corridor shown on Map 120-1, no setback is required from a lot line that abuts a property that also has a lot line on a Civic or Neighborhood Corridor. See Figure 120-2. However, windows in the walls of dwelling units must be setback a minimum of 5 feet from a lot line that abuts another property and this setback area must be a minimum width of 12 feet or the width of the residential window, whichever is greater.

Figure 120-2
No setbacks between properties on Civic or Neighborhood Corridors



C. Maximum building setbacks.

1. Maximum building setbacks on a transit street or in a Pedestrian District. The required maximum building setbacks, if any, are stated in Table 120-3, and apply only to buildings that are enclosed on all sides. The maximum building setbacks on a transit street or in a Pedestrian District are as follows. At least 50 percent of the length of the ground level street-facing façade of the building must meet the maximum building setback standard:

   a. Applying the standard.

      (1) Where an existing building is being altered, the standards apply to the ground level, street-facing facade of the entire building. See Figures 120-3 and 120-4.

      (2) Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing facades of all the buildings. See Figures 120-5 and 120-6.

      (3) For buildings where all of the floor area is in residential use, the street-facing facade of an open porch that meets the following standards is included as part of the ground level, street-facing facade of the building:
      - For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;
      - The porch must have at least one entrance facing the street; and
      - The porch must have a roof that is:
        - No more than 12 feet above the floor of the porch; and
        - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.

b. Outside a Pedestrian District. Where the site is not in a Pedestrian District:

(1) One transit street. Where the site is adjacent to one transit street, the standard must be met on the transit street frontage;

(2) Two non-intersecting transit streets. Where the site is adjacent to two transit streets that do not intersect:

- The standard must be met on the frontage of the street with the highest transit classification. If both streets have the same highest classification, the applicant may choose on which street to meet the standard;
- If one of the transit streets intersects a City Walkway, the standard must be met along both the street with the highest transit classification and the City Walkway;

(3) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, the standard must be met on the frontages of the two streets with the highest transit classifications. If more than two streets have the same highest transit classification, the applicant may choose on which two streets to meet the standard;

c. In a Pedestrian District. Where the site is in a Pedestrian District, the maximum building setback standard applies to all street frontages, with the following exceptions:

(1) Through lots. If the site is a through lot, the maximum setback standard only applies to the street with the highest transit street classification. If multiple streets have the same highest transit street classification, the applicant may choose on which street to apply the standard.

(2) Three or more street frontages. If the site has street lot lines on three or more streets, the maximum setback standard only applies to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit street classifications. If multiple streets have the same highest transit street classification, the applicant may choose on which streets to apply the standard.

Figure 120-3
Alteration to Existing Building in Conformance with Maximum Setback Standard

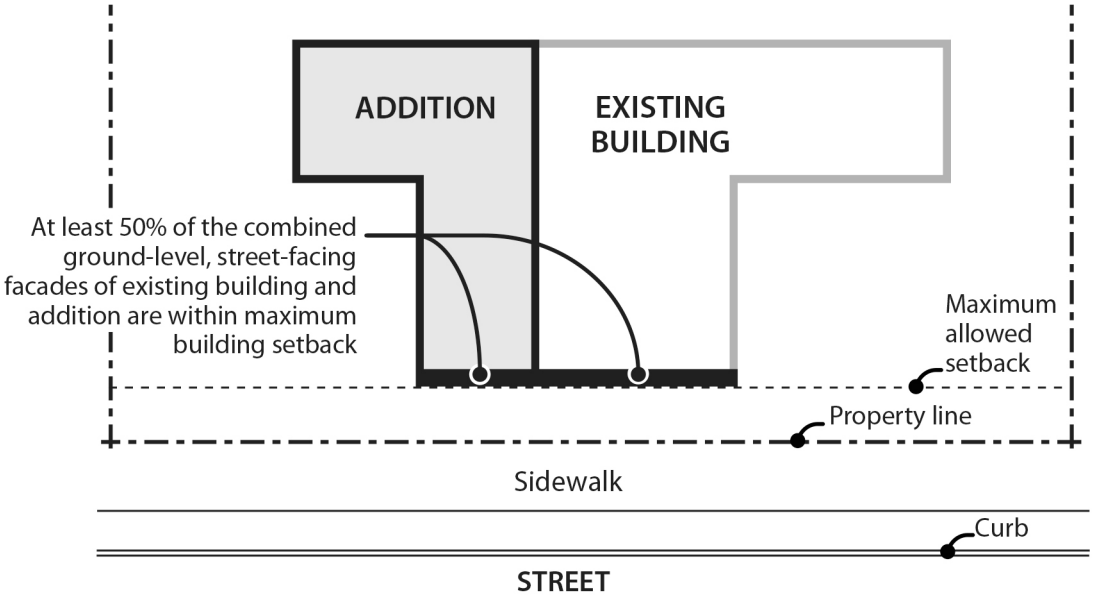
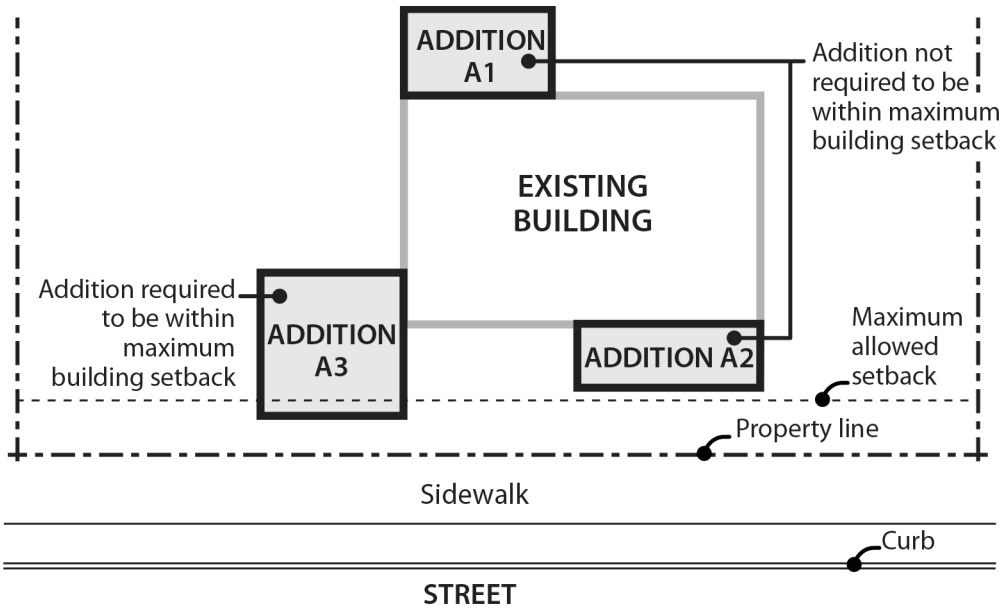


Figure 120-4
Alterations to Existing Building



Notes:

Addition A1. Not subject to maximum setback standard because addition has no street-facing facade.

Addition A2. Brings building closer to conformance with maximum setback standard because it does not increase the length of the street-facing facade, and it brings building closer to maximum building setback line.

Addition A3. Because addition increases length of street facing facade, 100% of addition facade must be within maximum setback until maximum setback standard for entire building is met.

Figure 120-5
Calculating Maximum Building Setback When More Than One Building On Site

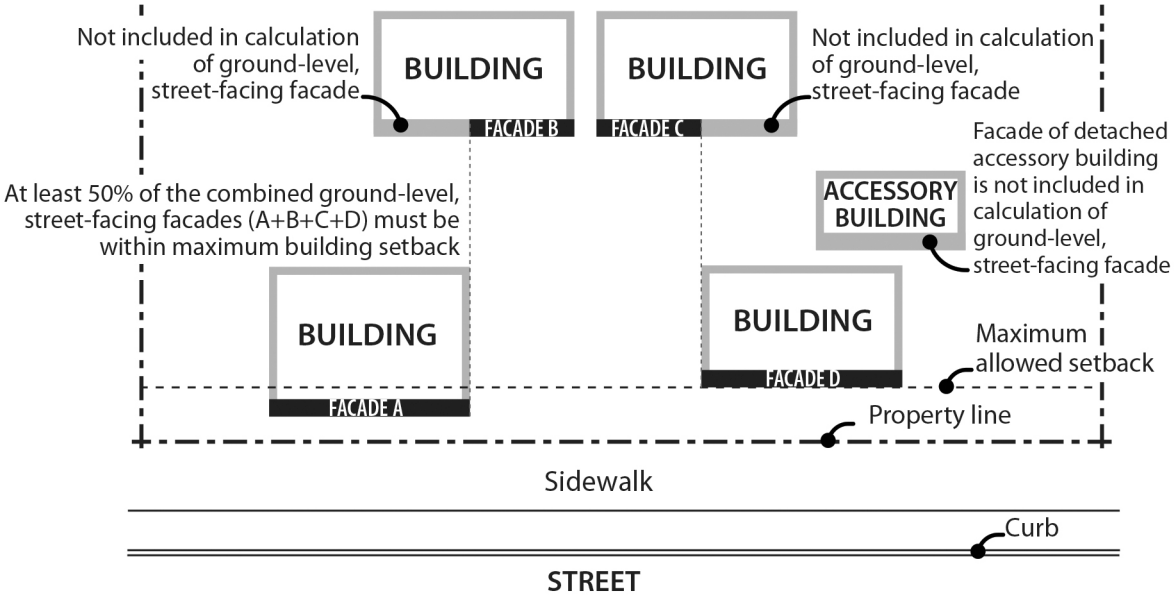
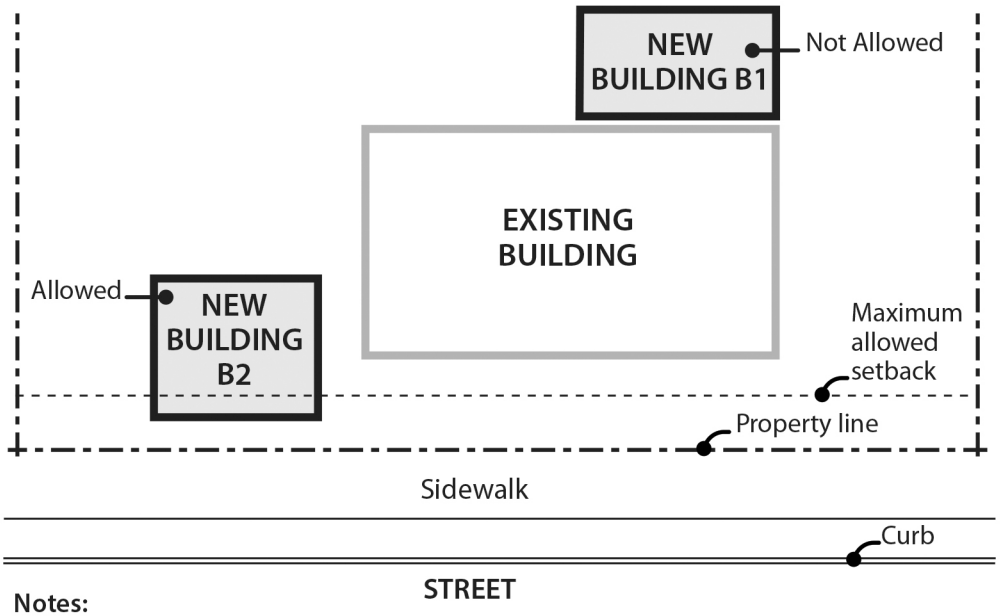


Figure 120-6
New Buildings On Sites With Buildings That Do Not Meet The Maximum Building Setback



Notes:
New Building B1. Not allowed because it moves site further out of conformance with maximum setback standard.
New Building B2. Because building increases length of combined street-facing facade on the site, 100% of building facade must be within maximum setback until maximum setback standard for site is met.

2. Exemptions.

   a. Flag lots. Flag lots are exempt from the maximum setback standards of this section.

   b. Detached accessory structures. Detached accessory structures are exempt from the maximum setback standards of this section. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 120-5.

D. Extensions into required building setbacks.

1. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback, except as indicated. However, the feature must be at least 3 feet from a lot line, except as allowed in 33.120.270, Alternative Development Options:

   a. Chimneys, fireplace inserts and vents, mechanical equipment, and fire escapes;

   b. Wheelchair ramps, water collection cisterns and stormwater planters that do not meet the standards of Paragraph D.4;

   c. Decks, stairways, and uncovered balconies that do not meet the standard for Paragraph D.4, but only along a street lot line; and

   d. Bays and bay windows but only along a street lot line and must meet the following requirements:

      (1) Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building facade cannot be more than 30 percent of the area of the facade;

      (2) At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block; and

      (3) Bays and bay windows must cantilever beyond the foundation of the building.

2. Building eaves may project up to 2 feet into a required setback, provided the eave is at least 3 feet from a lot line.

3. Canopies and awnings may extend up to 5 feet into a required setback along a street lot line.

4. The following minor features may extend into entire required building setbacks:

   a. Utility connections attached to the building that are required to provide services, such as water electricity and other similar utility services;

   b. Gutters and downspouts that drain stormwater off a roof of the structure;

   c. Stormwater planters that are no more than 2-1/2 feet above the ground;

d. Water collection cisterns that are 6 feet or less in height;

e. Attached decks, stairs, and ramps that are no more than 2-1/2 feet above the ground. However, stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building are allowed to extend into the required street setbacks regardless of height above ground; and

f. On lots that slope down from the street, vehicular or pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation.

5. Detached accessory structures. The setback standards for detached accessory structures including detached mechanical equipment are stated in 33.120.280 below. Fences are addressed in 33.120.285, below. Detached accessory dwelling units are addressed in Chapter 33.205.

E. Garage entrance and structured parking setback.

1. Garage entrance setback. The garage entrance setback is stated in Table 120-3. See Chapter 33.910, Definitions, for a description. The walls of the garage structure are subject to 33.120.283 and the applicable front, side, or rear building setbacks.

a. In the RM2, RM3, RM4, and RX zone, the garage entrance must be either 5 feet or closer to the street lot line, or 18 feet or farther from the street lot line. If the garage entrance is located within 5 feet of the front lot line, it may not be closer to the lot line than the facade of the residential portion of the building.

b. Exceptions. No setback is required from a lot line abutting an alley. However, the Bureau of Transportation may require the garage entrance to be set back to ensure adequate turning radius into the garage.

2. Setbacks for structured parking. Structured parking that allows exiting in a forward motion is subject to the setback requirements for buildings. Structured parking that does not allow exiting in a forward motion is subject to the garage entrance setback standard stated in Table 120-3.

33.120.225 Building Coverage

A. Purpose. The building coverage standards, along with the height and setback standards, limit the overall bulk of structures. They assure that larger buildings will not have a footprint that overwhelms adjacent development. The standards help define the character of the different zones by determining how built-up a neighborhood appears.

B. Maximum building coverage. The maximum building coverages for all covered structures on the site are stated in Table 120-3. In the RM2 zone, maximum building coverage on sites that abut a Civic Corridor or Neighborhood Corridor shown on Map 120-1 is 70 percent of site area. Maximum building coverage on all other RM2 sites is 60 percent of site area.

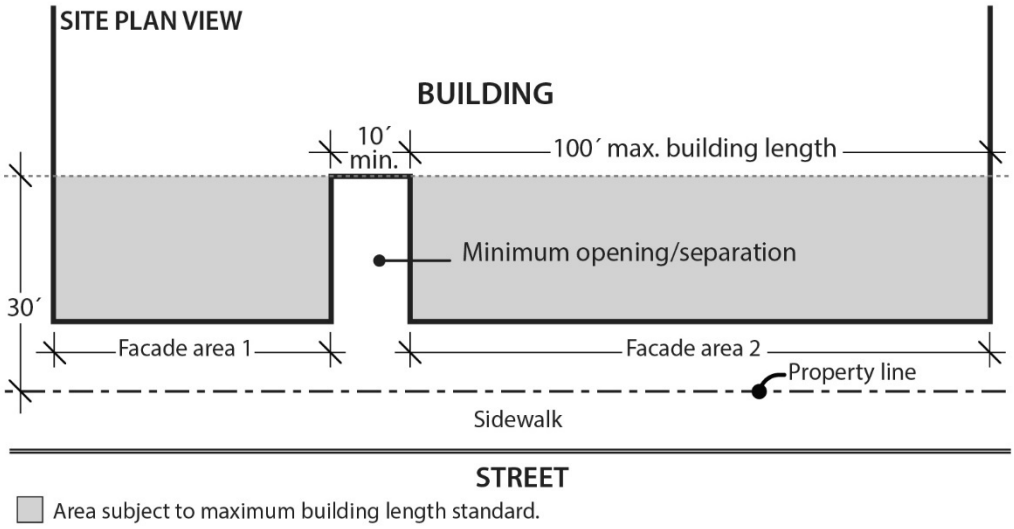
C. Exception. Structured parking that is no more than 6 feet above grade at any point, except as indicated below, does not count toward building coverage if the structured parking does not have floor area above it, and the structured parking is covered by landscaping or an outdoor common area. Vehicle or pedestrian access into the structured parking is exempt from the calculation of grade, if the access is no more than 20 feet wide.

33.120.230 Building Length and Façade Articulation

A. Purpose. These standards, along with the height and setback standard, limit the bulk of buildings close to the street. These standards help ensure that large buildings will be divided into smaller components that relate to the scale and development patterns of Portland's multi-dwelling residential areas and add visual interest and variety to the street environment.

B. Maximum building length. In the RM1, RM2, and RMP zones, the maximum building length for the portion of buildings located within 30 feet of a street lot line is 100 feet. The portions of buildings subject to this standard must be separated by a minimum of 10 feet. See Figure 120-7. Manufactured dwelling parks are exempt from this standard.

Figure 120-7
Maximum Building Length



C. Facade articulation

1. Where the standard applies. This standard applies in the RM2 through RM4 zones as follows:

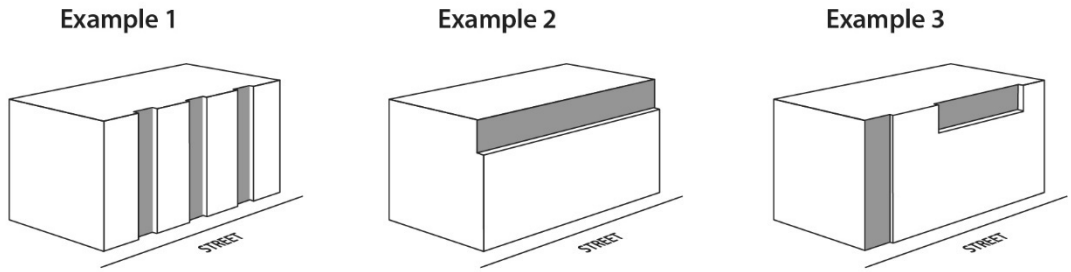
   a. In the RM2 zone, the standard applies to buildings more than 35 feet high that have facade areas of more than 3,500 square feet within 20 feet of a street property line.

   b. In the RM3 and RM4 zones, the standard applies to buildings more than 45 feet high that have facade areas of more than 4,500 square feet within 20 feet of a street property line.

   c. Portions of building facades that are vertically separated by a gap of at least 10 feet in width extending at least 30 feet in depth from the street property line are considered to be separate facades areas for the purposes of the facade area measurements. See Figure 120-7.

2. The standard. At least 25 percent of the area of a street-facing facade within 20 feet of a street lot line must be divided into facade planes that are off-set by at least 2 feet in depth from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind, or project out from, the primary facade plane, but projections into street right-of-way do not count toward meeting this standard. See Figure 120-8.

Figure 120-8
Facade Articulation



33.120.231 Main Entrances

A. Purpose. The main entrance standards:

- Together with the window and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- Enhance public safety for residents and visitors and provide opportunities for community interaction;
- Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
- Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.

B. Where these standards apply.

1. The standards of this section apply to all residential structure types in the multi-dwelling zones except for accessory dwelling units, manufactured dwelling parks, and houseboat moorages. For multi-dwelling development, the standards apply only to residential structures that are located within 40 feet of a street lot line.

2. Where a proposal is for an alteration or addition to existing development, the standards apply only to the portion being altered or added.

3. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street frontage, the standards apply to the transit street. If there is no transit street, the applicant may choose on which frontage to meet the standards. If there is more than one transit street, the standards apply to the street with the highest transit street classification. If all streets have the same transit street classification, the applicant may choose on which frontage to meet the standards.

4. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.

5. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.

6. Development on lots where any portion of the lot is in a special flood hazard area is exempt from the standard in Subsection D.

C. Main entrance.

1. Standard. At least one main entrance for each structure must:

   a. Be within 8 feet of the longest street-facing wall of the structure; and

   b. Either:

      (1) Face the street. See Figure 120-9;

      (2) Be at an angle of up to 45 degrees from the street; or

      (3) Open onto a porch. See Figure 120-10. The porch must:
      - Be at least 25 square feet in area;
      - Have at least one entrance facing the street; and
      - Have a roof that is:
        - No more than 12 feet above the floor of the porch; and
        - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.

2. Alternative for multi-dwelling structures. As an alternative to Paragraph C.1, an entrance to a multi-dwelling structure may face a courtyard if the courtyard-facing entrance is located within 60 feet of a street and the courtyard meets the following standards:

   a. The courtyard must be at least 15 feet in width;

   b. The courtyard must abut a street; and

   c. The courtyard must be landscaped to at least the L1 level, or hard-surfaced for use by pedestrians.

D. Distance from grade. For houses, attached houses, manufactured homes, duplexes, triplexes, and fourplexes, the main entrance that meets Paragraph C.1 must be within 4 feet of grade. For the purposes of this Subsection, grade is the average grade measured at the outer most corners of the street facing facade. See Figure 120-11.

Figure 120-9
Main Entrance Facing the Street

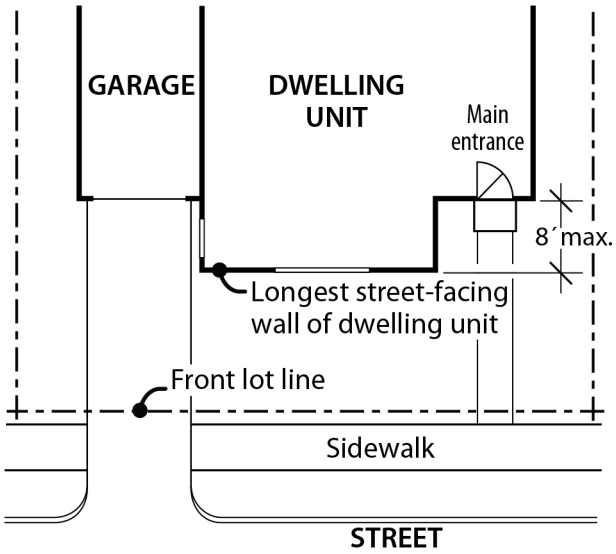


Figure 120-10
Main Entrance Opening Onto a Porch

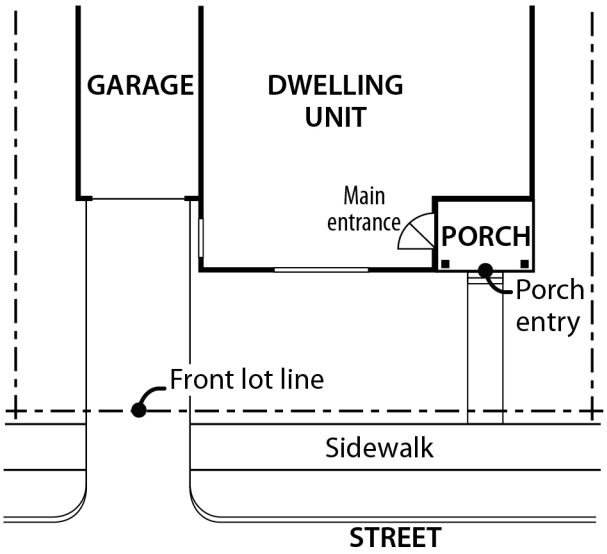
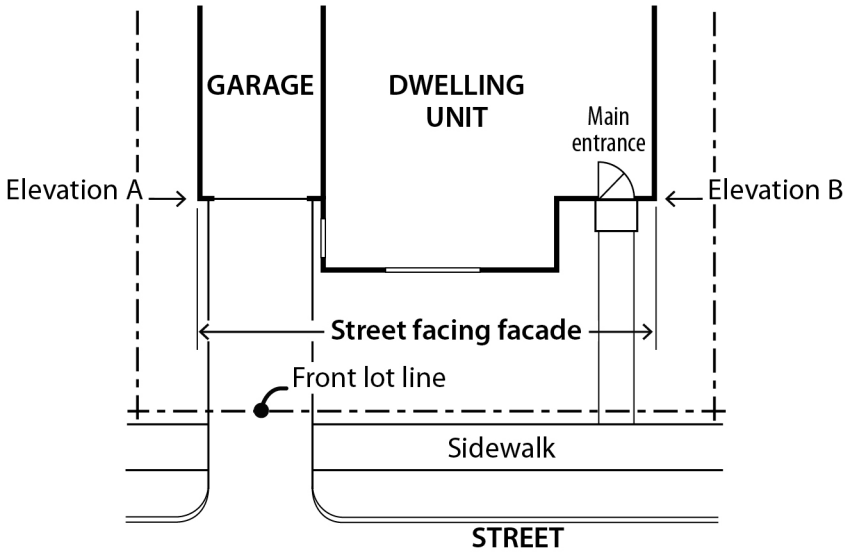


Figure 120-11
Calculation of Grade: (Elevation A + Elevation B) / 2



33.120.232 Street-Facing Facades

A. Purpose. The standards:

- Work with the main entrance and garage standards to ensure that there is a visual connection between the living area of the residence and the street;
- Enhance public safety by allowing people to survey their neighborhood from inside their residences; and
- Provide a pleasant pedestrian environment by preventing large expanses of blank facades along streets.

B. Where these standards apply.

1. The standards of this section apply to the street-facing facades of buildings that include any residential uses. The standards of this section do not apply in the RMP zone.

2. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing facade.

3. Development on flag lots, and development on lots that slope up or down from the street with an average slope of 20 percent or more, is exempt from these standards.

4. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from Subsection C.

5. For structures subject to ground floor window standard in Subsection D, windows used to meet the ground floor window standard may also be used to meet the requirements of Subsection C.

C. **Windows.** At least 15 percent of the area of each facade that faces a street lot line must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard a door must be at the main entrance and facing the street property line. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.

D. **Ground floor windows.** The following ground floor window standards apply to the portion of a building with ground floor commercial uses. For the purposes of this Paragraph, ground floor wall area includes exterior wall area from 2 feet to 10 feet above the finished grade. Required ground floor windows must be windows in walls or entrances that allow views into working area or display windows that are at least 24 inches deep set into a wall. The bottom of qualifying windows must be no more than 4 feet above the adjacent exterior grade:

1. Windows must cover at least 40 percent of the ground floor wall area of the portion of a building that has a ground floor commercial use when the ground floor wall is located closer than 5 feet from a street lot line.

2. Windows must cover at least 25 percent of the ground floor wall area of the portion of building that has a ground floor commercial use when the ground floor wall is located 5 feet or more from a street lot line.

33.120.235 Landscaped Areas

A. **Purpose.** The standards for landscaped areas are intended to enhance the overall appearance of residential developments and institutional campuses in multi-dwelling zones. The landscaping improves the residential character of the area, breaks up large expanses of paved areas and structures, provides privacy to the residents, and provides separation from streets. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater run-off by providing a non-paved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife.

B. **Minimum landscaped areas.** The required amount of landscaped area is stated in Table 120-3. Sites developed with a house, attached house, duplex, or manufactured dwelling park are exempt from this standard. Any required landscaping, such as for required setbacks or parking lots, applies toward the minimum required landscaped area.

1. Except as allowed by Paragraph B.2., required landscaped areas must:

   a. Be at ground level or in raised planters that are used to meet minimum Bureau of Environmental Services stormwater management requirements; and

   b. Comply with at least the L1 standard described in Chapter 33.248, Landscaping and Screening. However, up to one-third of the required landscaped area may be improved for active or passive recreational use or for use by pedestrians. Examples of active or passive recreational use include walkways, play areas, plazas, picnic areas, garden plots, and unenclosed recreational facilities.

2. Urban green alternative landscaped area. One or more of the following may be used to meet up to 50 percent of the required landscaped area:

   a. Ecoroof. An ecoroof area may apply toward meeting the required landscaped area standard at a ratio of 4 square feet of ecoroof area for every 1 square foot of required landscaped area. The ecoroof area must be approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual.

   b. Raised landscaped areas. Landscaped area raised above ground level may apply toward meeting the minimum landscaped area standard when landscaped to at least the L1 standard and soil depth is a minimum of 30 inches. Large trees are not allowed in raised landscaped area used to meet this alternative.

C. Additional landscaping standards.

1. Building setbacks. The required building setbacks must be landscaped to at least the L1 standard of Chapter 33.248, Landscaping and Screening. Ground-level pedestrian pathways, detached accessory structures and other development allowed in the setbacks are exempt from this standard except in the Eastern Pattern Area where allowed development can cover no more than 50 percent of the Eastern Pattern Area minimum rear setback area. Sites that are 10,000 square feet or less in total site area are also exempt from this standard.

2. Parking areas. Perimeter and internal parking area landscaping standards are stated in Chapter 33.266, Parking And Loading.

33.120.237 Trees

Requirements for street trees and for on-site tree preservation, protection, and overall tree density are specified in Title 11, Trees. See Chapter 11.50, Trees in Development Situations.

33.120.240 Required Outdoor and Common Areas

A. Purpose. The required outdoor and common area standards ensure opportunities for outdoor relaxation or recreation. The standards work with the building coverage and minimum landscaped areas standards to ensure that some of the land not covered by buildings is of adequate size, shape, and location to be usable for outdoor recreation or relaxation. The standards also ensure that outdoor areas are located so that residents have convenient access. Required outdoor areas are an important aspect in addressing the livability of a residential property by providing outdoor living opportunities, some options for outdoor privacy, and a healthy environment. These standards also allow for common area requirements to be met by indoor community facilities because they also provide opportunities for recreation and gathering.

B. Outdoor area and common area requirements. In the RM1 through RM4 zones, both outdoor and common areas are required. Required common area may count toward required outdoor area, but individual private outdoor area may not count toward required common area. The standards of this section do not apply in the RX and RMP zones.

1. Required outdoor area. Outdoor area is required in the amounts stated below. Outdoor area may be provided as individual private outdoor area, such as a patio or

balcony, or may be provided as common area, such as outdoor courtyards, outdoor play area, indoor recreational facilities, or indoor community rooms. There may be a combination of individual or common areas.

a. RM1 and RM2 zones. In the RM1 and RM2 zones, at least 48 square feet of outdoor area is required per dwelling unit.

b. RM3 and RM4 zones. In the RM3 and RM4 zones, on sites that are 20,000 square feet or less in total area, at least 36 square feet of outdoor area is required per dwelling unit. In the RM3 and RM4 zones, on sites that are more than 20,000 square feet in total area, at least 48 square feet of outdoor area is required per dwelling unit.

2. Required common area.

a. Required common area standard. On sites that are more than 20,000 square feet in total site area, at least 10 percent of total site area must be provided as common area. At least 50 percent of the required common area must be outdoor area, such as outdoor courtyards or outdoor play areas. Up to 50 percent of the required common area may be indoor common area, such as indoor recreation facilities or indoor community rooms.

b. Exemption. The required common area standard does not apply to sites where:

(1) All of the dwelling units have individual entrances that are within 20 feet of a street lot line;

(2) Each entrance is connected to the street by a path that is at least 3 feet wide and hard surfaced; and

(3) Each dwelling unit has at least 200 square feet of individual outdoor area with a minimum dimension of 10 feet by 10 feet.

C. Size, location and configuration.

1. Individual unit outdoor area. Where a separate outdoor area is provided for an individual unit, it must be designed so that a 4-foot x 6-foot square will fit entirely within it. The outdoor area must be directly accessible to the unit. Areas used for pedestrian circulation to more than one dwelling unit do not count towards meeting this standard of this subsection. If the area is at ground level, it may extend into the entire required side and rear setback. Individual unit outdoor areas located at ground level may also extend into the entire required street setback, but when located within a required street setback the outdoor area must either be at least 2 feet above the grade of the closest adjoining sidewalk or separated from the street lot line by a minimum 3 foot setback landscaped to at least the L2 standard described in Chapter 33.248, Landscaping and Screening. Covered outdoor areas are subject to Paragraph C.5 below.

2. Common areas.

a. Outdoor common area. Where an outdoor, shared common area is provided, it must be designed so that it is at least 500 square feet in area and must measure

at least 20 feet in all directions. The outdoor common area must be located within 20 feet of a building entrance providing access to residential units.

b. Indoor common area. Where an indoor common area is provided, it must be an indoor recreational facility or an indoor tenant community room. Indoor common areas that are not recreational facilities or community rooms, such as lobbies, hallways, laundry facilities, storage rooms, and vehicle or bicycle facilities, cannot be used to meet this requirement.

c. Combination of individual and common areas. Where a combination of individual unit and common areas is provided, each individual area must meet C.1 above and each common area must meet C.2.a or C.2.b above, providing an amount equivalent to the total required by Paragraph B.1 or B.2.

3. Surfacing materials. Required outdoor areas must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for active or passive recreational use.

4. User amenities. User amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pools, may be placed in the outdoor area. Common, shared outdoor areas may also be developed with amenities such as play areas, plazas, roof-top patios, picnic areas, and open recreational facilities.

5. Enclosure. Outdoor areas used to meet the requirements of this section may be covered, such as a covered patio, but they may not be fully enclosed. Covered outdoor areas are subject to the setback standards of this chapter.

33.120.250 Screening

A. Purpose. The screening standards address specific unsightly features which detract from the appearance of multi-dwelling residential areas.

B. Garbage and recycling collection areas. All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

C. Mechanical equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an R zone:

1. A parapet along facades facing the R zone that is as tall as the tallest part of the equipment;

2. A screen around the equipment that is as tall as the tallest part of the equipment; or

3. The equipment is set back from roof edges facing the R zone 3 feet for each foot of height of the equipment.

D. Other screening requirements. Outdoor seating associated with a Retail Sales And Service use must be screened from any abutting residential zones by walls, fences or vegetation. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening. The screening requirements for parking, exterior storage, and exterior display areas are stated with the regulations for those types of development.

33.120.255 Pedestrian Standards

A. Purpose. The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible. The standards promote configurations that minimize conflicts between pedestrians and vehicles. In order to facilitate additional pedestrian oriented space and less impervious surface, the standards also provide opportunities for accessways with low traffic volumes, serving a limited number of residential units, to be designed to accommodate pedestrians and vehicles within the same space when special paving treatments are used to signify their intended use by pedestrians as well as vehicles.

B. The standards. The standards of this section apply to all development except houses, attached houses, manufactured homes on individual lots, duplexes, and attached duplexes. The standards of this section also do not apply to manufactured dwelling parks. An on-site pedestrian circulation system must be provided. The system must meet all standards of this subsection.

1. Connections. The on-site pedestrian circulation system must provide connections as specified below:

   a. Connection between streets and entrances.

      (1) Sites with one street frontage.
      - Generally. All primary buildings located within 40 feet of a street lot line must have a connection between one main entrance and the adjacent street. The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less.
      - Tree preservation. If a tree that is at least 12 inches in diameter is proposed for preservation, and the location of the tree or its root protection zone would prevent the standard of this paragraph from being met, the connection may be up to 200 percent of the straight line distance.

      (2) Sites with more than one street frontage. Where the site has more than one street frontage, the following must be met:
      - The standard of B.1.a(1) must be met to connect the main entrance of each building located within 40 feet of a street lot line to the closest sidewalk or roadway if there are no sidewalks.
      - An additional connection, which does not have to be a straight line connection, is required between each of the other streets and a pedestrian entrance. However, if at least 50 percent of a street facing

facade is within 10 feet of the street, no connection is required to that street.

b. Internal connections. On sites larger than 10,000 square feet, an internal pedestrian connection system must be provided. The system must connect all main entrances on the site that are more than 20 feet from the street, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities.

2. Materials.

a. The circulation system required by the standards of this section must be hard-surfaced and must meet the following minimum width requirements:

(1) The circulation system on sites with up to 4 residential units must be at least 3 feet wide.

(2) The circulation system on sites with 5 to 20 units must be at least 4 feet wide.

(3) The circulation system on sites with more than 20 residential units must be at least 5 feet wide.

(4) Segments of the circulation system that connect only to an entrance providing access to up to 4 units may be 3 feet wide.

b. Except as allowed in subparagraph d, below, where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.

c. Except as allowed in subparagraph d, below, where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.

d. The pedestrian circulation system may be within an auto travel lane if the auto travel lane provides access to 16 or fewer parking spaces and the entire auto travel lane is surfaced with paving blocks or bricks.

3. Lighting. The on-site pedestrian circulation system must be lighted to a level where the system can be used at night by the employees, residents, and customers.

33.120.260 Recycling Areas

Requirements for recycling areas are regulated by the Bureau of Planning and Sustainability. See Section 17.102.270, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code.

33.120.270 Alternative Development Options

A. Purpose. The alternative development options provide increased variety in development while maintaining the residential neighborhood character. The options are intended to:

- Accommodate a diversity of housing types and tenures;
- Encourage development which is more sensitive to the environment, especially in hilly areas;
- Encourage the preservation of open and natural areas;
- Promote better site layout and opportunities for private recreational areas;
- Allow for greater flexibility within a development site while limiting impacts to the surrounding neighborhood;
- Promote more opportunities for affordable housing;
- Allow more energy-efficient development;
- Reduce the impact that new development may have on surrounding residential development;
- Allow a greater sense of enclosure within common greens and shared courts; and
- Ensure adequate open area within common greens.

B. General requirements for all alternative development options. The alternative development options listed in this section are allowed by right unless it is specifically stated otherwise. They must conform with all other development standards of the base zone unless those standards are superseded by the ones in this section. Sites in the RMP zone are not eligible for alternative development option.

C. Attached houses. The development standards for attached housing are:

1. Density, height, and other development standards. The minimum density, height, building length, landscaped areas, required outdoor area, and window requirements of the base zone apply.

2. Lot size. See 33.612, Lots in Multi-Dwelling Zones, for lot size information.

3. Building setbacks. The side building setback on the side containing the common or abutting wall is reduced to zero. The reduced setback applies to all buildings on the lot and extends along the full length of the lot line that contains the common or abutting wall.

4. Building coverage. The maximum building coverage of the base zone applies to the entire attached housing project, however the maximum building coverage for an individual lot may not exceed 5 percent more than the base zone allowance.

5. Maximum building length. The maximum building length standard stated in Table 120-3 applies to the combined length of the street-facing facades of each unit.

D. Reduced setbacks for detached houses. For land divisions that include lots created for detached houses, where the lots are at least 25 feet wide, the detached houses may have their side setbacks reduced to 3 feet on lot lines internal to the land division site. The reduced side setbacks must be shown on the land division Preliminary Plan. Eaves may project up to one foot into the reduced side setback. All building setbacks around the perimeter of the land division site are those of the base zone.

E. Additional standards for attached houses, detached houses, and duplexes accessed by common greens, shared courts, or alleys. These standards promote courtyard-oriented housing by facilitating the use of common greens and shared courts as part of housing projects on small sites. Standards within this section also promote pedestrian-oriented street frontages by facilitating the creation of rear alleys and allowing more efficient use of space above rear vehicle areas.

1. When these standards apply. These standards apply when the proposal includes a common green, shared court, or alley;

2. Minimum density in RM1 and RM2 zones. The minimum density in the RM1 zone is 1 unit per 3,000 square feet. The minimum density in the RM2 zone is 1 unit per 2,000 square feet;

3. Accessory structures.

   a. Covered accessory structures for the common use of residents are allowed within common greens and shared courts. Covered accessory structures include gazebos, garden structures, greenhouses, picnic areas, play structures and bike parking areas;

   b. Structures for recycling or waste disposal are allowed within common greens, shared courts, private alleys, or parked tracts;

4. Setbacks.

   a. The front and side minimum building setbacks from common greens and shared courts are reduced to 3 feet; and

      (1) Minor architectural features such as eaves, awnings, and trellises are allowed in this setback; and

      (2) On corner lots where there is one street lot line on a public street and one street lot line is on the common green or shared court, up to 30 percent of the area of the building facade facing the common green or shared court may extend into this setback. At least 30 percent of the area extending into this setback must include windows or glass block. Porches are exempt from the window standard.

   b. The setbacks of garage entrances accessed from a shared court must be either 5 feet or closer to the shared court property line, or 18 feet or further from the shared court property line. If the garage entrance is located within 5 feet of the shared court property line, it may not be closer to the property line than the residential portion of the building.

   c. For accessory structures in common greens, shared courts, private alleys, or parking tracts, the setbacks are:

      (1) Adjacent to a public street. The minimum setback from a public street is 10 feet;

      (2) Setback from project perimeter. If the common green, shared court, private alley, or parking tract abuts the perimeter property line of the project, the

minimum setback for the accessory structure is 5 feet. The perimeter property line of the project is the boundary of the site before development;

(3) Setback from all other lot lines. The minimum setback from all other lot lines is 3 feet;

5. Maximum height. Accessory structures in common greens, shared courts, private alleys, or parking tracts may be up to 15 feet high.

6. Building coverage.

a. When a land division proposal includes common greens, shared courts, or private alleys, maximum building coverage is calculated based on the entire land division site, rather than for each lot.

(1) Buildings or structures in common greens, shared courts, private alleys, or parking tracts are included in the calculation for building coverage for the land division site;

(2) The combined building coverage of all buildings and structures in common greens or shared courts may not exceed 15 percent of the total area of the common greens or shared courts.

(3) Any amount of building coverage remaining from the calculation for the area of the common green, shared court, alley, or parking tract will be allocated evenly to all of the lots within the land division, unless a different allocation of the building is approved through the land division decision. The building coverage allocated to the lots will be in addition to the maximum allowed for each lot.

b. For attached houses, uncovered rear balconies that extend over an alley or vehicle maneuvering area between the house and rear lot line do not count toward maximum building coverage calculations.

7. Garages fronting onto shared courts. For garages accessory to houses or detached houses that are less than 24 feet wide that front onto shared courts, the length of the garage wall facing the shared court may be up to 12 feet long if there is interior living area above the garage. The living area must be set back no more than 4 feet from the garage wall facing the shared court.

F. Attached duplexes. The attached duplex regulations allow for an alternative housing type that promotes owner-occupied structures, the efficient use of land, and for energy-conserving housing.

1. Lot size. Each attached duplex must be on a lot that complies with the lot size standard for new lots of the base zone.

2. Building setbacks. The side building setback on the side containing the common wall is reduced to zero.

3. Number of units. A maximum of 2 units per lot and 4 units per structure is allowed.

G. Planned Development. See Chapter 33.638, Planned Development.

33.120.275 Development Standards for Institutions

A. Purpose. The general base zone development standards in the multi-dwelling zones are designed for residential buildings. Different development standards are needed for institutional uses which may be allowed in multi-dwelling zones. The intent is to maintain compatibility with and limit the negative impacts on surrounding residential areas.

B. Use categories to which these standards apply. Except for Daycare uses, the standards of this section apply to uses in the institutional group of use categories in the multi-dwelling zones, whether allowed by right, allowed with limitations, or subject to a conditional use review. Daycare uses are subject to the regular base zone development standards. The standards of this section apply to new development, exterior alterations, and conversions to institutional uses. Recreational fields used for organized sports on a school, school site, or in a park, are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.

C. The standards.

1. The development standards are stated in Table 120-7. If not addressed in this section, the regular base zone development standards apply.
2. Setbacks on a transit street or in a Pedestrian District. If the minimum setback conflicts with the maximum setback, the maximum setback supersedes the minimum.
3. Exterior storage. Exterior storage of materials or equipment is prohibited.
4. Outdoor activity facilities. Except as specified in paragraph C.5, below, outdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated.
5. Recreational fields used for organized sports. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.
6. Electrical substations. In addition to the standards in Table 120-7, the entire perimeter of electrical substations, including the street lot line (except for the access point), must be landscaped to the L3 standards stated in Chapter 33.248. This landscaping must be planted on the outside of any security fence. Electrical substations that are in a fully enclosed building are exempt from this requirement.
7. Grassy areas. Grassy play areas, golf courses, cemeteries, and natural areas are not subject to the high hedge buffering standard and are exempt from the setback standard of Paragraph C.2, above.
8. Access for accessory Retail Sales And Service Uses. Areas occupied by an accessory Retail Sales And Service use may have no direct access to the outside of the building. Access to the area must be from an interior space or from an exterior space that is at least 150 feet from a public right-of-way.
9. Exterior signage for accessory Retail Sales And Service uses is prohibited.

Table 120-7 Institutional Development Standards [1]	
Minimum Site Area for New Uses	10,000 sq. ft.
Maximum Floor Area Ratio [2]	2 to 1
Maximum Height [3]	75 ft.
Minimum Building Setbacks [2]	1 ft. back for every 2 ft. of bldg. height, but in no case less than 10 ft.
Maximum Building Coverage [2]	70% of site area
Minimum Landscaped Area [2,4]	20% of site area
Buffering from Abutting Residential Zone [5]	10 ft. to L3 standard
Buffering Across a Street from a Residential Zone [5]	10 ft. to L1 standard
Setbacks for All Detached Accessory Structures Except Fences	10 ft.
Parking and Loading	See Chapter 33.266, Parking And Loading
Signs	See Title 32, Signs and Related Regulations

Notes:
[1] The standards of this table are minimums or maximums as indicated. Compliance with the conditional use approval criteria might preclude development to the maximum intensity permitted by these standards.
[2] For campus-type developments, the entire campus is treated as one site. Setbacks are only measured from the perimeter of the site. The setbacks in this table only supersede the setbacks required in Table 120-3. The normal regulations for projections into setbacks and for detached accessory structures still apply.
[3] Towers and spires with a footprint of 200 square feet or less may exceed the height limit, but still must comply with the setback standard.
[4] Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.
[5] Vehicle areas are subject to the parking lot setback and landscaping standards stated in Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management.

33.120.280 Detached Accessory Structures

A. Purpose. This section regulates detached structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards limit the height and bulk of the structures and promote compatibility of design for larger accessory structures when they are in conjunction with single-dwelling development. The standards provide for necessary access around structures, help maintain privacy to abutting lots, provide flexibility for the location of accessory structures, and maintain open front yard areas.

B. General standards.

1. The regulations of this section apply to all accessory structures. Additional regulations for accessory dwelling units are stated in Chapter 33.205.

2. Detached accessory structures are allowed on a site only in conjunction with a primary building and may not exist on a site prior to the construction of the primary structure, except as allowed by Paragraph B.3, below.

3. A detached accessory structure that becomes the only structure on a lot as the result of a land division, a property line adjustment, a lot confirmation, or a demolition of the primary structure may remain on the lot if the owner has executed a covenant with the City that meets the requirements of Section 33.700.060.

a. For a land division, the covenant must require the owner to remove the accessory structure if, within two years of final plat approval, a primary structure has not been built and received final inspection. The covenant must be executed with the City prior to final plat approval.

b. For a property line adjustment or a lot confirmation, the covenant must require the owner to remove the accessory structure if a primary structure has not been built and received final inspection within two years. The two years begins on the date the letter from BDS approving the property line adjustment or lot confirmation is mailed. The covenant must be executed with the City before the final letter from BDS is issued.

c. For a demolition of a primary structure, the covenant must require the owner to remove the accessory structure if a new primary structure has not been built and received final inspection within two years of the demolition of the old primary structure. The two years begins on the date of the final inspection of the demolition. The covenant must be executed with the City prior to the issuance of the demolition permit.

C. Detached covered accessory structures. Detached covered accessory structures are items such as garages, greenhouse, artist's studios, guest houses, accessory dwelling units, laundry or community buildings, storage buildings, covered bicycle parking, wood sheds, water collection cisterns, and covered decks or patios. The following standards apply to all detached covered accessory buildings. Garages are also subject to the standards of 33.120.283.

1. Height. In general, the height standard of the base zone apply to detached covered accessory structures. The maximum height allowed for detached covered structures that are accessory to a house, attached house, duplex, attached duplex or manufactured home on an individual lot is 20 feet.

2. Setbacks. Except as follows, detached covered accessory structures are subject to required building setbacks. See the additional regulations for garages in 33.120.283.

a. Water collection cisterns that are 6 feet or less in height are allowed in side and rear setbacks.

b. Detached covered accessory structures are allowed in the side and rear building setbacks, if all of the following are met:

(1) The structure is at least 10 feet from a street lot line or no closer to a street line than the closest primary building, whichever distance is greater;

(2) The structure's footprint has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;

(3) If more than one structure is within the setback, the combined length of all structures in the setback adjacent to each property line is no more than 24 feet;

(4) The structure is no more than 15 feet high, and the walls of the structure are no more than 10 feet high, excluding the portion of the wall within a gable;

(5) The portion of the structure within the setback must be screened from adjoining lots by a fence or landscaping, unless it is enclosed within the setback by a wall. Screening is not required for enclosed structures. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening;

(6) Walls located within the setback may not have doors or windows facing the adjacent lot line;

(7) The structure does not have a rooftop deck; and

(8) Dormers are set back at least 5 feet from the side and rear lot lines that abut another lot.

3. Building coverage. The following additional building coverage standards apply to detached covered accessory structures.

a. The combined building coverage of all detached covered accessory structures may not exceed 15 percent of the total area of the site.

b. The building coverage of a detached covered accessory structure may not be greater than the building coverage of the primary structure.

4. Additional development standards for detached covered accessory structures. The following additional standards apply to detached covered accessory structures that are more than 15 feet high, and are accessory to houses, attached houses, duplexes, attached duplexes, manufactured homes, triplexes, or fourplexes on individual lots. Additions to existing structures that do not meet a standard are exempt from that standard.

a. Exterior Finish Materials. The exterior finish materials on the detached covered accessory structure must meet one of the following:

(1) The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the primary structure; or

(2) Siding must be made from wood, composite boards, vinyl or aluminum products, and the siding must be composed in a shingle pattern, or in a horizontal clapboard or shiplap pattern. The boards in the pattern must be 6 inches or less in width.

b. Roof Pitch. The pitch of the roof with the highest ridgeline on the detached covered accessory structure must meet one of the following:

(1) The pitch of the roof with the highest ridgeline must be the same as the pitch of the roof with the highest ridgeline of the primary structure; or

(2) The pitch of the roof with the highest ridgeline must be at least 6/12.

c. Trim. The trim on the detached covered accessory structure must meet one of the following:

(1) The trim must be the same in type, size, and location as the trim used on the primary structure; or

(2) The trim around all windows and doors must be at least 3 ½ inches wide.

d. Windows. The windows on all street facing facades of the detached covered accessory structure must meet one of the following:

(1) The windows must match those on the street facing façade of the primary structure in orientation (horizontal or vertical); or

(2) Each window must be square or vertical – at least as tall as it is wide.

e. Eaves. The eaves on the detached covered accessory structure must meet one of the following:

(1) The eaves must project from the building walls the same distance as the eaves on the primary structure;

(2) The eaves must project from the building walls at least 1 foot on all elevations; or

(3) If the primary structure has no eaves, no eaves are required.

D. Detached uncovered vertical structures. Vertical structures are items such as flag poles, trellises, arbors, and other garden structures, play structures, antennas, satellite receiving dishes, and lamp posts. The following standards apply to uncovered vertical structures. Fences are addressed in Section 33.120.285 below:

1. Height. Except as follows, the maximum height allowed for all detached uncovered vertical structures is the maximum height of the base zone. The maximum height allowed for detached uncovered vertical structures that are accessory to a house, attached house, duplex, attached duplex or manufactured home on an individual lot is 20 feet:

a. Antennas, utility power poles, and public safety facilities are exempt from height limits.

b. Flagpoles are subject to the height limit of the base zone for primary structures.

c. Detached small wind turbines are subject to the standards of 33.299.

2. Setbacks. Except as follows, detached uncovered vertical structures are subject to the required building setbacks:

a. Detached uncovered vertical structures that are no larger than 3 feet in width, depth, or diameter and no taller than 8 feet are allowed in required building setback.

b. A single arbor structure that is up to 6 feet wide, up to 3 feet deep, and up to 8 feet tall is allowed in a front setback. The arbor must allow for pedestrian access under its span.

c. Flagpoles are allowed in required building setbacks.

d. Detached uncovered vertical structures that exceed the allowances of Subparagraph 2.a are allowed in side and rear setbacks if all of the following are met:

(1) The structure is at least 40 feet from a front lot line, and if on a corner lot, at least 20 feet from a side street lot line;

(2) The structure's footprint has dimensions that do not exceed 24 feet by 24 feet; and

(3) The structure is no more than 10 feet high;

(4) The portion of the structure within the setback must be screened from adjoining lots by a fence or landscaping, unless it is enclosed within the setback by a wall. Screening is not required for enclosed structures. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening; and

(5) The structure does not have a rooftop deck.

E. Detached uncovered horizontal structures. Uncovered horizontal structures are items such as decks, stairways, swimming pools, hot tubs, tennis courts, and boat docks not covered or enclosed. The following standards apply to detached uncovered horizontal structures:

1. Height. In general, the maximum height allowed for detached uncovered vertical structures is the maximum height of the base zone. The maximum height allowed for detached uncovered vertical structures that are accessory to a house, attached house, duplex, attached duplex or manufactured home on an individual lot is 20 feet.

2. Setbacks. Except as follows, detached uncovered horizontal structures are subject to the required building setbacks:

a. Detached uncovered decks, ramps, and stairways that are more than 2-1/2 feet above the ground may extend into a required building setback up to 20 percent of the depth of the setback. However, the deck or stairway must be at least three feet from a lot line.

b. Structures that are no more than 2-1/2 feet above the ground are allowed in all building setbacks.

F. Detached mechanical equipment. Mechanical equipment includes items such as heat pumps, air conditioners, emergency generators, radon mitigation components, and water pumps. Generally, detached mechanical equipment will not be attached to the building but may have components such as ventilation or electrical systems attached to the primary structure. The following standards apply to detached mechanical equipment:

1. Height. In general, the maximum height allowed for detached mechanical equipment is the maximum height of the base zone. The maximum height allowed for detached mechanical equipment that is accessory to a house, attached house, duplex, attached duplex or manufactured home on an individual lot is 20 feet.

2. Setbacks. Except as follows, detached mechanical equipment is subject to required building setbacks. Detached mechanical equipment accessory to a house, attached house, duplex, attached duplex, manufactured home, triplex, or fourplex on an individual lot is allowed in side or rear building setbacks if all of the following are met:

   a. The equipment is no more than five feet high; and

   b. The equipment is screened from adjoining lots by walls, fences or vegetation. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

33.120.283 Additional Development Standards for Structured Parking and Garages

A. Purpose. These standards:

- Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of residential buildings and the street;
- Ensure that the location and amount of the living areas of residential buildings, as seen from the street, are more prominent than structured parking or garages;
- Prevent structured parking and garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
- Provide for a more pleasant pedestrian environment by preventing structured parking and garages from dominating the views of the neighborhood from the sidewalk; and
- Enhance public safety by preventing structured parking and garages from blocking views of the street from inside the residence.

B. Additional regulations. The regulations of this Section apply in addition to those of 33.120.280, Accessory Structures.

C. Existing detached garages.

1. Rebuilding. A detached garage that is nonconforming due to its location in a setback may be rebuilt on the footprint of the existing foundation, if the garage was originally constructed legally. In this case, the rebuilt garage may be no more than 15 feet high, and the garage walls may be no more than 10 feet high, excluding the portion of the wall within a gable. Decks are not allowed on the roof of the garage. The rebuilt garage is not required to comply with other standards of this chapter.

2. Additions. An addition may be made to an existing detached garage that is nonconforming due to its location in a setback as follows:

   a. The expanded garage meets all other standards of this chapter; or

   b. The combined size of the existing foundation and the addition is no larger than 12 feet wide by 20 feet deep. In this case, the garage is no more than 15 feet high, and the walls of the addition may be no more than 10 feet high, excluding the portion of the wall within a gable. Decks are not allowed on the roof of the garage. The expanded garage is not required to comply with other standards of this chapter.

D. Length of street-facing garage or structure parking wall.

1. Where these regulations apply. The regulations of this subsection apply to structured parking and garages in multi-dwelling zones. Where a proposal is for an alteration or addition to existing development, the standard applies only to the portion being altered or added.

2. Exemptions.

   a. Development on flag lots and development on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from the standard of this Subsection.

   b. Garages and structured parking that are located more than 40 feet from a street lot line and sites where all parking access is from a shared court are exempt from the standards of this Subsection.

   c. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from the standard of this subsection.

   d. Structured parking where the elevation of the floor is 4 feet or more below the lowest elevation of an adjacent right-of-way is exempt from the standards of this Subsection.

   e. On corner lots:

      (1) Garages. On corner lots, only one street-facing garage wall that contains the garage door must meet the standards of this Subsection.

      (2) Structured parking. On corner lots, only one street-facing facade of a building with structured parking must meet the standards of this Subsection. For sites with more than one street frontage, the standards of this Subsection must be met along the street with the highest transit street classification. If two or more streets have the same highest transit street classification, then the standards must be met on the longest street-facing façade located within 40 feet of a street lot line. If two or more streets have the same highest transit street classification and the street-facing facades are the same length, the applicant may choose on which of those streets to meet the standards.

3. Standards.

   a. Garages that are accessory to houses. For garages that are accessory to houses or manufactured homes, the length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building facade. See Figure 120-12. Where the street-facing facade is less than 22 feet long, an attached garage is not allowed as part of that facade.

   b. Garages that are accessory to attached houses. The following standards apply to garages that are accessory to attached houses and attached duplexes:

(1) The length of the garage wall facing the street may be up to 50 percent of the length of the street facing building façade. See Figure 120-12. When all the units are 22 feet wide or wider, the standard applies to the street-facing façade of each unit. In all other situations, the standard applies to the total length of the street-facing facade; and

(2) When the attached house structure is made up of more than three attached houses and at least one attached house is less than 22 feet wide, at least 50 percent of the total length of the street-facing facade must be without garage, and the 50 percent length without garage must be contiguous. See Figure 120-13.

c. Garages and structured parking that are accessory to all other residential structure types. The following standards apply to garages and structured parking that are accessory to all residential structure types:

(1) The length of the garage or structured parking wall facing the street may be up to 50 percent of length of the street-facing building façade. See Figure 120-12. Where the length of the street-facing facade is less than 22 feet long, an attached garage and structured parking are not allowed; and

(2) For a fourplex or a multi-dwelling structure, at least 50 percent of the total length of the street-facing building facade must be without garage or structured parking, and the 50 percent length without garage or structured parking must be contiguous. See Figure 120-13.

E. Street lot line setbacks.

1. Where this standard applies. The standard of this paragraph applies to structured parking and garages in multi-dwelling zones. Where a proposal is for an alteration or addition to existing development, the standard applies only to the portion being altered or added.

2. Exemptions.

a. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.

b. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.

3. Standard. A structured parking or garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the building. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing facade on which the main entrance is located. See Figure 120-14.

4. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the building, if:

a. The street-facing garage wall is 40 percent or less of the length of the building facade; and

b. There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 120-15. The porch must meet the following:

(1) The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;

(2) The porch must have a solid roof; and

(3) The roof may not be more than 12 feet above the floor of the porch.

Figure 120-12
Length of Street-Facing Garage Wall

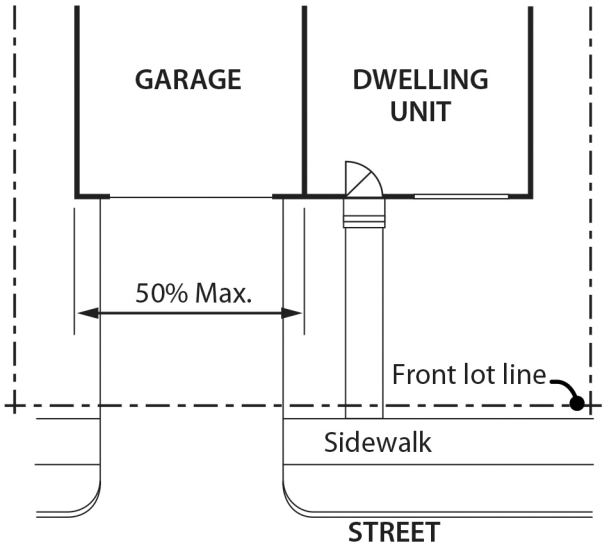


Figure 120-13
Combined Length of Street-Facing Garage Wall

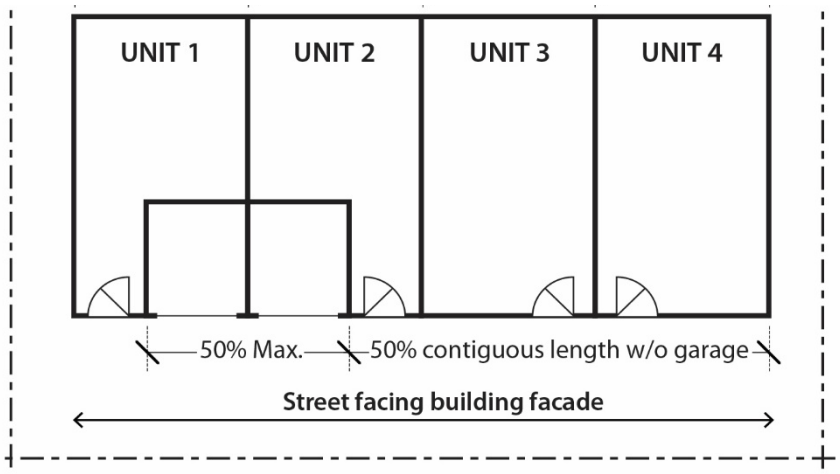


Figure 120-14
Street Lot Line Setback

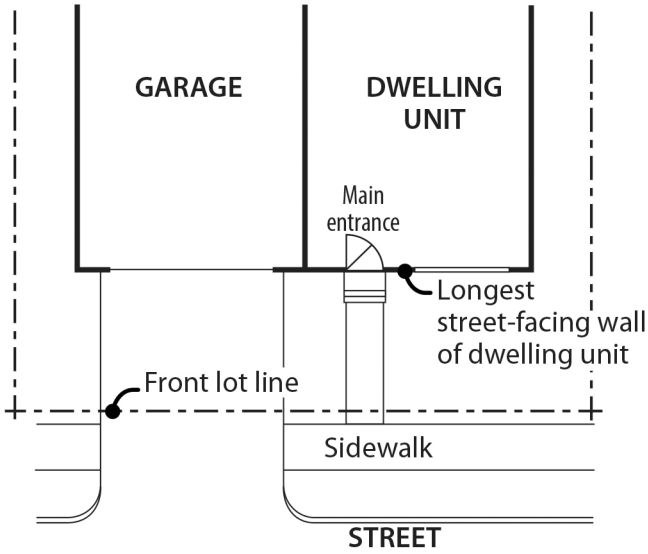
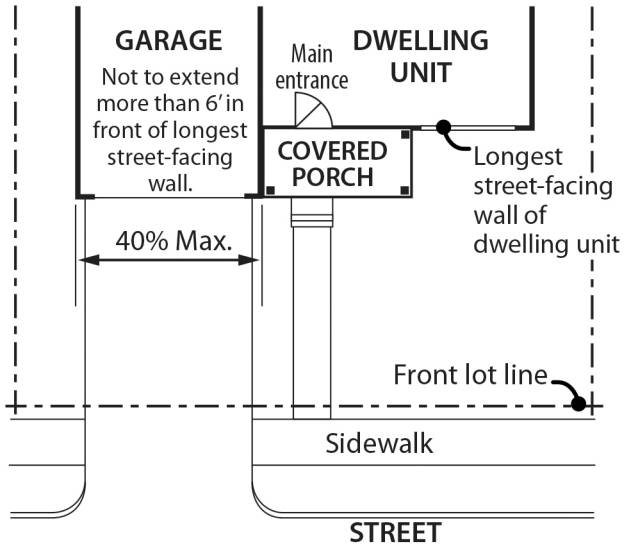


Figure 120-15
Garage Front Setback Exception



33.120.284 Additional Development Standards for Flag Lots

A. **Purpose.** These standards include required screening and setbacks to protect the privacy of abutting residences and increase the compatibility of new development on flag lots.

B. **Where these standards apply.** The additional standards of this section apply to flag lots in the multi-dwelling zones created before July 1, 2002.

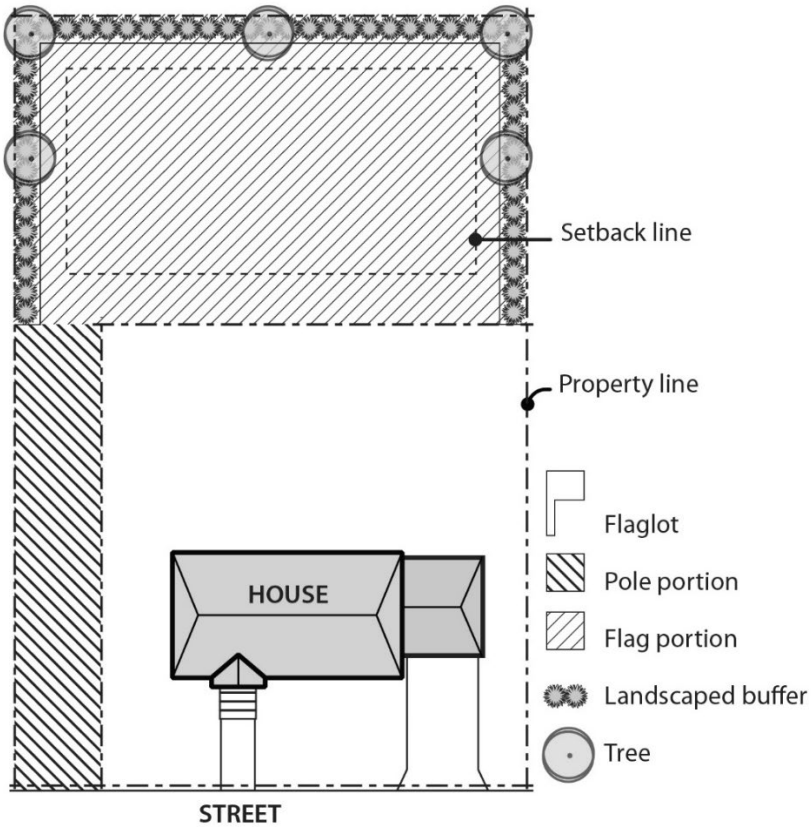
C. Standards.

1. Setbacks. Flag lots have required building setbacks that are the same along all lot lines. The required setbacks are:

Zone	Setback
RM1, RM2, RM3, RM4	10 feet

2. Landscaped buffer area. In the RM1 through RM4 zones, on lots that are 10,000 square feet or less in area, a landscaped area is required around the perimeter of the flag lot to buffer the flag portion from surrounding lots. The pole and the lot line that separates the flag lot and the lot from which it was divided are exempt from this requirement. The landscaped area must be at least 3 feet deep and be landscaped to at least the L3 standard. See Figure 120-16.

Figure 120-16
Flag Lot Description and Buffer



33.120.285 Fences

A. Purpose. The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and

community surveillance, decrease the sense of community, hinder emergency access, lessen solar access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.

B. Types of fences. The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location and height.

1. House, attached house, duplex, attached duplex, and manufactured home. The following fence location and height standards apply to houses, attached houses, duplexes, attached duplexes, and manufactured homes:

   a. Front building setbacks. Fences up to 3-1/2 feet high are allowed in a required front-building setback, or within the first 5 feet of the front lot line, whichever is greater.

   b. Side and rear building setback.

      (1) Fences up to 8 feet high are allowed in required side or rear building setbacks that do not a pedestrian connection.

      (2) Fences abutting a pedestrian connection.
      - Fences up to 8 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is at least 30 feet wide.
      - Fences up to 3-1/2 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is less than 30 feet wide.

   c. Exception for corner lots. On corner lots, if the main entrance is on the facade facing the side street lot line, the applicant may elect to meet the following instead of Subparagraphs C.1.a. and C.1.b.:

      (1) Fences up to 3-1/2 feet high are allowed within the first 10 feet of the side street lot line.

      (2) Fences up to 3-1/2 feet high are allowed in required setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is less than 30 feet wide;

      (3) Fences up to 8 feet high are allowed in the required front building setback, outside of the area subject to c(1).

      (4) Fences up to 8 feet high are allowed in all other side or rear building setbacks.

   d. Not in building setbacks. The height for fences that are not in required building setbacks is the same as the regular height limits of the zone.

2. All other development. The following fence location and height standards apply to development that is not a house, attached house, manufactured home, duplex or attached duplex:

   a. Front building setbacks. Fences up to 3-1/2 feet high are allowed in a required front building setback, or within the first 5 feet of the front lot line, whichever is greater.

   b. Side and rear building setbacks.

      (1) Fences up to 3-1/2 feet high are allowed in required side building setbacks that abut a street.

      (2) Fences abutting a pedestrian connection.
      - Fences up to 8 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is at least 30 feet wide.
      - Fences up to 3-1/2 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is less than 30 feet wide.

      (3) Fences up to 8 feet high are allowed in required side or rear building setbacks that do not abut a street or a pedestrian connection.

   c. Not in building setbacks. The height for fences that are not in required building setbacks is the same as the regular height limits of the zone.

D. Reference to other regulations. Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

33.120.290 Demolitions

A. Generally. Demolition on a site that requires a demolition permit is subject to the tree preservation and protection requirements of Title 11, Trees. See Chapter 11.50, Trees in Development Situations.

B. Historic resources. Demolition of historic resources is regulated by Chapter 33.445, Historic Resource Overlay Zone.

33.120.300 Nonconforming Development

Existing developments that do not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

33.120.305 Parking and Loading

The standards for the minimum required and maximum allowed number of auto parking spaces, required number of bike parking spaces, parking lot placement, parking lot setbacks and landscaping, loading areas and driveways are stated in Chapter 33.266, Parking And Loading.

33.120.310 Signs

The sign regulations are stated in Title 32, Signs and Related Regulations.

33.120.320 Inclusionary Housing

The regulations pertaining to inclusionary housing are stated in Chapter 33.245, Inclusionary Housing.

33.120.330 Street and Pedestrian Connections

A. Large site pedestrian connectivity.

1. Purpose. The large site pedestrian connectivity standard implements regional pedestrian and bicycle connectivity standards. The standard enhances direct movement by pedestrians and bicycles between destinations and increases the convenience of travelling by foot or bike. The standard also protects public health and safety by ensuring safe movement and access through a large site. The standard provides flexibility for locating the pedestrian connection in a manner that addresses site constraints such as existing development.

2. When does the standard apply. The large site pedestrian connectivity standard applies to new development and major remodeling on sites that are more than 5 acres in size.

3. Standard. If the site does not have pedestrian connections at least every 330 feet as measured from the centerline of each connection, then dedication of right-of-way for pedestrian connections is required.

4. Exemptions. Dedication of right-of-way for pedestrian connections is not required in:

   a. The Central City plan district; and

   b. Areas of a site that are in the Environmental Protection overlay zone, the Environmental Conservation overlay zone, or have slopes with an average slope of 20 percent or greater. This means that if the 330 feet interval falls in one of these areas, that pedestrian connection is not required.

5. Pedestrian connection alignment, width and design. The Bureau of Transportation must approve the alignment of the pedestrian connections. The final alignment must ensure that pedestrian connections are located at least 200 feet apart. The Bureau of Transportation must also approve the width of, and configuration of elements within, the pedestrian connections.

B. Additional requirements for street and pedestrian/bicycle connections are regulated by the Bureau of Transportation. See Section 17.88.040, Through Streets, of the Portland City Code.

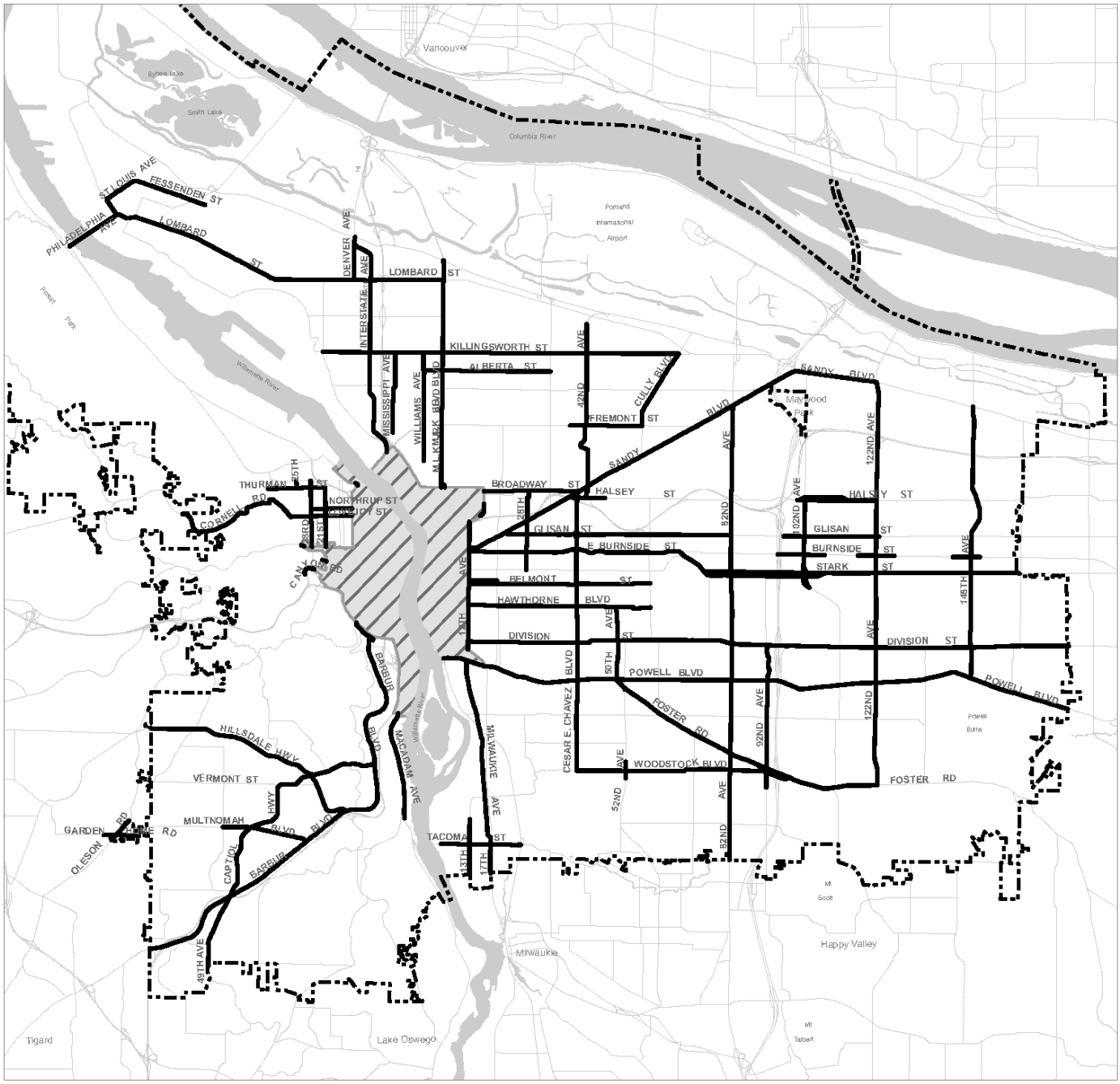
(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169699, effective 2/7/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171081, effective 5/16/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 173533, effective 8/2/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/8/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 174980,

effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176193, effective 2/1/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177920, effective 11/8/03; Ord. No. 178423, effective 6/18/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178832, effective 10/21/04; Ord. No. 178927, effective 12/31/04; Ord. No. 179845, effective 1/20/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182072, effective 8/22/08; Ord. No. 182429, effective 1/16/09; Ord. No. 183269, effective 10/21/09; Ord. No. 183598, effective 4/24/10; No. 183750, effective 6/4/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 08/28/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188162, effective 2/1/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20.)

Civic and Neighborhood Corridors

Map 120-1

Map Revised June 18, 2020



City Boundary

Civic and Neighborhood Corridors

Central City Plan District

NORTH

0 8,500 17,000

Scale in Feet

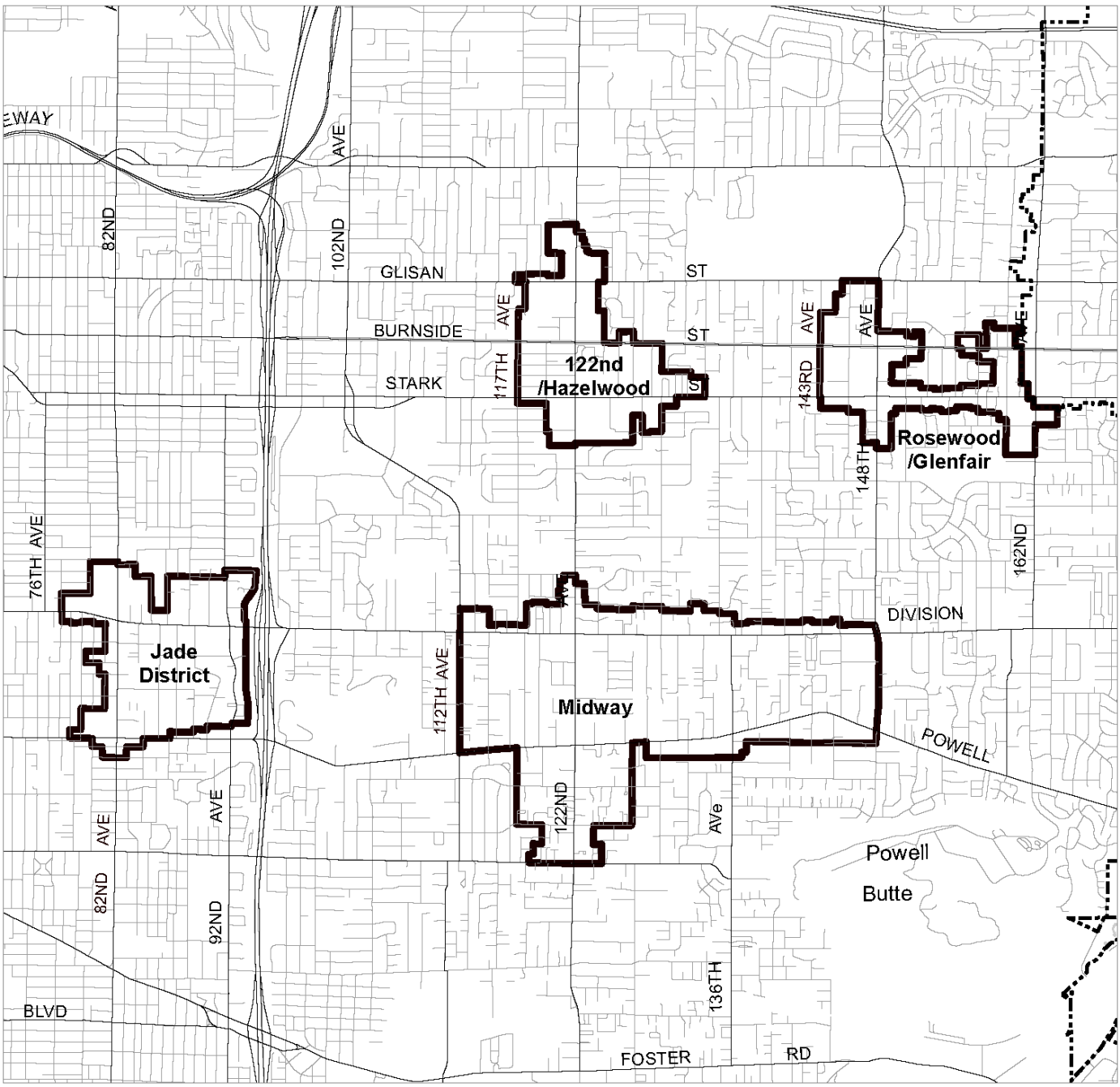
Source: Portland Bureau of Transportation, TSP, Street Design Classifications

Bureau of Planning and Sustainability
Portland, Oregon

Minimum Required Site Frontage Areas

Map 120-2

Map Revised March 1, 2020



City Boundary

Minimum required site frontage areas

NORTH

0 2,500 5,000

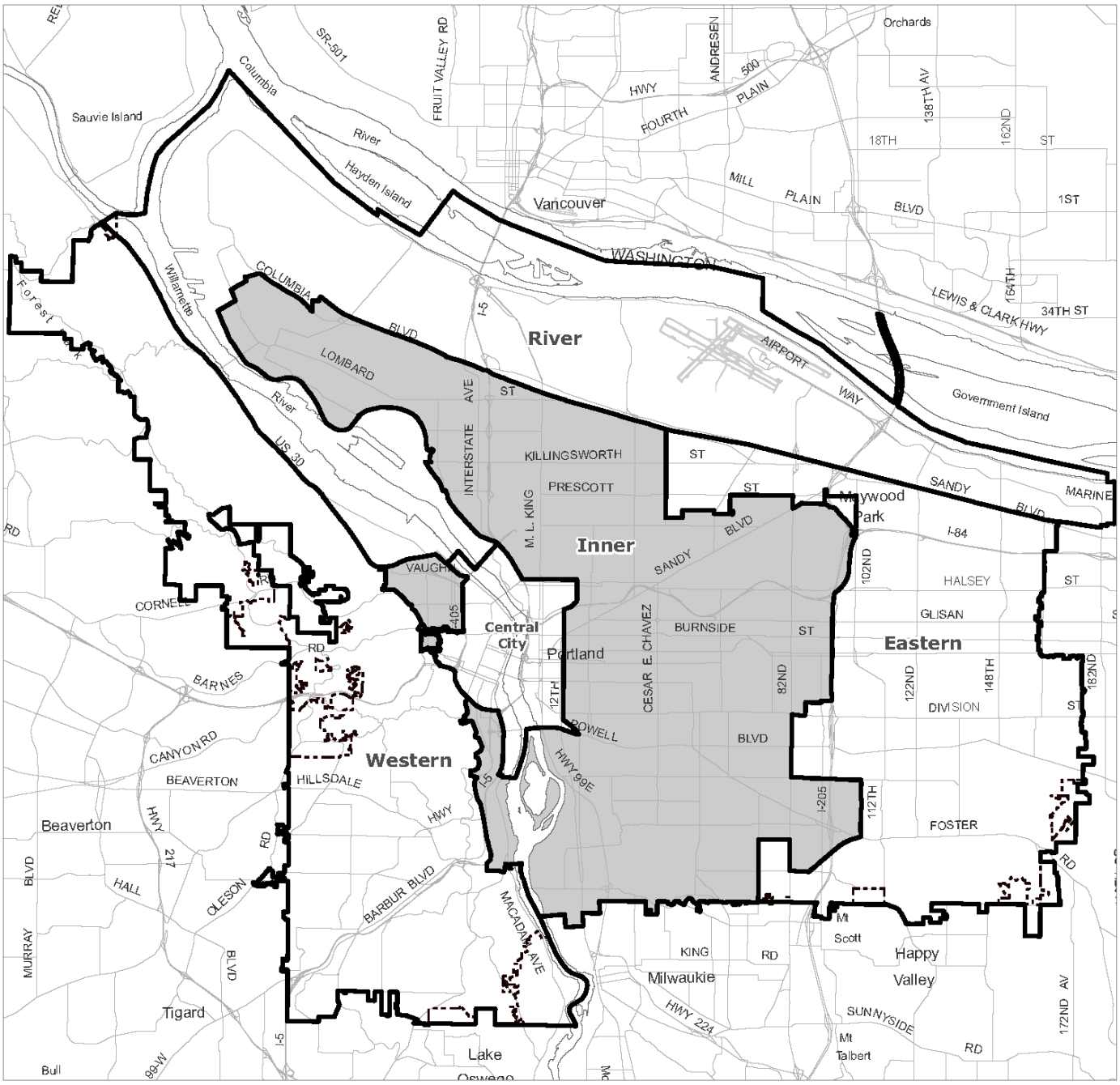
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Pattern Areas

Map 120-3

Map Revised March 1, 2020



City Boundary

Pattern Area Boundaries

NORTH

0 9,000 18,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.130 Commercial/Mixed Use Zones

130

Sections:

General
- 33.130.010 Purpose
- 33.130.020 List of the Commercial/Mixed Use Zones
- 33.130.030 Characteristics of the Zones
- 33.130.040 Other Zoning Regulations
- 33.130.050 Neighborhood Contact

Use Regulations
- 33.130.100 Primary Uses
- 33.130.110 Accessory Uses
- 33.130.130 Nuisance-Related Impacts

Development Standards
- 33.130.200 Lot Size
- 33.130.205 Floor Area Ratio
- 33.130.207 Minimum Density
- 33.130.210 Height
- 33.130.212 Floor Area and Height Bonus Options
- 33.130.215 Setbacks
- 33.130.220 Building Coverage
- 33.130.222 Building Length and Façade Articulation
- 33.130.225 Landscaped Areas
- 33.130.227 Trees
- 33.130.228 Required Outdoor Areas
- 33.130.230 Windows
- 33.130.235 Screening
- 33.130.240 Pedestrian Standards
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- 33.130.245 Exterior Display, Storage, and Work Activities
- 33.130.250 General Requirements for Small Housing Types
- 33.130.255 Trucks and Equipment
- 33.130.260 Drive-Through Facilities
- 33.130.265 Detached Accessory Structures
- 33.130.270 Fences
- 33.130.275 Demolitions
- 33.130.285 Nonconforming Development
- 33.130.290 Parking, Loading, and Transportation Demand Management
- 33.130.292 Street and Pedestrian Connections
- 33.130.295 Signs
- 33.130.305 Superblock Requirements
- 33.130.310 Recycling Areas

Supplemental Information
- Map 130-1 Civic Corridors with Required Setbacks
- Map 130-2 Pattern Areas
- Map 130-3 Civic and Neighborhood Corridors

General

33.130.010 Purpose

The commercial/mixed use zones are intended for commercial and mixed use areas of the City as designated on the Comprehensive Plan map. These zones implement the vision, guiding principles, and goals and policies of the Comprehensive Plan, and encourage economic prosperity, human health, environmental health, equity, and resilience. These zones are primarily distinguished by the uses allowed and the intensity of development allowed. The zones allow a mix of commercial activities, housing, and employment uses that reflect the different types of centers and corridors described in the Urban Design chapter of the Comprehensive Plan, and also accommodate smaller, dispersed commercial and mixed use areas to provide opportunities for services in areas between the centers and corridors.

The commercial/mixed use zones are intended to serve local neighborhood areas, larger districts, as well as broader citywide or regional markets. The regulations promote uses and development that support healthy complete neighborhoods—places where people of all ages and abilities have safe and convenient access to the goods and services they need in their daily life, and where people have the opportunity to live active lifestyles. The zones encourage quality and innovative design, and facilitate creation of great places and great streets.

The development standards are designed to allow development flexibility, within parameters, that supports the intended characteristics of the specific zone. In addition, the regulations provide guidance to property owners, developers, and neighbors about the limits of what is allowed.

33.130.020 List of the Commercial/Mixed Use Zones

The full and short names of the commercial/mixed use zones and their map symbols are listed below. When this Title refers to the commercial/mixed use zones, it is referring to the zones listed here.

Full Name	Short Name / Map Symbol
Commercial Residential	CR
Commercial/Mixed Use 1	CM1
Commercial/Mixed Use 2	CM2
Commercial/Mixed Use 3	CM3
Commercial Employment	CE
Central Commercial	CX

33.130.030 Characteristics of the Zones

A. Commercial Residential zone. The Commercial Residential (CR) zone is a low-intensity zone for small and isolated sites in residential neighborhoods. The zone is intended to be applied in limited situations on local streets and neighborhood collectors in areas that are predominately zoned single-dwelling residential. The zone encourages the provision of small scale retail and service uses for surrounding residential areas. Uses are restricted in size to promote a local orientation, and to limit adverse impacts on surrounding residential areas. Where commercial uses are not present, residential density is limited to provide

compatibility with surrounding residential areas. Development is intended to be pedestrian-oriented and building height is intended to be compatible with the scale of surrounding residentially zoned areas.

B. Commercial/Mixed Use 1 zone. The Commercial/Mixed Use 1 (CM1) zone is a small-scale zone intended for sites in dispersed mixed use nodes within lower density residential areas, as well as on neighborhood corridors and at the edges of neighborhood centers, town centers and regional centers. The zone is also appropriate in core commercial areas of centers in locations where older commercial storefront buildings of 1 to 2 stories are predominant. This zone allows a mix of commercial and residential uses. The size of commercial uses is limited to minimize impacts on surrounding residential areas. Buildings in this zone will generally be up to three stories tall. Development is intended to be pedestrian-oriented and compatible with the scale and characteristics of adjacent residentially zoned areas or low-rise commercial areas.

C. Commercial/Mixed Use 2 zone. The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

D. Commercial/Mixed Use 3 zone. The Commercial/Mixed Use 3 (CM3) zone is a large-scale zone intended for sites in high-capacity transit station areas, in town centers, along streetcar alignments, along civic corridors, and in locations close to the Central City. It is intended to be an intensely urban zone and is not appropriate for sites where adjacent properties have single-dwelling residential zoning. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to six stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, with buildings that contribute to an urban environment with a strong street edge of buildings. The scale of development is intended to be larger than what is allowed in lower intensity commercial/mixed use and residential zones. The Design overlay zone is applied to this zone.

E. Commercial Employment zone. The Commercial Employment (CE) zone is a medium-scale zone intended for sites along corridors with a Neighborhood Collector or higher traffic classification, especially along civic corridors that are also Major Truck Streets or Priority Truck Streets. This zone is generally not appropriate in designated centers, except on a site that is currently developed in an auto-oriented manner and where more urban development is not yet economically feasible. The zone allows a mix of commercial uses, including auto-accommodating development and drive-through facilities, as well as some light manufacturing and distribution uses that have few off-site impacts. The emphasis of this zone is on commercial and employment uses, but residential uses are also allowed. Buildings in this zone will generally be up to four stories tall. This zone is intended to allow

for development with auto-accommodating configurations, while also including pedestrian-oriented design features that support transit and pedestrian access.

F. Central Commercial zone. The Central Commercial (CX) zone is intended to provide for commercial and mixed use development within Portland's most urban and intense areas, specifically the Central City and the Gateway Regional Center. A broad range of uses are allowed to reflect Portland's role as a commercial, cultural, residential, and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape. The Design overlay zone is applied to this zone.

33.130.040 Other Zoning Regulations

The regulations in this chapter state the allowed uses and the development standards for the base zones. Sites with overlay zones, plan districts, or designated historical landmarks are subject to additional regulations. The Official Zoning Maps indicate which sites are subject to the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

33.130.050 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. Neighborhood contact I.

1. Neighborhood contact I requirements. When proposed development will add at least 10,000 square feet and not more than 25,000 square feet of net building area to a site, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. All the steps in 33.705.020.A. must be completed before an application for a building permit can be submitted.

2. Exemption. 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.

B. Neighborhood contact II.

1. Neighborhood contact II requirements. When the proposed development will add more than 25,000 square feet of net building area to a site, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. All of the steps in 33.705.020.B. must be completed before an application for a building permit can be submitted.

2. Exemption. 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.

Use Regulations

33.130.100 Primary Uses

A. Allowed uses. Uses allowed in the commercial/mixed use zones are listed in Table 130-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.

B. Limited uses. Uses allowed that are subject to limitations are listed in Table 130-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 130-1.

1. Group Living. This regulation applies to all parts of Table 130-1 that have a [1].

   a. General regulations. All Group Living uses, except for alternative or post incarceration facilities, are allowed by right subject to the regulations of Chapter 33.239, Group Living.

   b. Alternative or post incarceration facilities. Group Living uses that consist of alternative or post incarceration facilities are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.

2. Commercial limitations. These regulations apply to all parts of Table 130-1 that have a [2].

   a. In the CR and CM1 zones, each individual Retail Sales and Service and Office use is limited to 5,000 square feet of net building area, except that in the CM1 zone on sites that are over 40,000 square feet in size and are located on a Neighborhood Collector or higher classification traffic street, each individual Retail Sales and Service or Office use is limited to 40,000 square feet of net building area; and

   b. In the CR zone, in addition to the size limitation specified in Subparagraph B.2.a., the hours when Retail Sales And Service uses can be open to the public are limited to 6:00 AM to 11:00 PM.

   c. In the CM1, CM2, and CM3 zones, Quick Vehicle Servicing uses that existed on May 24, 2018 are allowed. New Quick Vehicle Servicing uses are prohibited. If a Quick Vehicle Servicing use that existed on May 24, 2018 is discontinued for 3 continuous years, reestablishment of the use is prohibited. If the Quick Vehicle Servicing use ceases operations, even if the structure or materials related to the use remain, the use as been discontinued. If the Quick Vehicle Servicing use changes to another use without obtaining all building, land use, and development permits that would have been required at the time of the change, the use has been discontinued.

3. Industrial use and size limitations. These regulations apply to all parts of Table 130-1 that have a [3]. Utility Scale Energy Production and Industrial Service are conditional uses. All other industrial uses are allowed, and all industrial uses, including Utility Scale Energy Production and Industrial Service, are limited in size as follows. Amounts in excess of the limits are prohibited:

    a. In the CM1 zone, each individual Industrial use is limited to 5,000 square feet of net building area;

    b. In the CM2 and CX zones, each individual Industrial use is limited to 15,000 square feet of net building area;

    c. In the CM3 zone, the total net building area of all Industrial uses on the site may not exceed the total square footage of the site; and

    d. In the CE zone, each individual Industrial use is limited to 40,000 square feet of net building area.

4. Self-Service Storage limitation. This regulation applies to all parts of Table 130-1 that have a [4]. The limitations are stated with the special regulations for these uses in Chapter 33.284, Self-Service Storage.

5. Exterior development limitation. This regulation applies to all parts of Table 130-1 that have a [5]. Exterior display or storage of industrial equipment, such as tools, equipment, vehicles, products, materials, or other objects that are part of or used for the business operation is prohibited.

6. Community Services. This regulation applies to all parts of Table 130-1 that have a [6]. Most Community Service uses are allowed by right. Short term housing and mass shelters may be allowed by right if they meet certain standards, or may be a conditional use. See Chapter 33.285, Short Term Housing and Mass Shelters.

7. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 130-1 that have a [7]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.

8. Basic Utilities. This regulation applies to all parts of Table 130-1 that have an [8].

    a. Public safety facilities that include Radio Frequency Transmission Facilities are a conditional use. The approval criteria are in Section 33.815.223.

    b. Small Scale Energy Production that provides energy for on-site or off-site use are considered accessory to the primary use on the site. However, it is only considered accessory if they generate energy from biological materials or byproducts from the site itself, or conditions on the site itself; plus not more than 10 tons per week of biological material or byproducts from other sites. Installations that sell power they generate — at retail (net metered) or wholesale — are included.

    c. All other Basic Utilities are allowed.

9. Commercial Parking. This regulation applies to all parts of Table 130-1 that have a [9]. Commercial Parking is a conditional use in the CX zone except when superseded by

plan district regulations. In the CM2 and CM3 zones, Commercial Parking is allowed as follows:

a. Commercial Parking is allowed by right in structured parking.

b. Commercial Parking is allowed by right on a surface parking lot legally constructed on or before May 24, 2018.

c. Commercial Parking is allowed by right on a surface parking lot legally constructed after May 24, 2018 when all of the following are met:

(1) The surface parking lot was constructed as accessory parking for other primary uses on the site;

(2) The total number of parking spaces on the site does not exceed the maximum number of parking spaces allowed for the other primary uses on the site; and

(3) Only non-required parking spaces are used as Commercial Parking.

10. Agriculture in the CR and CM1 zones. This regulation applies to all parts of Table 130-1 that have a [10]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, Agriculture is prohibited.

11. Agriculture in the CM2 and CX zones. This regulation applies to all parts of Table 130-1 that have an [11]. Agriculture is a conditional use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden, which does not require a conditional use.

12. Agriculture in the CM3 and CE zones. This regulation applies to all parts of Table 130-1 that have a [12]. Agriculture that is outdoors is a conditional use. Agriculture that is entirely indoors is allowed up to the following limits. Indoor Agriculture in excess of the following limits is prohibited. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden, which does not require a conditional use:

a. In the CM3 zone, the total net building area of all indoor Agriculture per site may not exceed the total square footage of the site; and

b. In the CE zone, each indoor Agriculture use is limited to 40,000 square feet of net building area.

C. Conditional uses. Uses that are allowed if approved through the conditional use review process are listed in Table 130-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.

D. Prohibited uses. Uses listed in Table 130-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

33.130.110 Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory uses and all development standards.

33.130.130 Nuisance-Related Impacts

A. Off-site impacts. All nonresidential uses including their accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.

B. Other nuisances. Other nuisances are regulated by Title 29, Property and Maintenance Regulations.

Table 130-1
Commercial/Mixed Use Zone Primary Uses

Use Categories	CR	CM1	CM2	CM3	CE	CX
Residential Categories						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]
Commercial Categories						
Retail Sales And Service	L [2]	L [2]	Y	Y	Y	Y
Office	L [2]	L [2]	Y	Y	Y	Y
Quick Vehicle Servicing	N	L [2]	L [2]	L [2]	Y	N
Vehicle Repair	N	N	Y	Y	Y	L [5]
Commercial Parking	N	N	L [9]	L [9]	Y	CU [9]
Self-Service Storage	N	N	N	L [4]	L [4]	L [4]
Commercial Outdoor Recreation	N	N	Y	Y	Y	Y
Major Event Entertainment	N	N	CU	CU	CU	Y
Industrial Categories						
Manufacturing and Production	N	L/CU [3,5]	L/CU [3,5]	L/CU [3,5]	L/CU [3,5]	L/CU [3,5]
Warehouse and Freight Movement	N	N	N	L [3,5]	L [3,5]	N
Wholesale Sales	N	N	L [3,5]	L [3,5]	L [3,5]	L [3,5]
Industrial Service	N	N	CU [3,5]	CU [3,5]	CU [3,5]	CU [3,5]
Bulk Fossil Fuel Terminal	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
Institutional Categories						
Basic Utilities	Y/CU [8]	Y/CU [8]	Y/CU [8]	Y/CU [8]	Y/CU [8]	Y/CU [8]
Community Service	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]
Parks and Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	Y	Y	Y
Colleges	N	Y	Y	Y	Y	Y
Medical Centers	N	Y	Y	Y	Y	Y
Religious Institutions	Y	Y	Y	Y	Y	Y
Daycare	Y	Y	Y	Y	Y	Y

Table 130-1 Commercial/Mixed Use Zone Primary Uses						
Use Categories	**CR**	**CM1**	**CM2**	**CM3**	**CE**	**CX**
Other Categories						
Agriculture	L [10]	L [10]	L/CU [11]	L/CU [12]	L/CU [12]	L/CU [11]
Aviation and Surface Passenger Terminals	N	N	N	N	CU	CU
Detention Facilities	N	N	N	CU	CU	CU
Mining	N	N	N	N	N	N
Radio Frequency Transmission Facilities	N	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]
Rail Lines and Utility Corridors	N	CU	CU	CU	CU	CU

Y = Yes, Allowed
CU = Conditional Use Review Required
L = Allowed, But Special Limitations
N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.130.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Development Standards

33.130.200 Lot Size

There is no required minimum lot size for development of land in commercial/mixed use zones. Creation of new lots is subject to the regulations of Chapter 33.613, Lots in Commercial/Mixed Use Zones.

33.130.205 Floor Area Ratio

A. **Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development. The bonus FAR options allow additional floor area as an incentive for providing affordable housing.

B. **FAR standard.** The maximum floor area ratios are stated in Table 130-2 and apply to all uses and development. Additional floor area may be allowed through bonus options, as described in Section 33.130.212, or transferred from historic resources per Subsection C. Adjustments to the maximum floor area ratios are prohibited. Except in the CR zone, floor area does not include the following:

1. Floor area for structured parking and required long-term bicycle parking not located in a dwelling unit, up to a maximum FAR of 0.5 to 1; and

2. Floor area for indoor common area used to meet the requirements of Section 33.130.228.

C. **Transfer of floor area from historic resources.** Floor area ratios may be transferred from a site that contains a historic resource as follows:

1. Sending sites. FAR may be transferred from a site that contains a Historic or Conservation landmark or a contributing resource in a Historic or Conservation district. Sites that are eligible to send floor area through this transfer are allowed to transfer:

   a. Unused FAR up to the maximum FAR allowed by the zone; and

   b. An additional amount equivalent to 50 percent of the maximum FAR for the zone. To qualify to transfer this additional amount of FAR, the Bureau of Development of Services must verify that the landmark or contributing resource on the site meets one of the following:

      (1) If the building is classified as Risk category I or II, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the American Society of Civil Engineers (ASCE) 41- BPOE improvement standard as defined in City of Portland Title 24.85;

      (2) If the building is classified as Risk category III or IV, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the ASCE41-BPON improvement standard as defined in City of Portland Title 24.85; or

      (3) The owner of the landmark or contributing resource has entered into a phased seismic agreement with the City of Portland as described in Section 24.85.

2. Receiving site. The transfer must be to a site that is zoned CM1, CM2, CM3, CE, CX, RM1, RM2, RM3, RM4, or RX outside of the Central City plan district. Transferring to a site that is zoned CR is prohibited. Transferring to a site where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years is prohibited unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure on the site that was demolished was an accessory structure, or the demolition was approved through demolition review.

3. Maximum increase in FAR in the CM1, CM2, CM3, and CE zones. In the CM1, CM2, CM3, and CE zones, the total FAR on the receiving site may not exceed the maximum FAR with bonuses identified on Table 130-3. This total FAR includes FAR transferred from historic resources, and any additional FAR allowed at the receiving site from bonus options, or from other transfers. In addition, an increase on the receiving site of more than the following due to a historic resource transfer is prohibited:

   a. 0.5 to 1 in the CM1 zone;

   b. 0.75 to 1 in the CM2 zone;

   c. 1 to 1 in the CM3 zone;

   d. 0.5 to 1 in the CE zone.

4. Maximum increase in FAR in the CX zone. In the CX zone, an increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR

transferred from historic resources, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers;

5. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by Paragraphs C.2 and C.3 above;

6. The property owner must execute a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density. The covenant must reflect the respective increase and decrease of potential density. The covenant for the receiving site must meet the requirements of Section 33.700.060, Covenants with the City. The covenant for the historic resource transferring the density must meet the requirements of 33.445.610.D, Covenant.

33.130.207 Minimum Density

A. Purpose. The minimum density standards ensure that the service capacity is not wasted and that the City's housing goals are met.

B. Minimum Density. The minimum density requirements for the CM2 and CM3 zones are stated in Table 130-2. Minimum density applies to new development when at least one dwelling unit is proposed. Land within an Environmental zone may be subtracted from the calculation of minimum density.

33.130.210 Height

A. Purpose. The height limits are intended to control the overall scale of buildings. The height limits in the CR and CM1 zones allow buildings that are in scale with low rise residential areas. The height limits in the CM2 and CE zones allow for a greater building height at a scale that can accommodate the growth intended for centers and corridors, while relating to the low- to mid-rise scale of neighborhood residential areas. The CM3 zone allows the tallest buildings outside the Central City and Gateway plan districts, consistent with its intended role in accommodating higher-density development in areas well served by transit and other services. The CX zone allows the tallest buildings in the commercial/mixed use zones, consistent with its intended role in accommodating high-density development in the Central City and the Gateway plan districts.

In some situations, step downs in maximum height provide a transition in scale to adjacent lower-scale residential areas, and preserve opportunities for light, air and privacy. Exceptions to height limit standards accommodate minor projections that do not significantly increase the visual scale of buildings; provide flexibility in the height of parapets and railings to facilitate rooftop outdoor spaces and equipment screening; and accommodate ground-floor spaces with high ceilings to encourage ground-floor commercial uses, mechanical parking, and other uses that benefit from high ceilings.

B. Height standard.

1. Base height. The base height standards for all structures, except detached accessory structures, are stated in Table 130-2. The height standards for detached accessory structures are stated in 33.130.265, Detached Accessory Structures.

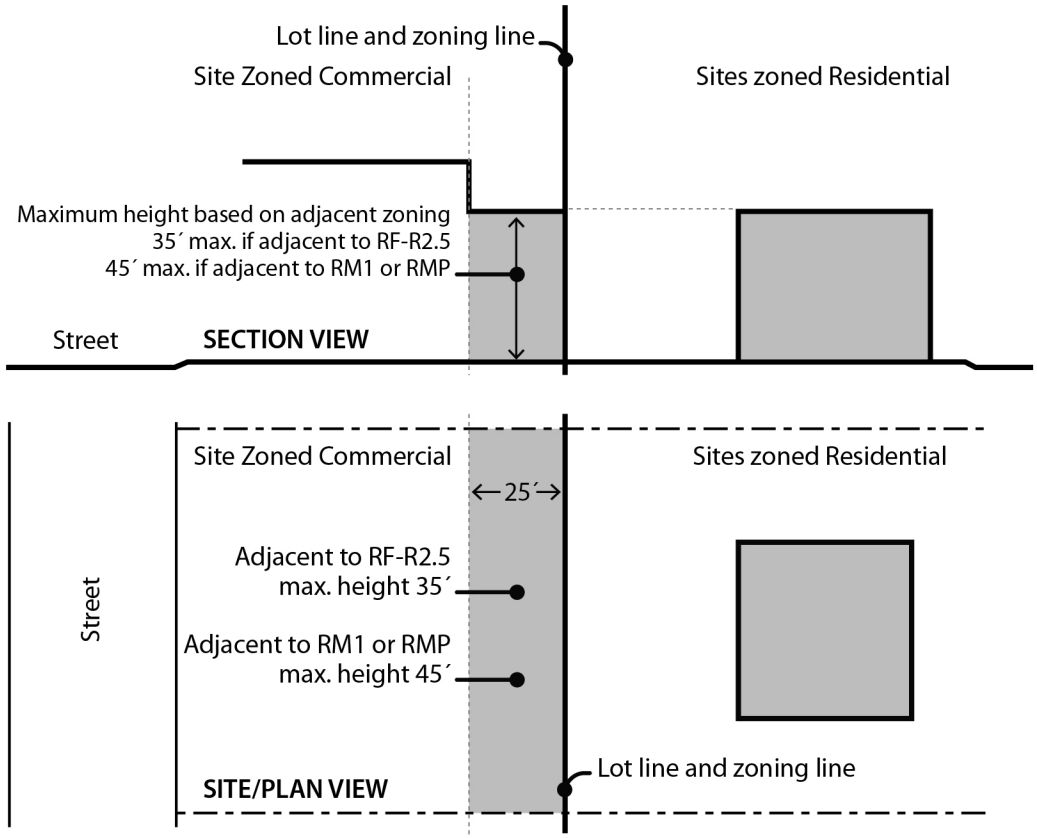
2. Step-down height. In the following situations, the base height is reduced, or stepped-down. Stepped-down height is not required in the CR zone:

   a. Step-down adjacent to residential zones. The following step-down height limits apply within 25 feet of sites zoned residential. Sites with property lines that abut residential zones for less than a 5-foot length are exempt from these standards:

      (1) On the portion of the site within 25 feet of a site zoned RF through R2.5, the step-down height limit is 35 feet. See Figure 130-1.

      (2) On the portion of the site within 25 feet of a site zoned RM1 or RMP, the step-down height limit is 45 feet. See Figure 130-1.

Figure 130-1
Step-Down Height Adjacent to Residential Zones



b. Step-down across a local service street or alley from a residential zone. In the CM2, CM3, CX, and CE zones the following step-down height limit applies. The limit does not apply to portions of buildings within 100 feet of a transit street. On the portion of the site within 15 feet of a lot line that is across a local service street or alley from a site zoned RF through R2.5 or RM1 or RMP, the step-down height limit is 45 feet. See Figure 130-2.

3. Bonus height. The base height limits can be increased through options described in Section 33.130.212. When a bonus option allowed by 33.130.212 is used to increase the base height, the step-down height limits do not increase.

C. Exceptions. Exceptions to the base height, step-down height, and bonus height limits are stated below:

1. Projections allowed. Chimneys, vents, flag poles, satellite receiving dishes, and other similar items that are attached to a building and have a width, depth, or diameter of 5 feet or less may extend 10 feet above the height limits, or 5 feet above the highest point of the roof, whichever is greater. Items that are greater than 5 feet in width, depth, or diameter are not allowed to project above the base, step-down, or bonus height limits.

2. Parapets and railings. In the CM1, CM2, CM3, CE and CX zones, parapets and rooftop railings may extend 4 feet above the height limits.

3. Walls and fences. In the CM1, CM2, CM3, CE and CX zones, walls or fences located between individual rooftop decks may extend 6 feet above the height limits if the visual screen is set back at least 4 feet from the edges of the roof.

4. Rooftop equipment. In the CM1, CM2, CM3, CE and CX zones, rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limits as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades:

    a. Elevator mechanical equipment and stairwell enclosures may extend up to 16 feet above the height limits; and

    b. Other mechanical equipment that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limits.

5. Antennas and mounting devices, utility power poles, and public safety facilities are exempt from the height limits.

6. Small wind turbines are subject to the standards of Chapter 33.299.

7. Roof mounted solar panels are not included in height calculations and may exceed the maximum height limits if the following are met:

    a. For flat roofs or the horizontal portion of mansard roofs, the solar panel may extend up to 5 feet above the top of the highest point of the roof; and

    b. For pitched, shed, hipped, or gambrel roofs, the solar panel must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.

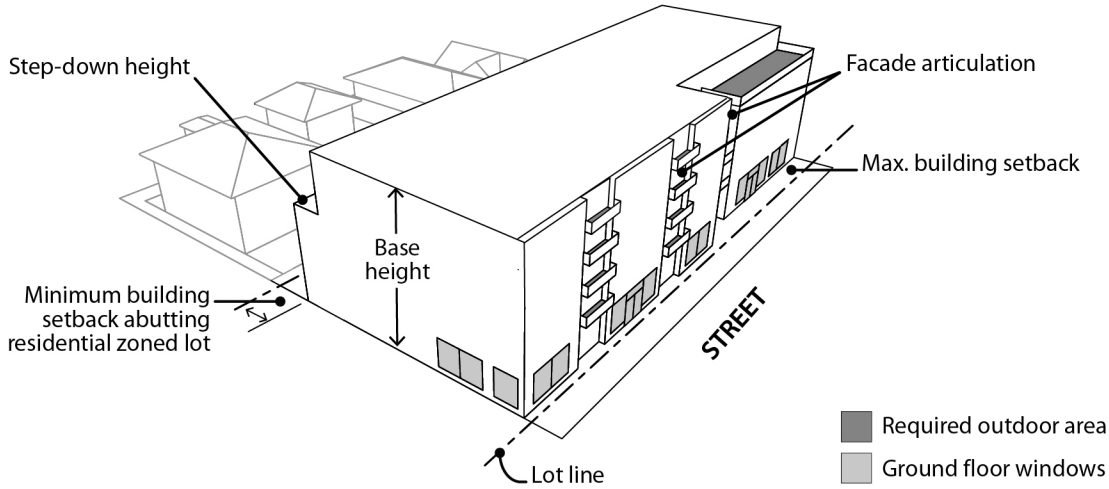
8. High ceilings. In the CM1, CM2, CM3, CE and CX zones outside the Central City plan district, base height, step-down height, and bonus height may be increased by 5 feet when at least 75 percent of the ground floor has at least 15 feet between the floor and the bottom of the structure above. The bottom of the structure above includes supporting beams.

Table 130-2
Summary of Development Standards in Commercial/Mixed Use Zones

Standards	CR	CM1	CM2	CM3	CE	CX
Maximum FAR (see 33.130.205 and 33.130.212)	1 to 1 [1]	1.5 to 1	2.5 to 1	3 to 1	2.5 to 1	4 to 1
- Bonus FAR (see 33.130.212)	NA	See Table 130-3	See Table 130-3	See Table 130-3	See Table 130-3	See Table 130-3
Minimum Density (see 33.130.207)	NA	NA	1 unit per 1,450 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	NA	NA
Base Height (see 33.130.210.B.1)	30 ft.	35 ft.	45 ft.	65 ft.	45 ft.	75 ft.
Step-down Height (see 33.130.210.B.2) - Within 25 ft. of lot line abutting RF-R2.5 zones	NA	NA	35 ft.	35 ft.	35 ft.	35 ft.
- Within 25 ft. of lot line abutting RM1 and RMP Zones	NA	NA	45 ft.	45 ft.	45 ft.	45 ft.
- Within 15 ft. of lot line across a local service street from RF – R2.5 zones and RM1 and RMP zones	NA	NA	45 ft.	45 ft.	45 ft.	45 ft.
- Bonus Height (see 33.130.212)	NA	NA	See Table 130-3	See Table 130-3	See Table 130-3	See Table 130-3
Min. Building Setbacks (see 33.130.215.B) - Street Lot Line	none	none	none	none	none	none
- Street Lot Line abutting selected Civic Corridors	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
- Street Lot Line across a local street from an RF – RM2 or RMP Zone.	none	none	5 or 10 ft.	5 or 10 ft.	5 or 10 ft.	5 or 10 ft.
Min. Building Setbacks (see 33.130.215.B) - Lot Line Abutting OS, RX, C, E, or I Zoned Lot	none	none	none	none	none	none
- Lot Line Abutting RF – RM4, RMP, or IR zoned Lot	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Max. Building Setbacks (see 33.130.215.C) - Street Lot Line - Street Lot Line Abutting Selected Civic Corridors	10 ft. 20 ft.	10 ft. 20 ft.	10 ft. 20 ft.	10 ft. 20 ft.	10 ft. 20 ft.	10 ft. 20 ft.
Max. Building Coverage (% of site area) - Inner Pattern Area - Eastern, Western, and River Pattern Areas (see 33.130.220)	85% 75%	85% 75%	100% 85%	100% 85%	85% 75%	100% 100%
Min. Landscaped Area (% of site area) (see 33.130.225)	15%	15%	15%	15%	15%	None
Landscape Buffer Abutting an RF – RM4 or RMP Zoned Lot (see 33.130.215.B)	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3
Required Residential Outdoor Area (see 33.130.228)	Yes	Yes	Yes	Yes	Yes	No
Ground Floor Window Standards (see 33.130.230.B)	Yes	Yes	Yes	Yes	Yes	Yes

Notes:
[1] On sites that do not have a Retail Sales And Service or Office use, maximum density for Household Living is 1 unit per 2,500 square feet of site area.

Example Illustration:
Some building form and setback development standards



33.130.212 Floor Area and Height Bonus Options

A. Purpose. The bonus options allow additional floor area and an increase in height as an incentive for development that provides a public or community benefit. The bonus can be gained in exchange for providing affordable housing or affordable commercial space in conjunction with new development.

B. General floor area and height bonus option regulations.

1. Unless specified below, the bonus options in this section are allowed only in the CM1, CM2, CM3, and CE zones, and in the CX zone outside the Central City and Gateway plan districts. Sites where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years are not eligible to use bonus options unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure on the site that was demolished was an accessory structure, or the demolition was approved through demolition review.

2. The bonus options refer to an administrative agency or qualified administrator. The administrative and reporting requirements of each bonus must be met to the satisfaction of the named agency or administrator. The named agencies are authorized to publish administrative rules with clear and objective administrative requirements.

3. More than one bonus option may be used up to the overall maximums per site stated in Table 130-3. For development without any residential use, and for mixed use development that proposes fewer than 20 dwelling units and does not voluntarily provide units on the site per the standards of 33.245.040.A, the affordable commercial space bonus option must be used up to the maximum increment allowed for the zone before any other bonus is allowed. Adjustments to the maximum FAR and height obtainable through bonuses are prohibited.

4. The increment of additional floor area ratio allowed per bonus is stated in Table 130-3 and described in Subsections C though E.

5. The increment of additional height allowed per bonus is stated in Table 130-3, except as follows:

   a. Additional height is not allowed where the step-down height limits of 33.130.210.B.2 apply.

   b. In the CM2 zone, increasing maximum height through a bonus is allowed only on sites that:

      (1) Are within the Design Overlay Zone; and

      (2) Have a Comprehensive Plan Map designation of Mixed Use – Urban Center or Mixed Use – Civic Corridor.

Table 130-3
Summary of Bonus FAR and Height

		CM1	CM2	CM3	CE	CX
Overall Maximums Per Zone						
Maximum FAR with bonus		2.5 to 1	4 to 1	5 to 1	4 to 1	6 to 1
Maximum height with bonus		35 ft.	55 ft. [1] 75 ft. [2]	75 ft. 120 ft. [2]	45 ft.	85 ft. 120 ft. [2]
Increment of Additional FAR and Height Per Bonus						
Inclusionary Housing (see 33.130.212.C)	FAR Height	1 to 1 none	1.5 to 1 10 ft.	2 to 1 10 ft.	1 to 1 none	2 to 1 10 ft.
Affordable Commercial Space (see 33.130.212.D)	FAR Height	0.5 to 1 none	0.75 to 1 10 ft.	1 to 1 10 ft.	0.5 to 1 none	1 to 1 10 ft.
Planned Development (see 33.130.212.E)	FAR Height	none none	1.5 to 1 up to 30 ft.	2 to 1 up to 55 ft.	1.5 to 1 up to 30 ft.	2 to 1 up to 45 ft.

[1] Bonus height in the CM2 zone is only allowed on sites that are within the Design Overlay Zone and that have a Comprehensive Plan Map designation of Mixed Use–Urban Center or Mixed Use–Civic Corridor.
[2] This larger overall maximum is only allowed through the Planned Development bonus option and required Planned Development Review.

C. Inclusionary housing bonus. Maximum height and FAR may be increased as stated in Table 130-3 if one of the following is met:

1. Mandatory inclusionary housing. Bonus height and FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area allowed is an amount equal to the net building area of the building that triggers 33.245, up to the increment of additional FAR allowed as stated in Table 130-3. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met; or

2. Voluntary inclusionary housing. Maximum height and FAR may be increased as stated in Table 130-3 when one of the following voluntary bonus options is met:

a. Bonus height and FAR is allowed for projects the voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050, up to the increment of additional FAR allowed as stated in Table 130-3. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

b. Bonus height and FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.

D. Affordable commercial space bonus. Proposals that provide on-site affordable commercial space, or pay into the Affordable Commercial Space Fund, may increase maximum height and FAR if all of the following are met. Floor area may be increased by 2 square feet for each square foot of on-site affordable commercial space provided, up to the maximum stated in Table 130-3. Floor area may be increased by 1 square foot for each square foot purchased through the Affordable Commercial Space Fund, up to the maximum stated in Table 130-3:

1. The applicant must submit with the development application a letter from the Portland Development Commission certifying that any program administrative requirements have been met; and

2. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that floor area built as a result of this bonus will meet the administrative requirements of the Portland Development Commission or qualified administrator.

E. Planned Development bonus. Proposals that provide a combination of affordable housing, a publicly accessible plaza or park, and energy efficient buildings may increase maximum height and FAR as stated in Table 130-3 if approved through a Planned Development Review and Design Review (see Chapter 33.270 and Chapter 33.854). The site must be at least two acres in size to be eligible for this bonus. Sites located within Historic or Conservation districts are not eligible to use this bonus.

33.130.215 Setbacks

A. Purpose. The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial/mixed use zones. The setbacks promote buildings close to the sidewalk to reinforce a pedestrian orientation and built-up

streetscape. The setback requirements for areas that abut residential zones promote commercial/mixed use development that will maintain light, air, and the potential for privacy for adjacent residential zones.

The front setback requirements for Civic Corridors in Eastern and Western pattern areas provide opportunities for additional pedestrian space and separation from the vehicle traffic along these major streets to create an environment for building users and pedestrians that is less impacted by close proximity to traffic, and provide opportunities for front landscaping reflective of the vegetated characteristics of these neighborhood pattern areas.

The minimum building setbacks along local service streets adjacent to residential zones work together with requirements for step downs in building height (33.130.210.B.2.b.) to ensure that there is a transition in street frontage characteristics to lower scale residential zones. In these situations, the building setback regulations promote street frontages with landscaping and residential uses to provide a transition and a cohesive street environment with similar street frontage characteristics on both sides of the street, and limit exterior display and storage to minimize impacts to nearby residentially-zoned areas.

B. Minimum building setbacks. Minimum required building setbacks are listed below and summarized in Table 130-2. Unless otherwise specified in this section, the minimum required setbacks apply to all buildings and structures on a site. Setbacks for exterior development are stated in 33.130.245, and setbacks for parking areas are stated in Chapter 33.266, Parking, Loading and Transportation and Parking Demand Management.

1. Required setbacks from a street lot line. Unless as specified below, there is no minimum required setback from a street lot line:

   a. The minimum setback required from a street lot line adjacent to a Civic Corridor shown on Map 130-1 is 10 feet.

   b. The following minimum setbacks are required from a street lot line on the portion of the site that is across a local service street from an RF through RM2 or RMP zone. The setbacks do not apply in the CR or CM1 zones, or on or within 100 feet of a transit street:

      (1) Buildings that are entirely in a residential use, and portions of buildings with dwelling units on the ground floor, must be setback 5 feet from a street lot line facing an RF through RM2 or RMP zone. The setback must be landscaped to at least the L1 standard. Vehicle access is not allowed through the setback unless the local service street facing the residential zone is the only frontage for the site. Up to one third of the setback area can be hard surfaced for pedestrian or bicycle access. Exterior display and storage is not allowed within the setback.

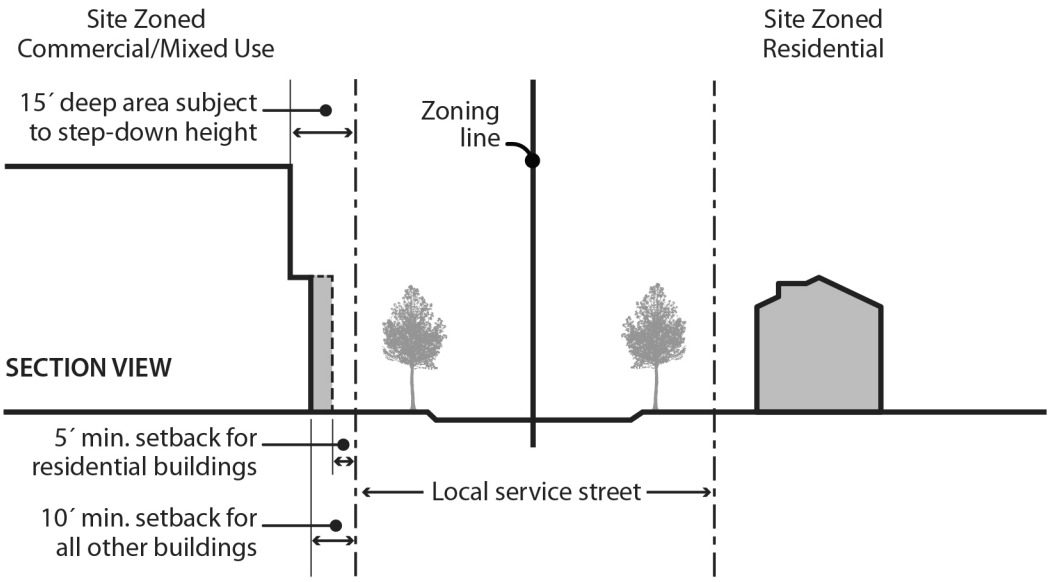
      (2) All other buildings must be setback 10 feet from a street lot line facing an RF through RM2 or RMP zone. The setback must be landscaped to at least the L1 standard. Vehicle access is not allowed through the setback unless the local service street facing the residential zone is the only frontage for the site. Up to one third of the setback area can be hard surfaced for pedestrian

or bicycle access. Exterior display and storage is not allowed within the setback. See Figure 130-2.

c. See 33.130.250.D for the required garage entrance setback for a garage that is accessory to a house, attached house, manufactured home, or duplex.

d. Structured parking that does not allow exiting in a forward motion must be set back 18 feet from the street lot line. See 33.266.130.C.

Figure 130-2
Building Setbacks and Step-Down Height Across a Local Service Street from Residential Zones



2. Required setbacks from a lot line that is not a street lot line:

a. There is no minimum setback required from a lot line that abuts an OS, RX, C, E or CI zone. And, no setback is required from an internal lot line that is also a zoning line on sites with split zoning.

b. Except as follows, the required minimum setback from a lot line that abuts an RF through RM4, RMP, or IR zone is 10 feet. The required setback area must be landscaped to the L3 standard. Areas paved for pedestrian or bicycle use can be located in the required building setback area, but may not extend closer than 5 feet to a lot line abutting an RF through RM4 or RMP zone.

(1) In the Inner Pattern Area on sites that abut a Civic or Neighborhood Corridor shown on Map 130-3 no setback is required from a lot line that abuts a property in the RM2-RM4 zones that also has a lot line on a Civic or Neighborhood Corridor.

(2) Buildings that are 15 feet or less in height are exempt from the required setback.

(3) For both exceptions, any setback provided that is 5 feet or greater in depth must be landscaped to at least the L3 standard for a distance of up to 10

feet from the lot line. This means that if the building is setback 3 feet, no landscaping is required, but if the building is setback 15 feet, then the first 10 feet measured from the lot line must be landscaped.

c. Windows in the walls of dwelling units must be setback a minimum of 5 feet from a lot line that abuts a C, E, I, or CI zoned lot. Windows of dwelling units that also have other windows facing a street lot line or facing a dedicated open space that is at least 10 feet in depth, such as a required setback or required outdoor area, are exempt from this standard. The setback area must be a minimum width of 12 feet or the width of the residential window, whichever is greater.

3. Extensions into required building setbacks and buffering requirements of Table 130-2.

a. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback. However, except for building eaves and stormwater planters, they may not extend closer than 5 feet to a lot line abutting an RF – RM4 or RMP zoned lot.

(1) Eaves, chimneys, fireplace inserts and vents, mechanical equipment, fire escapes, water collection cisterns and stormwater planters;

(2) Stairways and wheelchair ramps that do not meet the standard of Subparagraph B.3.b below; and

(3) Bays and bay windows may extend into a street setback, but not a required setback abutting an RF – RM4 or RMP zoned lot, and also must meet the following requirements:

- Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building facade cannot be more than 30 percent of the area of the facade;
- At least 30 percent of the area of the bay which faces the street lot line requiring the setback must be glazing or glass block;
- Bays and bay windows must cantilever beyond the foundation of the building; and
- The bay may not include any doors.

b. The following minor features of a building are allowed to fully extend into required building setbacks, but may not extend closer than 5 feet to a lot line abutting an RF – RM4 or RMP zoned lot.

(1) Uncovered decks, stairways, and wheelchair ramps with surfaces that are no more than 2-1/2 feet above the ground;

(2) On lots that slope down from the street, vehicular and pedestrian entry bridges with surfaces that are no more than 2-1/2 feet above the average sidewalk elevation; and

(3) Canopies, marquees, awnings, and similar features may fully extend into a street setback.

c. Uncovered decks are allowed to fully extend into required street setbacks.

4. Detached accessory structures. For sites entirely in residential use, detached accessory structures are subject to the multi-dwelling zone standards of Section 33.120.280. The setback standards for detached accessory structures are stated in 33.130.265 below. Fences are addressed in 33.130.270 below.

C. Maximum building setbacks. Except as stated in Subsection E., the maximum building setback standards are stated below.

1. Maximum setback standards. Unless otherwise specified, the maximum a building can be set back from a street lot line is 10 feet, except on Civic Corridors shown on Map 130-1, where the maximum set back is 20 feet. At least 50 percent of the length of the ground level street-facing facade of the building must meet the maximum setback standard.

2. Applying the standard.

a. Where an existing building is being altered, the standards apply to the ground level, street-facing facade of the entire building. See Figures 130-3 and 130-4.

b. Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing facades of all of the buildings. See Figures 130-5 and 130-6.

c. In the CR, CM1, CM2, CM3, and CX zones, and in the CE zone within a Pedestrian District, if the site has street lot lines on three or more streets, the maximum setback standard only applies to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit street classifications. If the site is a through lot, the maximum setback standard only applies to the street with the highest transit street classification. If multiple streets have the same highest transit street classification, the applicant may choose which street or streets to apply the standard.

d. In the CE zone outside of pedestrian districts, the maximum setback standard only applies to transit streets unless the site does not have a street lot line on a transit street. If the site does not have a street lot line on a transit street, then the maximum setback standard applies to one street, and if there is more than one street, the applicant may choose which street to apply the standard. If the site has street lot lines on three or more transit streets, the maximum setback standard applies only to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit classification. If multiple transit streets have the same highest street classification, the applicant may choose which streets to apply the standard.

e. For buildings where all of the floor area is in residential use, the street-facing facade of an open porch that meets the following standards is included as part of the ground level, street-facing facade of the building:

(1) For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;

(2) The porch must have at least one entrance facing the street; and

(3) The porch must have a roof that is no more than 12 feet above the floor of the porch and at least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.

3. Exception. The maximum building setbacks do not apply to primary structures under 500 square feet in floor area, or to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 130-5.

D. Improvements in the setback area between a building and a street lot line.

1. General standard. The land between any building and a street lot line must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians. This area may be counted towards any minimum landscaped area requirements. Vegetated stormwater management facilities used to meet Bureau of Environmental Services stormwater management requirements, and residential outdoor areas, such as play areas and garden plots, as well as vehicle areas and exterior display, storage, and work activities, if allowed, are exempt from this standard. Bicycle parking may be located in the area between a building and a street lot line when the area is hard surfaced.

2. Improvements within transit street maximum building setbacks. Along transit streets, at least 50 percent of the setback area between the street lot line and the portion of the building that complies with the maximum building setback must be hard surfaced for use by pedestrians. Buildings entirely in a residential use are exempt from this standard.

Figure 130-3
Alteration to Existing Building in Conformance with Maximum Setback Standard

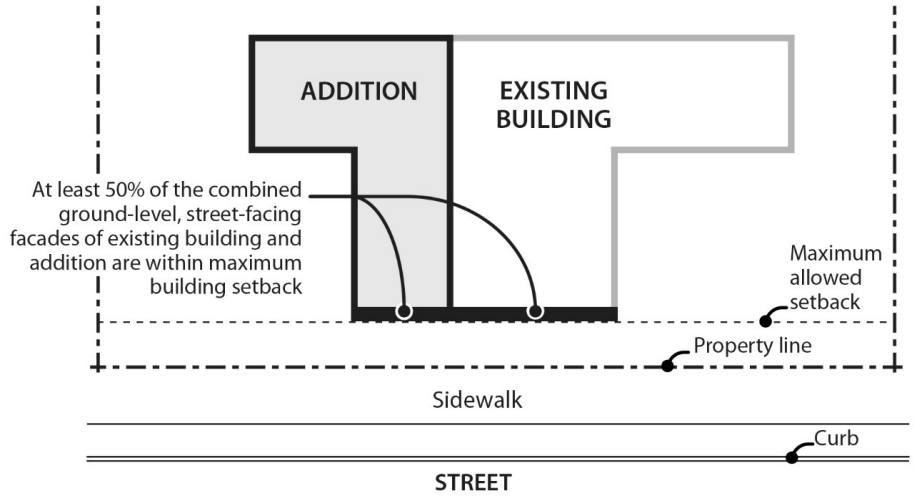
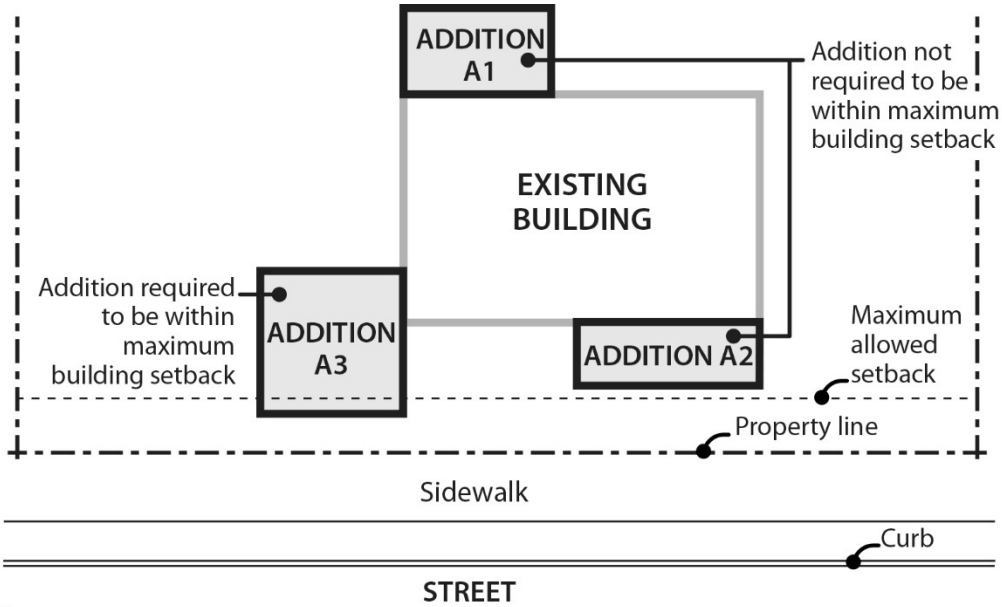


Figure 130-4
Alterations to Existing Building



Notes:

Addition A1. Not subject to maximum setback standard because addition has no street-facing facade.

Addition A2. Brings building closer to conformance with maximum setback standard because it does not increase the length of the street-facing facade, and it brings building closer to maximum building setback line.

Addition A3. Because addition increases length of street facing facade, 100% of addition facade must be within maximum setback until maximum setback standard for entire building is met.

Figure 130-5
Calculating Maximum Building Setback When More Than One Building On Site

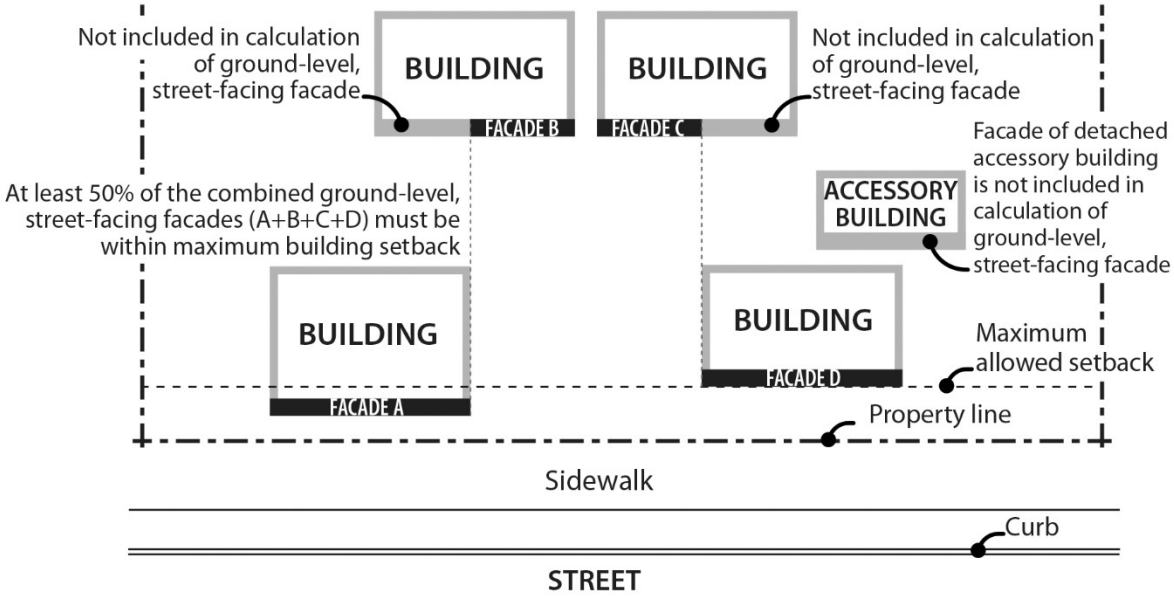
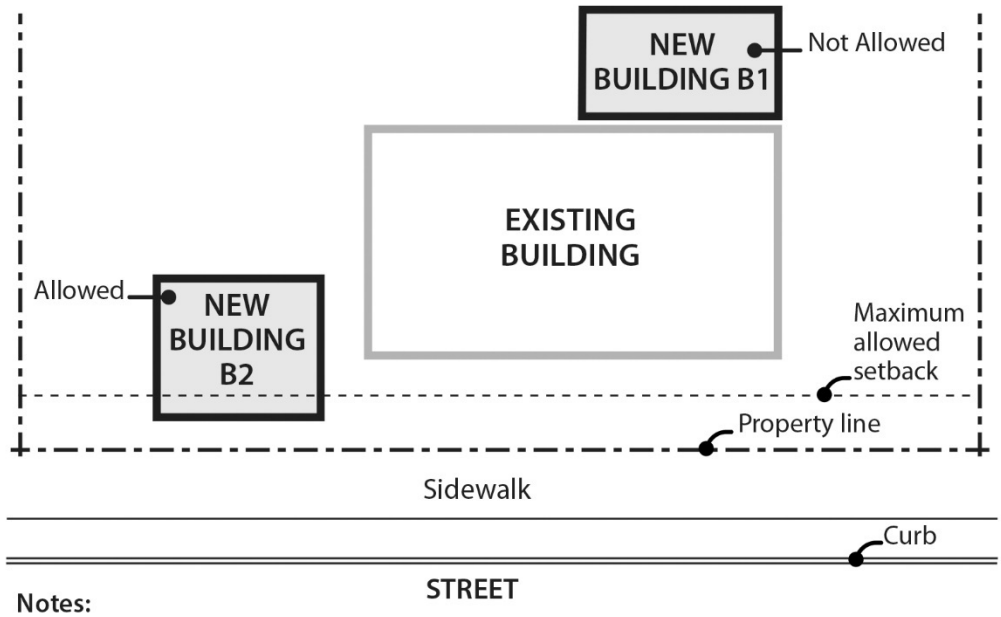


Figure 130-6
New Buildings on Sites with Buildings That Do Not Meet the Maximum Building Setback



Notes:
New Building B1. Not allowed because it moves site further out of conformance with maximum setback standard.
New Building B2. Because building increases length of combined street-facing facade on the site, 100% of building facade must be within maximum setback until maximum setback standard for site is met.

E. Alternative maximum building setback for large retailers.

1. Purpose. The intent of the regulations is to allow deeper street setbacks for very large retail stores locating along transit streets or in Pedestrian Districts in exchange for a pedestrian and transit-friendly main street type of development. These large retail sites can still be transit-supportive and pedestrian-friendly by placing smaller buildings close to the street and by creating an internal circulation system that is similar to streets in order to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks and provide connectivity within the site and to adjacent streets and uses.

2. Regulation. Sites that have at least one building with at least 60,000 square feet of floor area in Retail Sales and Service use are exempt from the maximum setback requirement of Table 130-2 and the vehicle area frontage limitations of 33.266.130.C.3 if all of the requirements of this paragraph are met. For sites with frontage on more than one transit street or more than one street in a Pedestrian District, this exemption may be used only along one transit street frontage or frontage along a street in a Pedestrian District.

    a. Other buildings on the site have ground level walls within the maximum setback for at least 25 percent of the frontage on a transit street or street in a Pedestrian District. These buildings must be constructed before or at the same time as the large retail store;

b. Internal circulation system. An internal circulation system that meets the following standards must be provided:

(1) Internal accessways that are similar to streets must divide the site into parking areas that are no greater than 55,000 square feet;

(2) These accessways must connect to the transit street, or street in a Pedestrian District, at least every 250 feet;

(3) Each internal accessway must have at least one auto travel lane, curbs, and unobstructed sidewalks on both sides and one of the following must be met:

- The sidewalks must be at least 10 feet wide and planted with trees a maximum of 30 feet on center. Trees must be planted in the center of unpaved tree wells at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk; or
- The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide. The planting strip must be between the curb and the sidewalk, and be landscaped to at least the L1 standard, except that trees cannot be grouped.

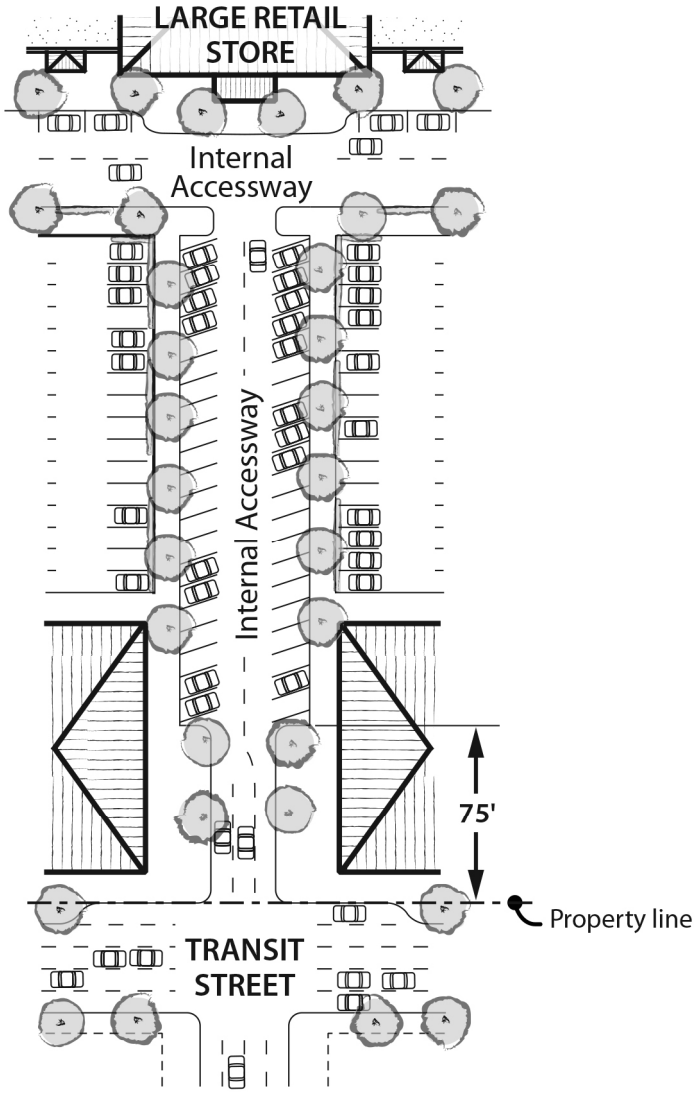
(4) Along each internal accessway that intersects a transit street, parking must be provided between both sidewalks and the auto travel lanes except for within 75 feet of the transit street intersection, measured from the street lot line, where parking is not allowed;

(5) Curb extensions that are at least the full depth of the parking must be provided, as shown in Figure 130-7, at the intersections of internal accessways that have parking; and

(6) The internal accessways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.

c. Connections between sites. This standard applies to all commercial, office, or institutional development that is adjacent to sites either developed for Commercial or Institutional use, or zoned C, E, I, CI, or IR. The system must connect the buildings on the site to these adjacent sites.

Figure 130-7
Internal Circulation System



33.130.220 Building Coverage

A. Purpose. The building coverage standards limit the footprint of buildings and work with the FAR, height, and setback standards to control the overall scale of development. The standards promote development consistent with the desired character of the zone. The standards allow a high degree of lot coverage in the Inner Neighborhoods pattern area to reflect the urban development patterns and continuous building frontages of the area. The standards for Eastern and Western pattern areas work in conjunction with landscaping requirements to respond to the less intensely developed characteristics of these areas.

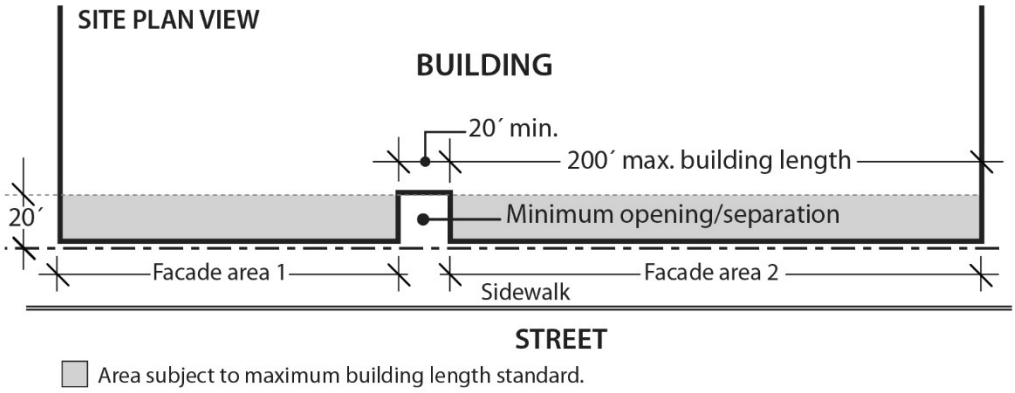
B. Building coverage standards. The maximum building coverage standards are stated in Table 130-2, and the standards apply based on pattern area geography. Map 130-2 identifies the pattern areas. Maximum building coverage applies to all buildings and covered structures.

33.130.222 Building Length and Facade Articulation

A. Purpose. These standards, along with the height and setback standards, limit the bulk of buildings close to the street. These standards help ensure that large buildings will be divided into smaller components that relate to the scale and patterns of Portland's commercial/mixed-use areas and add visual interest and variety to the street environment.

B. Maximum building length. In the CR, CM1, CM2, CM3, and CE zones, the maximum building length for the portion of a building located within 20 feet of a street lot line is 200 feet. The portions of buildings subject to this standard must be separated by a minimum of 20 feet when located on the same site. See Figure 130-8.

Figure 130-8
Maximum Building Length



C. Facade articulation.

1. Where the standard applies. This standard applies in the CM2, CM3 and CE zones as follows:

   a. In the CM2 and CE zones, the standard applies to buildings more than 35 feet high that have facade areas of more than 3,500 square feet within 20 feet of a street property line.

   b. In the CM3 zone, the standard applies to buildings more than 45 feet high that have facade areas of more than 4,500 square feet within 20 feet of a street property line.

   c. Portions of building facades that are vertically separated by a gap of at least 10 feet in width extending at least 20 feet in depth from the street property line are

considered to be separate facades areas for the purposes of the facade area measurements. See Figure 130-9.

2. The standard. At least 25 percent of the area of a street-facing facade within 20 feet of a street lot line must be divided into facade planes that are off-set by at least 2 feet in depth from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind or project out from the primary facade plane, but projections into street right-of-way do not count toward meeting this standard. See Figure 130-10.

Figure 130-9
Facade Articulation

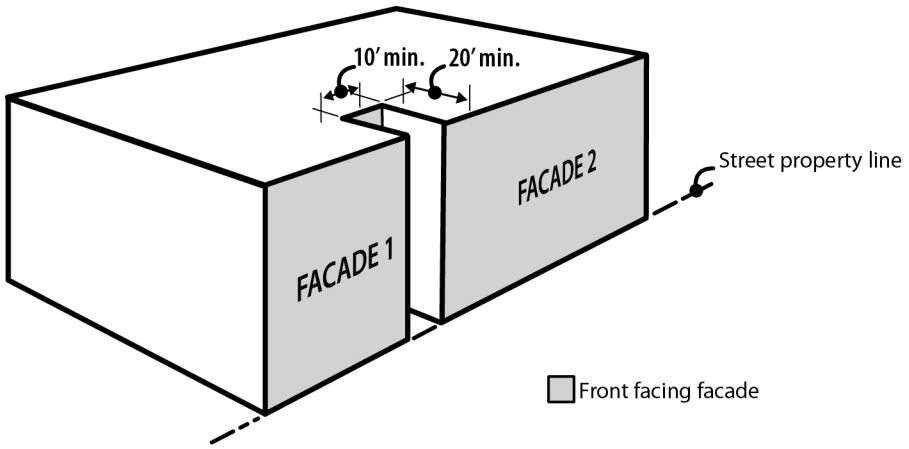
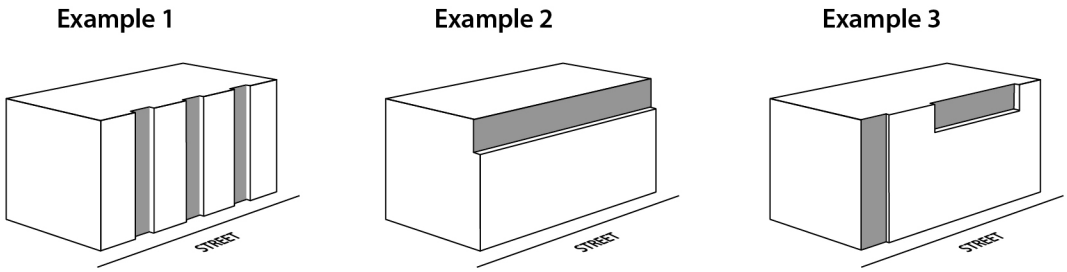


Figure 130-10
Facade Articulation



33.130.225 Landscaped Areas

A. Purpose. Landscaping is required in some zones because it is attractive and it helps to soften the effects of built and paved areas. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater runoff by providing unpaved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife. As an alternative to conventional landscaping, a range of urban green options are provided in the CM2 and CM3 zones in the Inner Neighborhoods pattern area

to reflect this area's more urban development patterns and historic storefront commercial characteristics. Landscaping is required for all commercial/mixed use-zoned lands abutting R zoned lands and as screening for parking lots (see Chapter 33.216) to provide buffering and promote livability.

B. Minimum landscaped area. The minimum amount of required landscaped area is stated in Table 130-2. Any required landscaping, such as for required setbacks or parking lots, applies towards meeting the minimum amount of required landscaped area. Sites developed with a house, attached house or duplex are exempt from the required minimum landscaped area standard. The required landscape area must meet one of the following:

1. Unless allowed by Paragraph B.2., required landscaped areas must:

   a. Be at ground level, except when in raised planters that are used to meet minimum Bureau of Environmental Services stormwater management requirements; and

   b. Comply with at least the L1 standard described in Chapter 33.248, Landscaping and Screening, or be a vegetated stormwater management facility that meets minimum Bureau of Environmental Services stormwater management requirements. However, up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples of active or passive recreational use include walkways, play areas, plazas, picnic areas, garden plots, and unenclosed recreational facilities.

2. Urban green alternative landscaped area. In the CM2 and CM3 zones in the Inner pattern area shown on Map 130-2, one or more of the following may be used to meet the required landscape area:

   a. Ecoroof. An ecoroof area may apply toward meeting the required landscaped area standard at a ratio of 4 square feet of ecoroof area for every 1 square foot of required landscaped area. The ecoroof area must be approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual.

   b. Large trees. The minimum required landscaped area may be reduced to 10 percent of site area when the site includes an area with minimum dimensions of 30 feet by 30 feet planted with at least one large-canopy tree. An existing large-canopy tree can be used to meet this requirement, subject to the Tree Protection Specifications of Title 11 (Section 11.60.030). Large canopy trees are defined in Section 33.248.030, Plant Materials. At least 50 percent of the ground area within this space must planted with ground cover plants and the remainder may be hard-surfaced for use by pedestrians.

   c. Raised landscaped areas. Landscaped areas raised above ground level may be used to meet the minimum landscaped area standard when landscaped to at least the L1 standard and soil depth is a minimum of 30 inches. Large trees are not allowed in raised landscaped area used to meet this alternative.

d. Pervious pavement. Up to 50 percent of the required landscaped area may be improved for pedestrian use, such as walkways and plazas, if the area is surfaced with pervious pavement approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual. If this provision is used, no impervious surfaces can be counted toward meeting the minimum landscaped area standard.

33.130.227 Trees

Requirements for street trees and for on-site tree preservation, protection, and overall tree density are specified in Title 11. See Chapter 11.50, Trees in Development Situations.

33.130.228 Required Outdoor Areas

A. Purpose. The required outdoor areas standards ensure opportunities for residents to have on-site access to outdoor space for recreation, relaxation, natural area, or growing food. Required outdoor areas are an important aspect for addressing the livability of a property with residential units by providing residents with opportunities for outdoor activities, some options for outdoor privacy, and a healthy environment. The standards ensure that outdoor areas are located so that residents have convenient access. These standards also allow for outdoor area requirements to be met by indoor community facilities because they provide opportunities for recreation or gathering.

B. Requirements.

1. Amount required:

   a. On sites that are up to 20,000 square feet in total area, at least 36 square feet of outdoor area is required for each dwelling unit on the site;

   b. For sites that are more than 20,000 square feet in total area, at least 48 square feet of outdoor area is required for each dwelling unit on the site.

2. Size, location and configuration. Required outdoor area may be provided as individual, private outdoor areas, such as patios or balconies, or as common, shared areas, such as outdoor courtyards and play areas, or indoor recreational facilities or community rooms. There also may be a combination of individual and common areas.

   a. Individual unit outdoor areas. Where a separate outdoor area is provided for an individual unit, it must be designed so that a 4-foot by 6-foot dimension will fit entirely within it. The outdoor area must be directly accessible to the unit. Balconies that extend over street right-of-way count towards meeting this standard. Areas used for pedestrian circulation to more than one dwelling unit do not count towards meeting the required outdoor area. If the area is at ground level it may extend up to 5 feet into a required front setback, and may extend into required side and rear setbacks as long as the area is not closer than 5 feet to a lot line abutting an RF through RM4 zoned lot.

   b. Common areas. There are two types of common area:

      (1) Outdoor common area. Where outdoor areas are common, shared areas, each area must be designed so that it is at least 500 square feet in area and

must measure at least 20 feet in all directions. The outdoor common area must be located within 20 feet of a building entrance providing access to residential units.

(2) Indoor common area. Where an indoor common area is provided, it must be an indoor recreational facility or an indoor tenant community room. Indoor common areas that are not recreational facilities or community rooms, such as lobbies, hallways, laundry facilities, storage rooms, and vehicle or bicycle facilities, cannot be used to meet this requirement.

c. Combination of individual and common areas. Where a combination of individual unit and common areas is provided, each individual area must meet Subparagraph B.2.a and each common area must meet B.2.b above, and together must provide a total amount of space equivalent to the combined amount of outdoor area required for each dwelling unit.

3. Surfacing materials. Required outdoor areas must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for active or passive recreational use.

4. User amenities. User amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pools, may be placed in the outdoor area. Common, shared outdoor areas may also be developed with amenities such as play areas, plazas, roof-top patios, picnic areas, and open recreational facilities.

33.130.230 Windows

A. Windows in street-facing facades.

1. Purpose. This standard:
   - Ensures that there is a visual connection between the living area of the residence and the street;
   - Enhances public safety by allowing people to survey their neighborhood from inside their residences; and
   - Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

2. Where this standard applies. This standard applies to street-facing facades of buildings. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing facade.

3. Windows in street-facing facades. At least 15 percent of the area of each facade that faces a street lot line must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard a door must be at the main entrance and face the street lot line. For structures subject to ground floor window requirements, windows

used to meet ground floor window requirements may also be used to meet this standard.

4. Exemption. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.

B. Ground floor windows.

1. Purpose. In the commercial/mixed use zones, blank walls on the ground level of buildings are limited in order to:
   - Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;
   - Encourage continuity of retail and service uses;
   - Encourage surveillance opportunities by restricting fortress-like facades at street level; and
   - Avoid a monotonous pedestrian environment.

2. Ground floor window standard for wall area that is not the wall of a dwelling unit. The following standards apply to the portions of a ground floor wall of a street-facing facade that is not the wall of a dwelling unit:

   a. General standard.

      (1) Windows must cover at least 40 percent of the ground floor wall area of street-facing facades that are 20 feet or closer to a street lot line or a publicly-accessible plaza. For the purposes of this standard, ground floor wall areas include all exterior wall areas from 2 feet to 10 feet above the finished grade, and include openings in the walls of structured parking. See Figure 130-11.

      (2) If the lot has more than one street frontage, then the ground floor window standard in Subparagraph B.2.a(1). applies to the facade that faces the highest transit street classification. All other ground level street-facing facades that are 20 feet or closer to the street lot line must have windows that cover 25 percent of the ground level wall area. The walls of structured parking along these facades may be set back at least 5 feet and landscaped to the L2 standard instead of providing 25 percent windows. If two or more streets have the same highest transit street classification, then the applicant may choose on which of those street to meet the higher standard. Transit street classifications are identified in the Transportation Element of the Comprehensive Plan.

   b. Exemptions:

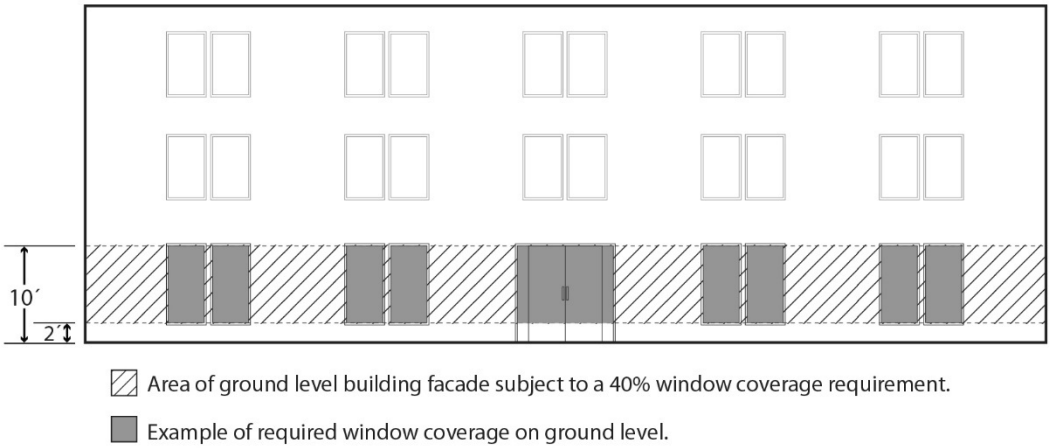
      (1) Houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes are exempt from this Section;

      (2) Ground floor street-facing walls of dwelling units must meet the standards in Paragraph B.4; and

(3) One opening for vehicular access to onsite parking area.

3. Qualifying window features. Required ground floor window areas must be windows that allow views into working areas, lobbies, residential units or residential building common areas; glazing in pedestrian entrances; or display windows that are at least 24 inches deep set into a wall. Windows into storage areas, vehicle parking areas, mechanical and utility areas, garbage and recycling areas, and display cases attached to outside walls do not qualify. Windows into bicycle parking areas are allowed to qualify for up to 25 percent of the ground floor windows coverage requirement. Except for the windows of residential units and clerestory windows located above doors or other windows, the bottom of qualifying windows must be no more than 4 feet above the adjacent exterior grade.

Figure 130-11
Ground Floor Windows



4. Ground floor window and frontage standards for dwelling units. The ground floor wall area of street-facing facades of dwelling units that are 20 feet or closer to a street lot line must meet at least one of the following standards:

a. Flexible ground floor design. The ground floor window standard of Subparagraph B.2.a(1) must be met, and the ground level of the building must be designed and constructed as follows:

(1) The distance from the finished floor to the bottom of the ceiling structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;

(2) The area meeting this standard must be at least 25 feet deep, measured from the street-facing facade; and

(3) Each unit must include a front entrance that is located at the level of the finished grade and can be accessed without steps.

b. Front setback.

(1) The portions of the building with residential dwelling units on the ground-floor must be set back at least 5 feet from the street lot line. The setback must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians; and

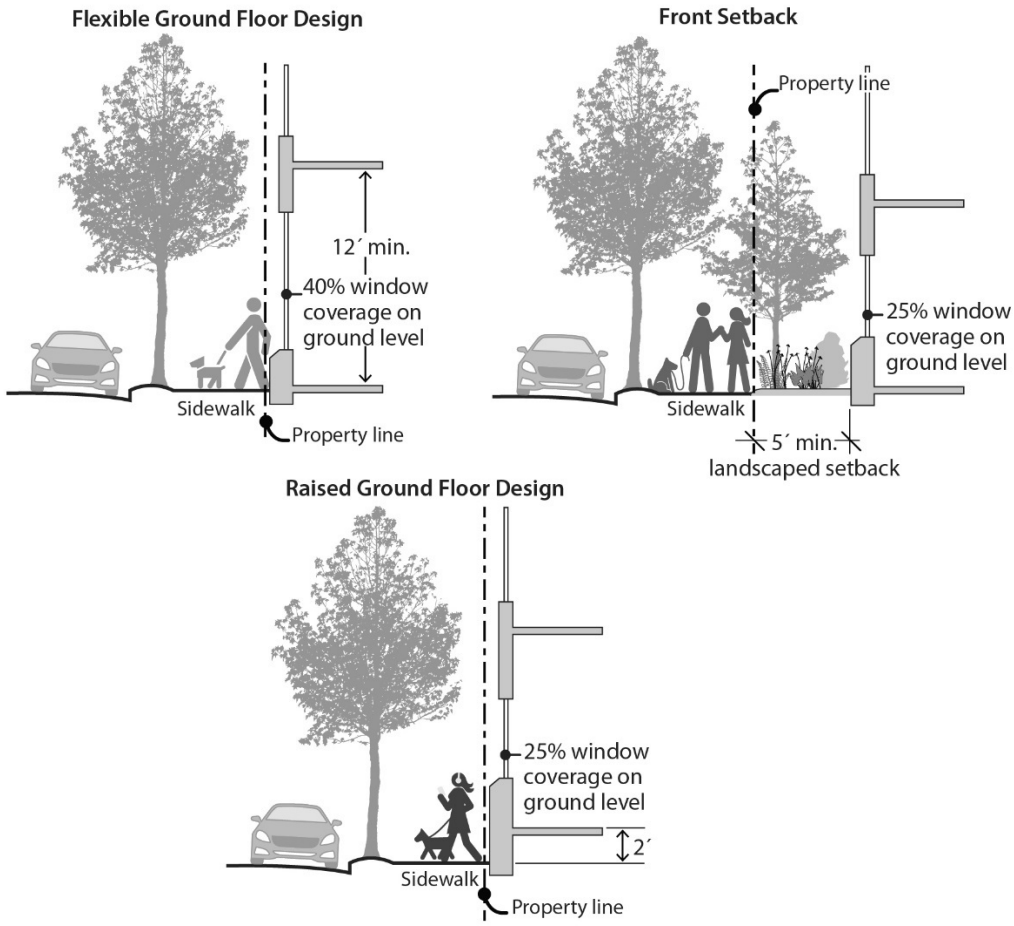
(2) Windows must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.

c. Raised ground floor.

(1) The portion of the building with residential dwelling units on the ground-floor must have the finished floor of each residential unit at least 2 feet above the grade of the closest adjoining sidewalk.

(2) Window must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.

Figure 130-12
Ground Floor Window Options for Dwelling Units



5. Exception for Public Art. Outside the Central City, public art may be used to meet up to one half of the required window coverage of the ground floor window provision. Covenants for the public art will be required, following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art. To qualify for this exception, documentation of approval by the Regional Arts and Culture Council must be provided prior to approval of the building permit.

33.130.235 Screening

A. Purpose. The screening standards address specific unsightly features which detract from the appearance of commercial/mixed use areas.

B. Garbage and recycling collection areas. All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

C. Mechanical equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an R zone:

1. A parapet along facades facing the R zone that is as tall as the tallest part of the equipment;
2. A screen around the equipment that is as tall as the tallest part of the equipment; or
3. The equipment is set back from roof edges facing the R zone 3 feet for each foot of height of the equipment.

D. Other screening requirements. The screening requirements for parking, exterior storage, and exterior display areas are stated with the regulations for those types of development.

33.130.240 Pedestrian Standards

A. Purpose. The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

B. The standards. The standards of this Section apply to all development except houses, attached houses, and duplexes. An on-site pedestrian circulation system must be provided. The system must meet all standards of this Subsection.

1. Connections. The on-site pedestrian circulation system must provide connections as specified below:

   a. Connection between streets and entrances.

      (1) Sites with one street frontage.

      - Generally. There must be a connection between one main entrance of each building on the site and the adjacent street. The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less. Buildings separated from the street by other buildings are exempt from this standard.
      - Household Living. If a building is located within 40 feet of a street lot line, and all of the floor area in the building is in a Household Living use, then there must be at least one connection between one main entrance and the adjacent street. The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less.
      - Tree preservation. If a tree that is at least 12 inches in diameter is proposed for preservation, and the location of the tree or its root protection zone would prevent the standard of this paragraph from being met, the connection may be up to 200 percent of the straight line distance.

(2) Sites with more than one street frontage. Where the site has more than one street frontage, the following must be met:

- The standard of Subparagraph B.1.a(1) must be met to connect the main entrance of each building on the site to the closest sidewalk or roadway if there are no sidewalks;
- An additional connection, which does not have to be a straight line connection, is required between each of the other streets and a pedestrian entrance. However, if at least 50 percent of a street facing facade is within 10 feet of the street, no connection is required to that street.

b. Internal connections. The system must connect all main entrances on the site and provide connections to other areas of the site used by building occupants, including parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities. Pedestrian connections to public sidewalks may substitute for internal connections for main entrances that are within 10 feet of a public sidewalk.

2. Materials.

a. The circulation system must be hard-surfaced and be at least 6 feet wide. On sites where all of the floor area is in Household Living, segments of the circulation system that provide access to no more than 4 units may be 3 feet wide.

b. Except as allowed in Subparagraph B.2.d., where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.

c. Except as allowed in Subparagraph B.2.d., where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.

d. On sites where all the floor area is in a Household Living use, the pedestrian circulation system may be located within an auto travel lane if the auto travel lane provides access to 16 or fewer parking spaces and the entire auto travel lane is surfaced with paving blocks or bricks.

3. Lighting. The on-site pedestrian circulation system must be lighted to a level where the system can be used at night by the employees, residents, and customers.

33.130.242 Transit Street Main Entrance

A. Purpose. Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.

B. Applicability.

1. Generally. All sites with at least one frontage on a transit street, and where any of the floor area on the site is in nonresidential uses, or residential use in a multi-dwelling structure, must meet the following standards. If the site has frontage on more than one transit street, the standards of Subsection C, below, must be met on at least one of the transit streets;

2. Small housing types. Houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes must meet the standards of 33.130.250.B, Residential Main Entrance, instead of the requirements of this section.

C. Location. For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor, and one main entrance to a multi-dwelling structure must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent transit street grade. The main entrance must:

1. Be within 25 feet of the transit street;

2. Allow pedestrians to both enter and exit the building; and

3. Meet one of the following:

   a. Face the transit street;

   b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 130-13; or

   c. If it is an entrance to a multi-dwelling structure:

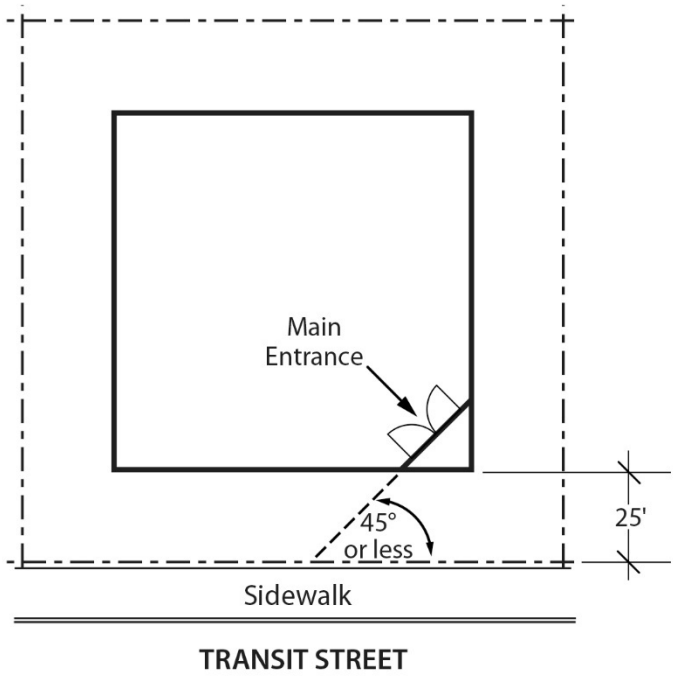
      (1) Face a courtyard at least 15 feet in width that abuts the transit street and that is landscaped to at least the L1 level, or hard-surfaced for use by pedestrians; and

      (2) Be within 60 feet of the transit street.

D. Distance between entrances. For portions of a building subject to the maximum building setback, a minimum of one entrance is required for every 200 feet of building length.

E. Unlocked during regular business hours. Each main entrance to nonresidential uses that meets the standards of Subsection C and D must be unlocked during regular business hours.

Figure 130-13
Transit Street Main Entrance



33.130.245 Exterior Display, Storage, and Work Activities

A. Purpose. The standards of this section are intended to assure that exterior display, storage, and work activities:

- Will be consistent with the desired character of the zone;
- Will not be a detriment to the overall appearance of a commercial/mixed use area;
- Will not have adverse impacts on adjacent properties, especially those zoned residential; and
- Will not have an adverse impact on the environment.

B. Exterior display.

1. CR zone. Exterior display of goods is not allowed.

2. CM1, CM2, CM3, and CX zones. Exterior display of goods is allowed except for the display of motor vehicles, recreational vehicles, motor vehicle parts and supplies, building materials, and the display of goods associated with an industrial use.

3. CE zone. Exterior display of goods is allowed except for the display of goods associated with industrial uses. Exterior display areas for motor vehicles and trailers must be set back at least 5 feet from street lot lines and be landscaped to at least the L1 standard.

4. Exterior display landscape screening abutting R zones. Exterior display areas must be set back at least 5 feet from lot lines abutting R zones and be landscaped to at least the L3 standard.

C. Exterior storage.

1. Exterior storage is not allowed in the CR, CM1, CM2, CM3, and CX zones.

2. Exterior storage is allowed in the CE zone if the storage area complies with the standards of this paragraph. Exterior storage is limited to 20 percent of the site area for all uses except lumber yards and other building material stores. All exterior storage areas must be set back 5 feet from nonstreet lot lines and 10 feet from street lot lines, with the setback area landscaped to at least the L3 standard.

D. Exterior work activities. Exterior work activities are prohibited in the commercial/mixed use zones except for the propagation and sale of plants, sales of motor vehicle fuels, and car washes, which are allowed. Exterior work activities related to sales of motor vehicle fuels and car washes are not allowed within 25 feet of a lot line that abuts a residential zone.

E. Other exterior activities. The following exterior activities are allowed in the commercial/mixed use zones: outdoor eating areas, entertainment and recreation activities that are commonly performed outside, and outdoor markets and vendor stalls.

F. Paving. All exterior display and storage areas, except for plant nurseries, must be paved.

33.130.250 General Requirements for Small Housing Types

A. Generally. Except as specified in this section, all development—residential, mixed-use, and nonresidential—must meet the other development standards for the zone such as height, setbacks, and building coverage.

B. Residential main entrance.

1. Purpose. These standards:

- Together with the window and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- Enhance public safety for residents and visitors and provide opportunities for community interaction;
- Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
- Ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence;
- Ensure a connection to the public realm for development of lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.

2. Where these standards apply.

a. The standards of this subsection apply to houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes in the commercial/mixed use zones.

b. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added.

c. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street lot line, the applicant may choose on which frontage to meet the standards.

d. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.

3. Location. At least one main entrance for each structure must:

a. Be within 8 feet of the longest street-facing wall of the structure; and

b. Either:

(1) Face the street, See Figure 130-14;

(2) Be at an angle of up to 45 degrees from the street; or

(3) Open onto a porch. See Figure 130-15. The porch must:

- Be at least 25 square feet in area;
- Have at least one entrance facing the street; and
- Have a roof that is:
  - No more than 12 feet above the floor of the porch; and
  - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with lattice or other open material if no more than 70 percent of the area of the material is open.

4. Duplexes on corner lots. Where a duplex is on a corner lot, the requirements of Paragraph C.3, above, must be met for both dwelling units. Both main entrances may face the same street.

Figure 130-14
Main Entrance Facing the Street

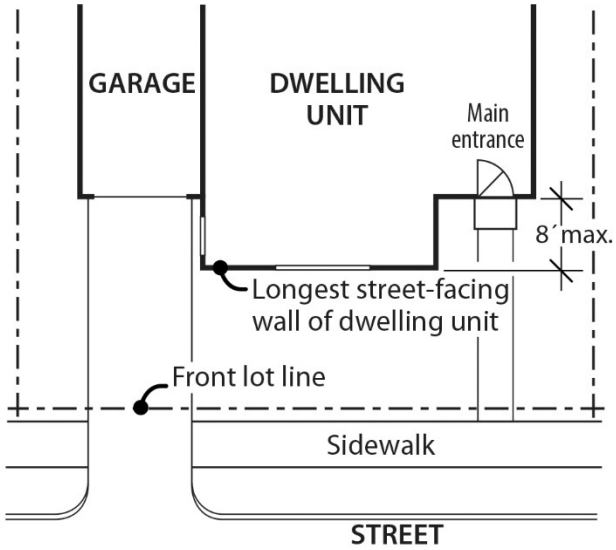
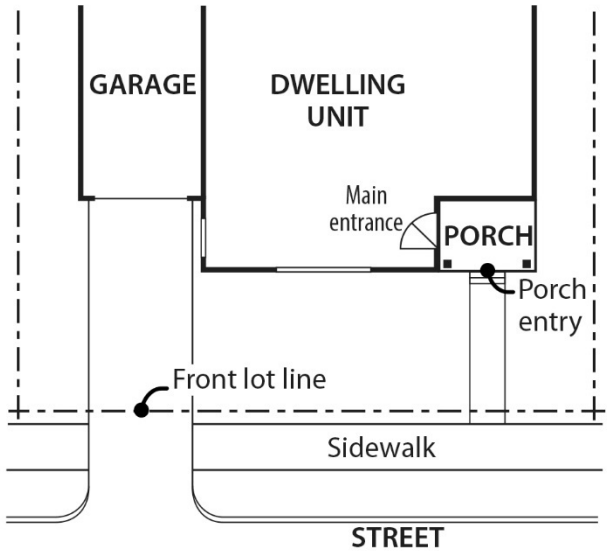


Figure 130-15
Main Entrance Opening On to a Porch



C. Garages.

1. Purpose. These standards:

- Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;

- Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
- Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
- Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk;
- Enhance public safety by preventing garages from blocking views of the street from inside the residence;
- Prevent cars from overhanging the street or sidewalk; and
- Provide for adequate visibility for a driver backing out of a garage.

2. Where these standards apply. The requirements of Paragraphs D.3, D.4 and D.5, below, apply to houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes. When a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.

3. Length of street-facing garage wall. The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building facade. See Figure 130-16. For attached houses and attached duplexes, the standard applies to the combined length of the street-facing facades of the attached units.

4. Street lot line setbacks.

   a. Generally. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 130-17.

   b. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:

      (1) The street-facing garage wall is 40 percent or less of the length of the building facade; and

      (2) There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 130-18. The porch must meet the following:
         - The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;
         - The porch must have a solid roof; and
         - The roof may not be more than 12 feet above the floor of the porch.

   c. Exemption. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing facade on which the main entrance is located.

5. Garage entrance setback. The garage entrance must be either 5 feet or closer to the street property line, or 18 feet or farther from the street property line. If the garage entrance is located within 5 feet of the front property line, it may be no closer to the street lot line than the longest street-facing wall of the dwelling unit.

Figure 130-16
Length of Street Facing Garage Wall

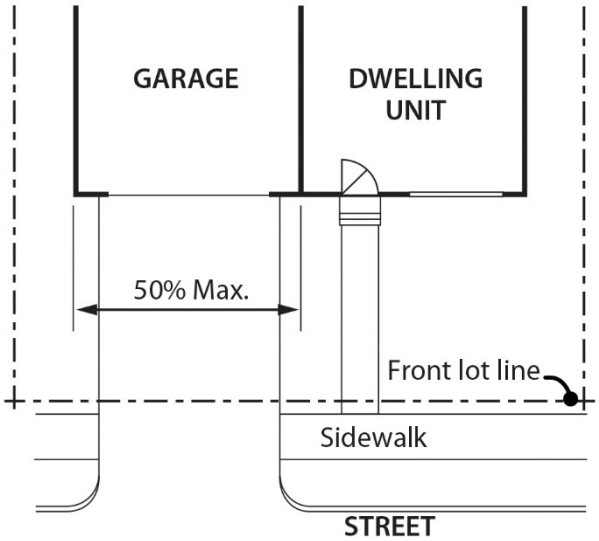


Figure 130-17
Street Lot Line Setback

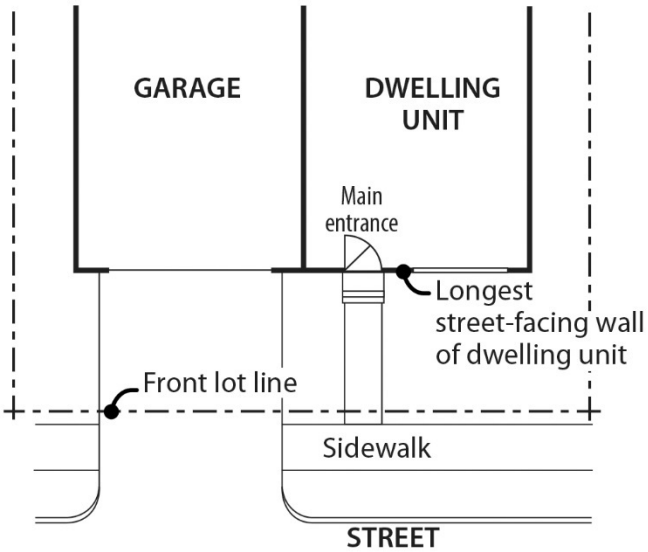
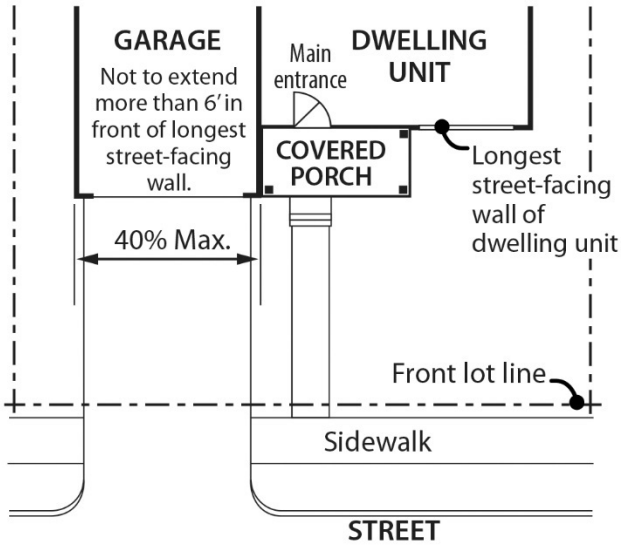


Figure 130-18
Garage Front Setback Exception



33.130.255 Trucks and Equipment

A. **Purpose.** The parking and storage of trucks and equipment is regulated to ensure that it will be consistent with the desired character of the commercial/mixed use zones and to limit adverse effects on adjacent residential lands.

B. **Truck and equipment parking standards.** The standards for truck and equipment parking apply to business vehicles that are parked regularly at a site. The regulations do not apply to pick-up and delivery activities, to the use of vehicles during construction, or to services at the site which occur on an intermittent and short term basis. The truck categories are defined in Chapter 33.910.

1. Light trucks. The parking of passenger vehicles, light trucks, and similar equipment is allowed in all commercial/mixed use zone areas that comply with the development standards
for parking areas.

2. Medium trucks. The parking of pickup trucks in the medium truck category is allowed in all commercial/mixed use zones. The parking of all other medium trucks and similar equipment is allowed only in the CE and CM3 zone. Truck parking areas must comply with the development standards for auto parking areas.

3. Heavy trucks. The parking of heavy trucks and similar equipment is not allowed in any commercial/mixed use zone.

33.130.260 Drive-Through Facilities

A. **Purpose.** The drive-through facility regulations support the desired character of the commercial/mixed use zones that are intended to be pedestrian-oriented, while allowing the continuation and improvement of existing drive-through facilities in some of these

zones. In zones intended for auto-accommodating development, these regulations allow for drive-through facilities, while limiting the impacts from drive-through facilities on adjacent residential zones, such as noise and air pollution from idling cars.

B. CR and CX zones. Drive-through facilities are prohibited in the CR and CX zones.

C. CM1, CM2, and CM3 zones. The following regulations apply to drive-through facilities in the CM1, CM2 and CM3 zones:

1 New drive-through facilities are prohibited; and

2. Existing drive-through facilities are allowed. Existing facilities can be rebuilt, expanded, or relocated on the site. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities. If the use with the drive-through facility is discontinued for 3 continuous years, reestablishment of the drive-through facility is prohibited. If the use ceases operation, even if the structure or materials related to the use remain, the use has been discontinued. A list of the standard evidence that can be provided to prove that the use has been maintained over time can be found in Subsection 33.258.038.B. If the applicant provides standard evidence from the list, the Director of BDS will determine if the evidence is satisfactory. If the applicant provides evidence other than the standard evidence listed, a Determination of Legal Nonconforming Status is required.

D. CE zone.

1. New drive-through facilities are prohibited except for drive-through facilities associated with Quick Vehicle Servicing uses. Drive-through facilities are not allowed within 25 feet of a lot line that abuts a residential zone. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities.; and

2. Existing drive-through facilities are allowed. Existing facilities can be rebuilt, expanded, or relocated on the site. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities. If the use with the drive-through facility is discontinued for 3 continuous years, reestablishment of the drive-through facility is prohibited. If the use ceases operation, even if the structure or materials related to the use remain, the use has been discontinued. A list of the standard evidence that can be provided to prove that the use has been maintained over time can be found in Subsection 33.258.038.B. If the applicant provides standard evidence from the list, the Director of BDS will determine if the evidence is satisfactory. If the applicant provides evidence other than the standard evidence listed, a Determination of Legal Nonconforming Status is required.

33.130.265 Detached Accessory Structures

A. Purpose. These standards are intended to maintain separation and privacy to abutting residential zoned lots from nonresidential development.

B. General standards.

1. The regulations of this section apply only to detached accessory structures on sites with non-residential uses. For sites where all of the floor area is in residential use, detached accessory structures are subject to the standards of Section 33.120.280.

Detached garages are also subject to the standards of 33.130.250, General Requirements for Residential and Mixed Use Developments.

2. The height and building coverage standards of the base zone apply to detached accessory structures.

C. Setbacks.

1. Uncovered accessory structures. Uncovered accessory structures such as flag poles, lamp posts, signs, antennas and dishes, mechanical equipment, uncovered decks, play structures, and tennis courts are allowed in a required setback, but can be no closer than 5 feet to a lot line abutting an RF through RM4 zoned lot.

2. Covered structures.

   a. Covered structures such as storage buildings, greenhouses, covered bicycle parking, and work sheds are subject to the setbacks for buildings.

   b. Water cisterns that are 6 feet or less in height are allowed in side and rear setbacks, including setbacks for abutting a residential zone.

   c. See Section 33.130.250, General Requirements for Residential and Mixed-Use Developments, for additional requirements for garages that are accessory to residential development.

33.130.270 Fences

A. Purpose. The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

B. Types of fences. The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location and heights.

1. Fences abutting street lot lines and pedestrian connections. Within 10 feet of a street lot line or lot line that abuts a pedestrian connection, fences that meet the following standards are allowed:

   a. Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high.

   b. Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.

2. Fences abutting other lot lines. Fences up to 8 feet high are allowed in required building setbacks along all other lot lines.

3. Fences in all other locations. The height for fences in locations other than described in Paragraphs C.1 and C.2 is the same as the regular height limits of the zone.

D. Reference to other regulations. Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

33.130.275 Demolitions

A. Generally. Demolition on a site that requires a demolition permit is subject to the tree preservation and protection requirements of Title 11, Trees. See Chapter 11.50, Trees in Development Situations.

B. Historic resources. Demolition of historic resources is regulated by Chapter 33.445, Historic Resource Overlay Zone.

C. CX zone landscaping. In the CX zone, sites must be landscaped within 6 months of the demolition of buildings unless there is an approved development for the site. Approved development means a project approved through design review. The landscaping must meet at least the L1 standard of Chapter 33.248, Landscaping and Screening, except that no shrubs or trees are required.

33.130.285 Nonconforming Development

Existing development that does not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

33.130.290 Parking, Loading, and Transportation and Parking Demand Management

The standards pertaining to the minimum required and maximum allowed number of auto parking spaces, minimum required number of bicycle parking spaces, parking lot placement, parking lot setbacks and landscaping, and requirements for transportation demand management are stated in Chapter 33.266, Parking, Loading, and Transportation Demand Management.

33.130.292 Street and Pedestrian Connections

A. Large site pedestrian connectivity.

1. Purpose. The large site pedestrian connectivity standard implements regional pedestrian and bicycle connectivity standards. The standard enhances direct movement by pedestrians and bicycles between destinations and increases the convenience of travelling by foot or bike. The standard also protects public health and safety by ensuring safe movement and access through a large site. The standard provides flexibility for locating the pedestrian connection in a manner that addresses site constraints such as existing development.

2. When does the standard apply. The large site pedestrian connectivity standard applies to new development and major remodeling on sites that are more than 5 acres in size.

3. Standard. If the site does not have pedestrian connections at least every 330 feet as measured from the centerline of each connection, then dedication of ROW for pedestrian connections is required.

4. Exemptions. Dedication of right-of-way for pedestrian connections is not required in:

   a. The Central City plan district; and

b. Areas of a site that are in the Environmental Protection overlay zone, the Environmental Conservation overlay zone, or have slopes with an average slope of 20 percent or greater. This means that if the 330 feet interval falls in one of these areas, that pedestrian connection is not required.

5. Pedestrian connection alignment, width and design. The Bureau of Transportation must approve the alignment of the pedestrian connections. The final alignment must ensure that pedestrian connections are located at least 200 feet apart. The Bureau of Transportation must also approve the width of, and configuration of element within, the pedestrian connections.

B. Additional requirements for street and pedestrian/bicycle connections are regulated by the Bureau of Transportation. See Section 17.88.040, Through Streets, of the Portland City Code.

33.130.295 Signs
The sign regulations are stated in Title 32, Signs and Related Regulations.

33.130.305 Superblock Requirements
Development in the CM2, CM3, CE, and CX zones which are on land that includes vacated rights-of-way may be subject to the superblock standards of Chapter 33.293, Superblocks.

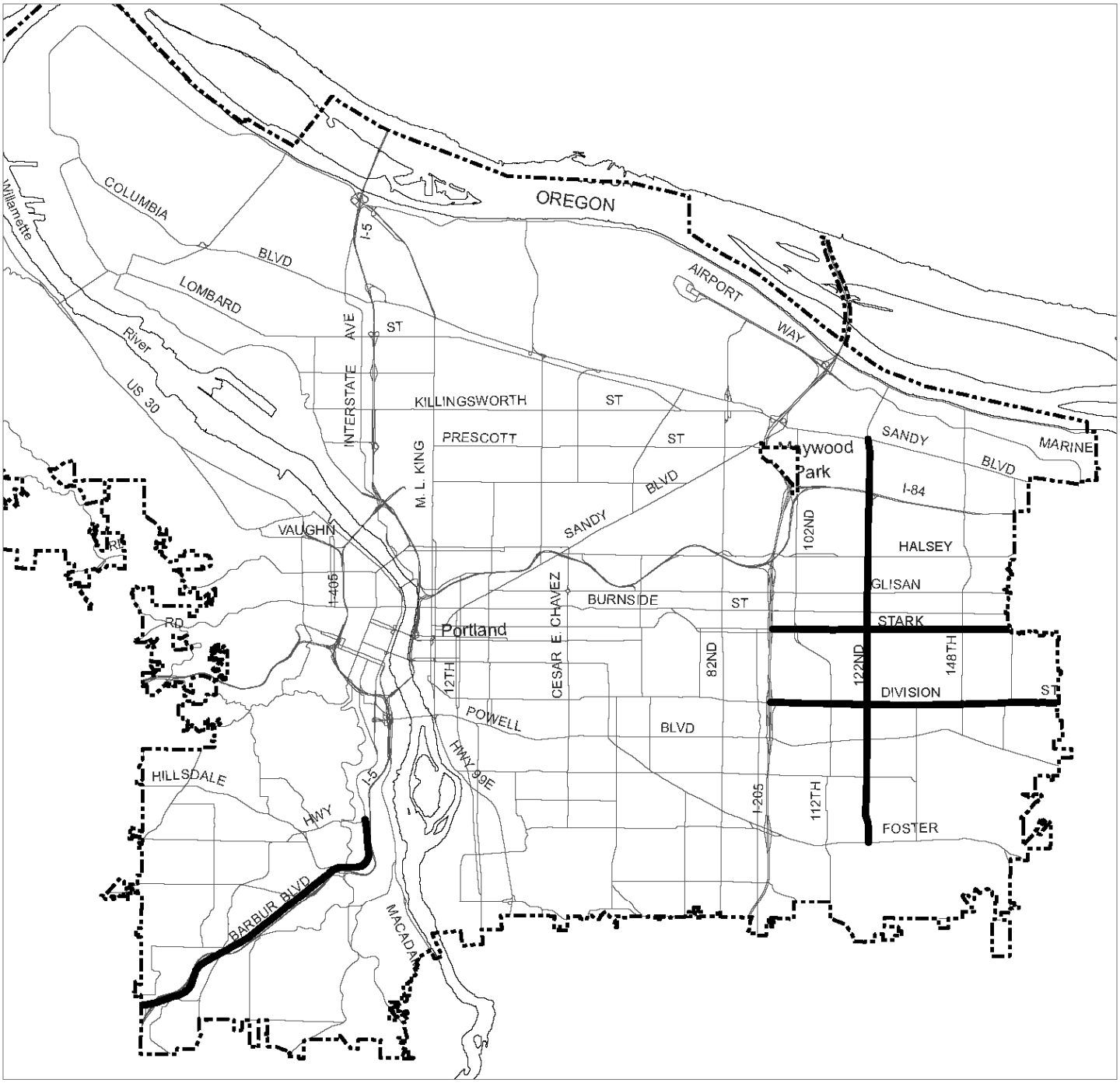
33.130.310 Recycling Areas
Requirements for recycling areas are regulated by the Bureau of Planning and Sustainability. See Section 17.102.270, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code.

(Amended by: Ord. No. 165594, effective 7/8/92; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169099, effective 8/18/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 173533, effective 8/2/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/8/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177404, effective 7/1/03; Ord. No. 178172, effective 3/5/04; Ord. No.178509, effective 7/16/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179845, effective 1/20/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185412; effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 08/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20.)

Civic Corridors with Required Setbacks

Map 130-1

Map Revised May 24, 2018



City Boundary

Civic Corridors where minimum 10-foot setbacks are required from street lot lines

NORTH

0 8,000 16,000

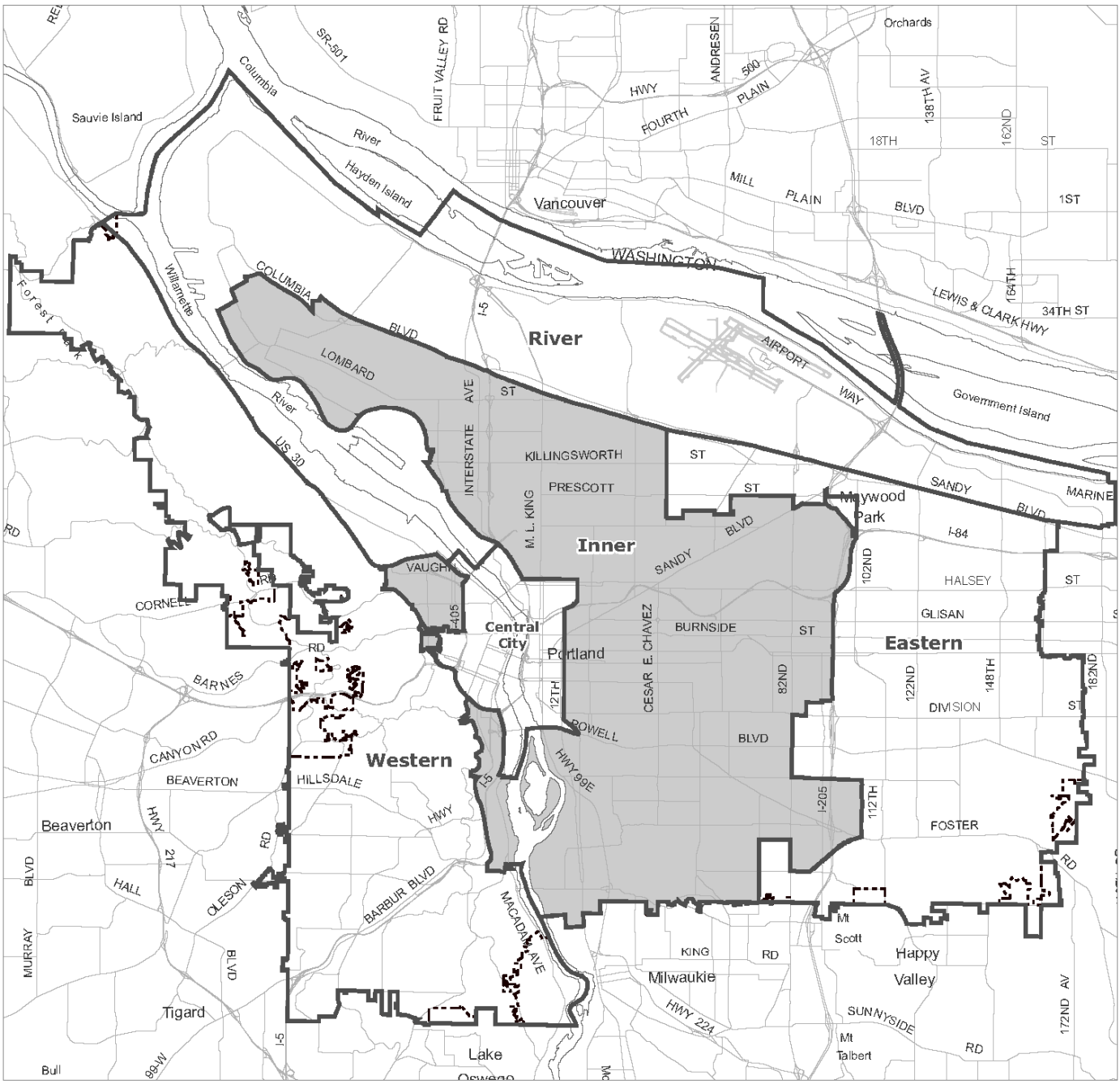
Scale in Feet

Bureau of Planning and Sustainability

Pattern Areas

Map 130-2

Map Revised March 1, 2020



City Boundary

Pattern Area Boundaries

NORTH

0 9,000 18,000

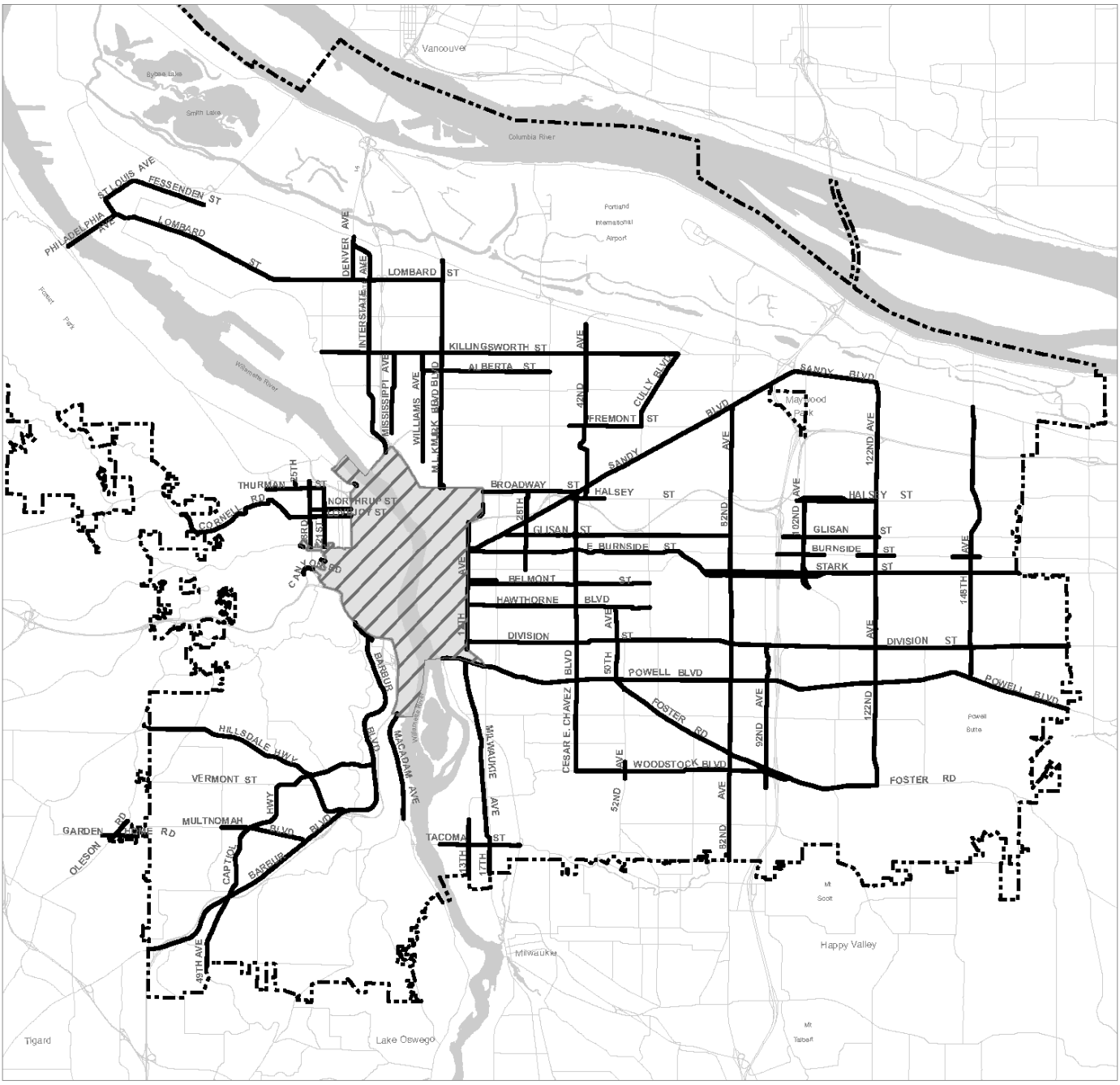
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Civic and Neighborhood Corridors

Map 130-3

Map Revised June 18, 2020



City Boundary

Civic and Neighborhood Corridors

Central City Plan District

NORTH

0 8,500 17,000

Scale in Feet

Source: Portland Bureau of Transportation, TSP, Street Design Classifications

Bureau of Planning and Sustainability
Portland, Oregon

33.140 Employment and Industrial Zones

140

Sections:

General
- 33.140.010 General Purpose of the Zones
- 33.140.020 List of the Employment and Industrial Zones
- 33.140.030 Characteristics of the Zones
- 33.140.040 Other Zoning Regulations
- 33.140.050 Neighborhood Contact in EG and I Zones
- 33.140.055 Neighborhood Contact in EX Zone

Use Regulations
- 33.140.100 Primary Uses
- 33.140.110 Accessory Uses
- 33.140.130 Nuisance-Related Impacts
- 33.140.140 On-Site Waste Disposal

Site Development Standards
- 33.140.200 Lot Size
- 33.140.205 Floor Area Ratio
- 33.140.210 Height
- 33.140.215 Setbacks
- 33.140.220 Building Coverage
- 33.140.225 Landscaped Areas
- 33.140.227 Trees
- 33.140.230 Ground Floor Windows in the EX Zones
- 33.140.235 Screening
- 33.140.240 Pedestrian Standards
- 33.140.242 Transit Street Main Entrance
- 33.140.245 Exterior Display, Storage, and Work Activities
- 33.140.250 Trucks and Equipment
- 33.140.255 Drive-Through Facilities
- 33.140.265 Residential Development
- 33.140.270 Detached Accessory Structures
- 33.140.275 Fences
- 33.140.280 Demolitions
- 33.140.290 Nonconforming Development
- 33.140.295 Parking and Loading
- 33.140.300 Signs
- 33.140.310 Superblock Requirements
- 33.140.315 Recycling Areas
- 33.140.320 Inclusionary Housing

General

33.140.010 General Purpose of the Zones

The employment and industrial zones are for areas of the City that are reserved for industrial uses and for areas that have a mix of uses with a strong industrial orientation. The zones reflect the diversity of industrial and business areas in the City. The zones differ in the mix of allowed uses, the allowed intensity of development, and the development standards. The regulations promote areas which consist of uses and developments which will support the economic viability of the specific zoning district and of the City. The regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

33.140.020 List of the Employment and Industrial Zones

The full and short names of the employment and industrial zones and their map symbols are listed below. When this Title refers to the employment or E zones it is referring to the first three listed. When this Title refers to the industrial or I zones, it is referring to the last three listed.

Full Name	Short Name/Map Symbol
General Employment 1	EG1
General Employment 2	EG2
Central Employment	EX
General Industrial 1	IG1
General Industrial 2	IG2
Heavy Industrial	IH

33.140.030 Characteristics of the Zones

A. General Employment. The General Employment zones implement the Mixed Employment map designation of the Comprehensive Plan. The zones allow a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial, industrially-related, and office uses, typically in a low-rise, flex-space development pattern. Retail uses are allowed but limited in intensity to maintain adequate employment development opportunities. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial/commercial areas.

1. General Employment 1. EG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. EG1 zoned lands will tend to be on strips or small areas.

2. General Employment 2. EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. EG2 zoned lands will generally be on larger areas than those zoned EG1.

B. Central Employment. This zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential

uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

C. General Industrial. The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas.

1. General Industrial 1. IG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas.

2. General Industrial 2. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.

D. Heavy Industrial. This zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance. The development standards are the minimum necessary to assure safe, functional, efficient, and environmentally sound development.

33.140.040 Other Zoning Regulations

The regulations in this chapter state the allowed uses and the development standards for the base zones. Sites in overlay zones or plan districts and designated historical landmarks are subject to additional regulations which supersede those of this Chapter. The Official Zoning Maps indicated which sites are subject to the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

33.140.050 Neighborhood Contact in EG and I Zones

A. Purpose. Neighborhood contact is required when a new storage structure for any type of fuel will be built on a Bulk Fossil Fuel Terminal because of the impacts that fuel projects can have on the surrounding community.

B. Neighborhood contact requirement. Proposals meeting the following conditions are subject to the neighborhood contact steps of 33.705.020.B., Neighborhood contact II. All of the steps in 33.705.020.B must be completed before an application for a building permit can be submitted.

1. The proposed development has not been subject to a land use review; and

2. The proposed development includes at least one new structure for the storage of any type of fuel on a site with a Bulk Fossil Fuel Terminal use.

33.140.055 Neighborhood Contact in EX Zone

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. Neighborhood contact I.

1. Neighborhood contact I requirements. When proposed development will add at least 10,000 square feet and not more than 25,000 square feet of net building area to a site, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. All the steps in 33.705.020.A. must be completed before an application for a building permit can be submitted.

2. Exemption. 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.

B. Neighborhood contact II.

1. Neighborhood contact II requirements. When the proposed development will add more than 25,000 square feet of net building area to a site, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. All of the steps in 33.705.020.B. must be completed before an application for a building permit can be submitted.

2. Exemption. 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.

Use Regulations

33.140.100 Primary Uses

A. Allowed uses. Uses allowed in the employment and industrial zones are listed in Table 140-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.

B. Limited uses. Uses allowed that are subject to limitations are listed in Table 140-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 140-1.

1. Household Living uses in I zones. This regulation applies to all parts of Table 140-1 that have a [1]. Household Living in houseboats and houseboat moorages in I zones are regulated by Chapter 33.236, Floating Structures. Household Living in other structures is prohibited.

2. Group Living. This regulation applies to all parts of Table 140-1 that have a [2].

   a. General regulations. All Group Living uses except for alternative or post incarceration facilities, are allowed by right subject to the regulations of Chapter 33.239, Group Living.

   b. Alternative or post incarceration facilities. Group Living uses which consist of alternative or post incarceration facilities are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.

3. EG Retail Sales And Service limitation. The following regulations apply to all parts of Table 140-1 that have a [3].

   a. Limited uses. Except for sites with historic landmarks, the net building area plus any exterior display, storage, work and other exterior activity area for Retail Sales And Service uses is limited to 20,000 square feet or the square footage of the site area, whichever is less. On sites with historic landmarks, the net building area plus any exterior display, storage, work and other exterior activity area for Retail Sales And Service uses is limited to 20,000 square feet or twice the total square footage of the site area, whichever is less.

   b. Conditional uses. Retail Sales And Service uses that exceed the area limits in Subparagraph B.3.a. are a conditional use.

4. IG1 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [4].

   a. Limited uses. One Retail Sales And Service or Office use is allowed per site. The square footage of net building area plus the exterior display, storage, work and other exterior activity area may be up to 3,000 square feet.

   b. Conditional uses.

      (1) More than one Retail Sales And Service or Office Use on a site is a conditional use.

      (2) Any Retail Sales And Service or Office Use where the net building area plus the exterior display, storage, work and other exterior activity area is more than 3,000 square feet is a conditional use.

   c. Prohibited uses.

      (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, storage exterior display, storage, work and other exterior activity area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

      (2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, storage, work and other exterior activity area, taken together, may not exceed 60,000 square feet or twice the square footage of the site area, whichever is less.

Retail Sales And Service and Office uses that exceed these area limits are prohibited.

5. IG2 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [5].

   a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display, storage, work and other exterior activity area may be up to 3,000 square feet per use.

   b. Conditional uses.

      (1) More than four Retail Sales And Service or Office uses on a site is a conditional use.

      (2) Any Retail Sales And Service or Office use where the net building area plus the exterior display, storage, work and other exterior activity area is more than 3,000 square feet is a conditional use.

   c. Prohibited uses.

      (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, storage, work and other exterior activity area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

      (2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, storage, work and other exterior activity area, taken together, may not exceed 60,000 square feet or twice the square footage of site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

6. IH commercial limitation. This regulation applies to all parts of Table 140-1 that have a [6].

   a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display, storage, work and other exterior activity area may be up to 3,000 square feet per use.

   b. Conditional uses.

      (1) More than four Retail Sales And Service or Office use on a site is a conditional use.

      (2) Any Retail Sales And Service or Office use where the net building area plus the exterior display, work and other exterior activity storage area is more than 3,000 square feet is a conditional use.

c. Prohibited uses.

(1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, storage, work and other exterior activity area, taken together, may not exceed 12,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

(2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, storage, work and other exterior activity area, taken together, may not exceed 25,000 square feet or twice the square footage of site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

7. Self-Service Storage limitation. This regulation applies to all parts of Table 140-1 that have a [7]. The limitations are stated with the special regulations for these uses in Chapter 33.284, Self-Service Storage.

8. Waste-Related limitation. This regulation applies to all parts of Table 140-1 that have a [8]. All Waste-Related uses are conditional uses, unless they meet all of the following conditions in which case they are allowed by right.

a. The use must be approved by Metro under their authority as prescribed in ORS 268.317;

b. Metro's approval of the use must include a mitigation plan. The requirements for the mitigation plan must be approved by the City Council through an intergovernmental agreement with Metro, adopted prior to Metro's approval of the use; and

c. The location of the use must be in conformance with Metro's Regional Solid Waste Management Plan.

9. Community Service uses in EG zones. This regulation applies to all parts of Table 140-1 that have a [9]. Most Community Service uses are allowed by right. Short term housing and mass shelters are regulated by Chapter 33.285, Short Term Housing and Mass Shelters.

Table 140-1
Employment and Industrial Zone Primary Uses

Use Categories	EG1	EG2	EX	IG1	IG2	IH
Residential Categories						
Household Living	N	N	Y	CU [1]	CU [1]	CU [1]
Group Living	N	N	L/CU [2]	N	N	N
Commercial Categories						
Retail Sales And Service	L/CU [3]	L/CU [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Office	Y	Y	Y	L/CU [4]	L/CU [5]	L/CU [6]
Quick Vehicle Servicing	Y	Y	N	Y	Y	Y
Vehicle Repair	Y	Y	Y	Y	Y	Y
Commercial Parking	CU [15]	CU [15]	CU [15]	CU [15]	CU [15]	CU [15]
Self-Service Storage	Y	Y	L [7]	Y	Y	Y
Commercial Outdoor Recreation	Y	Y	Y	CU	CU	CU
Major Event Entertainment	CU	CU	CU	CU	CU	CU
Industrial Categories						
Manufacturing And Production	Y	Y	Y	Y	Y	Y
Warehouse And Freight Movement	Y	Y	Y	Y	Y	Y
Wholesale Sales	Y	Y	Y	Y	Y	Y
Industrial Service	Y	Y	Y	Y	Y	Y
Bulk Fossil Fuel Terminal	L [17]	L [17]	N	L [17]	L [17]	L [17]
Railroad Yards	N	N	N	Y	Y	Y
Waste-Related	N	N	N	L/CU [8]	L/CU [8]	L/CU [8]

Y = Yes, Allowed
L = Allowed, But Special Limitations
CU = Conditional Use Review Required
N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.140.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Table 140-1
Employment and Industrial Zone Primary Uses

Use Categories	EG1	EG2	EX	IG1	IG2	IH
Institutional Categories						
Basic Utilities	Y/CU [12]	Y/CU [12]	Y/CU [12]	Y/CU [13]	Y/CU [13]	Y/CU 13]
Community Service	L/CU [9]	L/CU [9]	L/CU [10]	L/CU [11]	L/CU [11]	L/CU [11]
Parks And Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	N	N	N
Colleges	Y	Y	Y	N	N	N
Medical Centers	Y	Y	Y	N	N	N
Religious Institutions	Y	Y	Y	N	N	N
Daycare	Y	Y	Y	L/CU [11]	L/CU 11]	L/CU 11]
Other Categories						
Agriculture	L [16]	L [16]	L [16]	L [16]	L [16]	L [16]
Aviation And Surface Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	CU	CU	CU
Radio Frequency Transmission Facilities	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]	L/CU 14]	L/CU 14]
Rail Lines And Utility Corridors	Y	Y	Y	Y	Y	Y

Y = Yes, Allowed
L = Allowed, But Special Limitations
CU = Conditional Use Review Required
N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.140.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

10. Community Service in the EX zone. This regulation applies to all parts of Table 140-1 that have a [10]. Most Community Service uses are allowed by right. Short term housing and mass shelters are regulated by Chapter 33.285, Short Term Housing and Mass Shelters.

11. Community Service and Daycare limitations in I zones. This regulation applies to all parts of Table 140-1 that have a [11]. Community Service uses or Daycare uses up to 3,000 square feet of net building area are allowed. Community Service uses or Daycare uses larger than 3,000 square feet of net building area are a conditional use. Short term housing and mass shelters of any size are prohibited.

12. Basic Utilities in E zones. This regulation applies to all parts of Table 140-1 that have a [12]. Public safety facilities that include Radio Frequency Transmission Facilities are subject to the regulations of Chapter 33.274. All other Basic Utilities are allowed.

13. Basic Utilities in I zones. This regulation applies to all parts of Table 140-1 that have a [13]. Public safety facilities that include Radio Frequency Transmission Facilities are subject to the regulations of Chapter 33.274. Public safety facilities which have more

than 3,000 square feet of floor area are a conditional use. The approval criteria are in Section 33.815.223. All other Basic Utilities are allowed.

14. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 140-1 that have a [14]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.

15. Commercial Parking. This regulation applies to all parts of Table 140-1 that have a [15]. Except where plan district provisions supersede these regulations, Commercial Parking is a conditional use in the E and I zones. Within plan districts, there may be special regulations.

16. Agriculture. This regulation applies to all parts of Table 140-1 that have a [16]. Agriculture is an allowed use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden.

17. Bulk Fossil Fuel Terminals. This regulation applies to all parts of Table 140-1 that have a [17].

    a. Existing Bulk Fossil Fuel Terminals. Bulk Fossil Fuel Terminals that existed on January 13, 2017 are allowed, but the total amount of fossil fuel that can be stored on the site in storage tanks is limited to the fossil fuel storage tank capacity that existed on January 13, 2017. Total fossil fuel storage tank capacity on the site in excess of the capacity that existed on January 13, 2017 is prohibited. Storing coal on the site is prohibited.

    b. New Bulk Fossil Fuel Terminals are prohibited.

C. Conditional uses. Uses which are allowed if approved through the conditional use review process are listed in Table 140-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.

D. Prohibited uses. Uses listed in Table 140-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

33.140.110 Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory uses and all development standards.

33.140.130 Nuisance-Related Impacts

A. Off-site impacts. All nonresidential uses including their accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.

B. Other nuisances. Other nuisances are regulated by Title 29, Property and Maintenance Regulations.

33.140.140 On-Site Waste Disposal

On-site disposal of solid wastes generated by a use is subject to the same regulations as for uses in the Waste-Related use category. See Table 140-1.

Development Standards

33.140.200 Lot Size

Lot size regulations are in Chapters 33.614 and 33.615.

33.140.205 Floor Area Ratio

A. Purpose. Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.

B. The floor area standards. The FARs are stated in Table 140-2. The FAR standards of plan districts supersede the FAR standards of this chapter.

C. Bonus FAR. In the EX zone, bonus FAR is allowed as follows. Sites in the other employment and industrial zones are not eligible to use the bonus options. Adjustments to this Subsection, or to the maximum floor area allowed through the following bonuses, are prohibited:

1. Mandatory inclusionary housing. Bonus FAR is allowed up to the maximum FAR with inclusionary housing bonus stated in Table 140-2 for development that triggers the requirements of 33.245, Inclusionary Housing. The amount of bonus floor area allowed is an amount equal to the net building area of the building that triggers 33.245, up to the maximum FAR with bonus stated in Table 140-2. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.

2. Voluntary inclusionary housing. Bonus FAR up to the maximum FAR with inclusionary housing bonus stated in Table 140-2 is allowed when one of the following is met:

   a. Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050, up to the maximum FAR with bonus stated in Table 140-2. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

   b. Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the

applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.

D. Transfer of FAR from Landmarks in the EX Zone. Floor area ratios may be transferred from a site zoned EX that contains a Landmark as follows:

1. Maximum increase in FAR. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from Landmarks, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers.

2. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by Subsection C;

3. Receiving site. The transfer must be to a site that is:

   a. Zoned C or EX; and

   b. Within the recognized neighborhood where the Landmark is located, or to any site within two miles of the Landmark; and

4. The property owner executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant for the receiving site must meet the requirements of Section 33.700.060, Covenants with the City. The covenant for the Landmark transferring the density must meet the requirements of 33.445.610.D., Covenant.

E. Transfer of FAR from Landmarks in the EG Zones. Floor area ratios may be transferred from a site zoned EG1 or EG2 that contains a Landmark as follows:

1. Maximum increase in FAR. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from Landmarks, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers.

2. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by Subsection C;

3. Receiving site. The transfer must be to a site that is:

   a. Zoned EG1 or EG2; and

   b. Within the recognized neighborhood where the Landmark is located, or to any site within two miles of the Landmark; and

4. The property owner executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant

must meet the requirements of Section 33.700.060, Covenants with the City. The covenant for the Landmark transferring the density must meet the requirements of 33.445.610.D., Covenant.

33.140.210 Height

A. Purpose. The height standards work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of an area. The EG1 zone height limit is the same as the General Commercial zone because the EG1 zone often functions as a transition zone between industrial and residential or commercial zones. The EX zone height limit reflects its use in intense urban areas and the range of uses that are allowed. The other zones do not have height limits because tall buildings in these areas have traditionally not been a problem.

B. The height standard. The height limits for all structures, except detached accessory structures, are stated in Table 140-2. The height standards for detached accessory structures are stated in 33.140.270. Exceptions to the maximum height standard are stated below.

1. Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other similar items attached to a building, with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.

2. Parapets and rooftop railings may extend 4 feet above the height limit.

3. Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades:

   a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and

   b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.

4. Antennas, utility power poles, and public safety facilities are exempt from the height limit.

5. Small wind turbines are subject to the standards of Chapter 33.299.

6. Roof mounted solar panels are not included in height calculations, and may exceed the maximum height limit if the following are met:

   a. For flat roofs or the horizontal portion of mansard roofs, they may extend up to 5 feet above the top of the highest point of the roof.

   b. For pitched, hipped, or gambrel roofs, they must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.

Table 140-2
Development Standards

Standard	**EG1**	**EG2**	**EX**	**IG1**	**IG2**	**IH**
Maximum FAR (see 33.140.205)	3 to 1	3 to 1	3 to 1	no limit	no limit	no limit
Maximum FAR with Inclusionary Housing Bonus (see 33.140.205.C)	NA	NA	5 to 1	NA	NA	NA
Maximum Height (see 33.140.210)	45 ft.	no limit	65 ft	no limit	no limit	no limit
Min. Building Setbacks Street Lot Line (see 33.140.215)	5 ft.	25 ft.	0	0	25 ft.	5 ft.
- Lot line abutting an OS, C, E, or I zoned lot	0	0	0	0	0	0
- Lot line abutting an R zoned lot	See Table 140-3	15 ft.	See Table 140-3	See Table 140-3	15 ft.	15 ft.
Max. Building Stbks (see 33.140.215) Transit Street or Pedestrian District	10 ft.	None	10 ft.	None	None	None
Maximum Building Coverage (see 33.140.220)	85% of site area	85% of site area	100% of site area	100% of site area	85% of site area	100% of site area
Min. Landscaped Area (see 140.225)	15% of site area	15% of site area	None	None	15% of site area	None
Ground Floor Window Standards apply (see 33.140.230)	No	No	Yes	No	No	No
Pedestrian Standards Apply (see 33.140.240)	Yes	Yes	Yes	No	No	No

Table 140-3
Minimum Building Setbacks and Minimum Landscape Buffer
From Residential Zone Lot Lines [1]

Zone	Height of the building wall	Lots abutting a side lot line of an R zoned lot	Lots abutting a rear lot line of an R zoned lot
EG1, EX, IG1	15 ft. or less	5 ft. / 5 ft. @ L3	0 / none
	16 or more	10 ft. / 5 ft. @ L3	10 ft. / 5 ft. @ L3
EG2, IG2, IH	Any height	15 ft. / 10 ft. @ L3	15 ft. / 10 ft. @ L3

Notes:
[1] Does not apply to lot lines that abut lots in the RX zone. See 33.140.215.B.

33.140.215 Setbacks

A. Purpose. The setback standards promote different streetscapes. The EG2 and IG2 zone setbacks promote a spacious style of development. The EG1, IG1, and EX zone setbacks reflect the generally built-up character of these areas. The IH zone requires only a minimal setback to separate uses from the street. The setback standards are also intended to ensure that development will preserve light, air, and privacy for abutting residential zones. In the EG1 and EX zones, the setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.

B. Minimum building setbacks. The setback standards apply to all buildings and structures on the site except as specified in this section. Setbacks for exterior development are stated in 33.140.245 below, and for parking areas in Chapter 33.266.

1. Generally. The required building setbacks are stated in Table 140-2.

2. Lot line abutting R-zoned lot, except RX. Building setbacks and required landscape buffering on lot lines that abut lots in residential zones, except RX, are stated in Table 140-3. Required landscaped areas must comply with at least the L3 standard as stated in Chapter 33.248, Landscaping and Screening. Landscaping is not required where buildings abut a lot line.

3. Exceptions to the building setbacks.

   a. Setback averaging. Outside of Pedestrian Districts and along non-transit streets, the street setback from a street lot line for buildings, decks, balconies, and porches may be reduced to the average of the existing respective setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.

   b. Split zoning. No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.

4. Extensions into required building setbacks.

   a. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback. However, except for building eaves, they may not project into the landscape buffer required by Paragraph B.2.

      (1) Eaves, chimneys, fireplace inserts and vents, mechanical equipment, fire escapes, water collection cisterns, and planters;

      (2) Decks, stairways, wheelchair ramps, and uncovered balconies not meeting the standard of subparagraph B.4.b.; and

      (3) Bays and bay windows extending into the setback also must meet the following requirements:

         - Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building facade cannot be more than 30 percent of the area of the facade;
         - At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;

- Bays and bay windows must cantilever beyond the foundation of the building; and
- The bay may not include any doors.

b. The following minor features of a building are allowed to extend into required building setbacks but may not project into the landscaped buffer required by Paragraph B.2:

(1) Canopies, marquees, awnings, and similar features may fully extend into a street setback;

(2) Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building may fully extend into a street setback;

(3) Uncovered decks, stairways, and wheelchair ramps that are no more than 2-1/2 feet above the ground may fully extend into a required building setback; and

(4) On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation may fully extend into a required building setback.

5. Detached accessory structures. For sites entirely in residential use, detached accessory structures are subject to the multi-dwelling zone standards of 33.120.280. The setback standards for detached accessory structures are stated in 33.140.270 below. Fences are addressed in 33.140.275 below.

C. Maximum building setbacks.

1. Building setbacks on a transit street or in a Pedestrian District. The maximum setback standards of this paragraph apply to buildings that are enclosed on all sides.

a. Where these standards apply. Except as provided in Subsection D. below, these setback standards apply to sites in the EG1 and EX zones.

b. Measurement.

(1) Where an existing building is being altered, the standards of this paragraph apply to the ground level, street-facing facade of the entire building. See Figures 140-1 and 140-2.

(2) Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing facades of all of the buildings on the site. See Figures 140-3 and 140-4.

(3) For buildings where all of the floor area is in residential use, the street-facing facade of an open porch that meets the following standards is included as part of the ground level, street-facing facade of the building:

- For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;
- The porch must have at least one entrance facing the street; and

- The porch must have a roof that is:
  - No more than 12 feet above the floor of the porch; and
  - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.

c. Standards. There are two standards. Subparagraphs C.1.d. and e. specify where each standard applies:

(1) Standard 1: At least 50 percent of the length of the ground level street-facing facade of the building must be within the maximum setback;

(2) Standard 2: 100 percent of the length of the ground level street-facing facade of the building must be within the maximum setback;

d. Outside a Pedestrian district. Where the site is not in a Pedestrian District:

(1) One transit street. Where the site is adjacent to one transit street, the standard of Standard 1 must be met on the transit street frontage;

(2) Two non-intersecting transit streets. Where the site is adjacent to two transit streets that do not intersect:
- Standard 1 must be met on the frontage of the transit street with the highest classification. If both streets have the same classification, the applicant may choose which street;
- If one of the transit streets intersects a City Walkway, Standard 1 must be met along both the transit street with the highest classification and the City Walkway;

(3) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, Standard 2 must be met on the frontage of the transit street with the highest classification and Standard 1 must be met on an intersecting transit street. If two streets have the same highest classification, the applicant may choose which street.

e. In a Pedestrian District. Where the site is in a Pedestrian District:

(1) One street. Where the site is adjacent to only one street, Standard 1 must be met on that street frontage;

(2) Through lot with one transit street. Where the site is a through lot and one frontage is a transit street and one is a non-transit street, Standard 1 must be met on the frontage of the transit street;

(3) Through lot with two transit streets. Where the site is a through lot and both frontages are on transit streets, Standard 1 must be met on the frontage of the transit street with the highest classification. If both streets have the same classification, the applicant may choose which street;

(4) Through lot with no transit streets. Where the site is a through lot and neither frontage is on a transit street, Standard 1 must be met on one of

the frontages. The applicant may choose on which street to meet the standard;

(5) One transit street and one intersecting non-transit street. Where the site is adjacent to a transit street and an intersecting non-transit street, the following standards must be met:
- Standard 2 must be met on the frontage of the transit street,
- Standard 1 must be met on the intersecting non-transit street;

(6) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, the following standards must be met on the frontage of the transit street with the highest classification and any intersecting transit street:
- Standard 2 must be met on the frontage of the transit street with the highest classification. If both transit streets have the same classification, the applicant may choose which street; and
- Standard 1 must be met on an intersecting transit street;

(7) Three or more frontages, two non-intersecting transit streets. Where the site has three or more frontages, and two or them are transit streets that do not intersect, the following standards must be met on the frontage of the transit street with the highest classification and one intersecting street:
- Standard 2 must be met on the frontage of the transit street with the highest classification. If both transit streets have the same classification, the applicant may choose which street; and
- Standard 1 must be met on an intersecting street;

(8) Two or more frontages, no transit streets, two or more intersecting streets. Where the site has two or more frontages, none of them are transit streets, and two or more of the streets intersect, the following standards must be met on the frontage of one street and one intersecting street:
- Standard 2 must be met on the frontage of one street; and
- Standard 1 must be met on an intersecting street.

2. Exemption. The maximum building setbacks do not apply to primary structures under 500 square feet in floor area, or to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 140-3.

Figure 140-1
Alteration to Existing Building in Conformance with Maximum Setback Standard

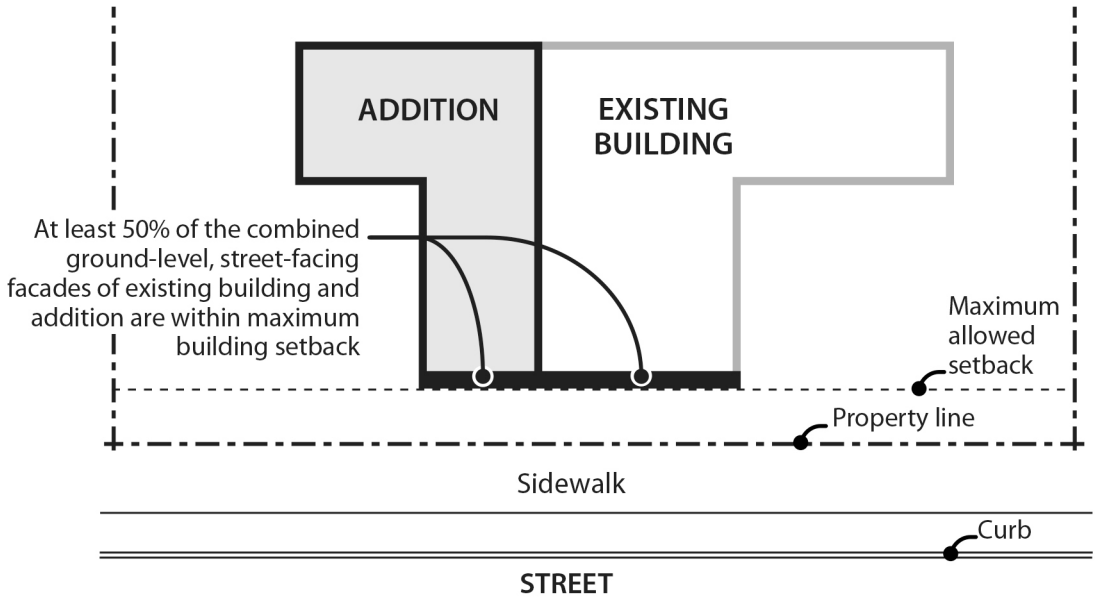
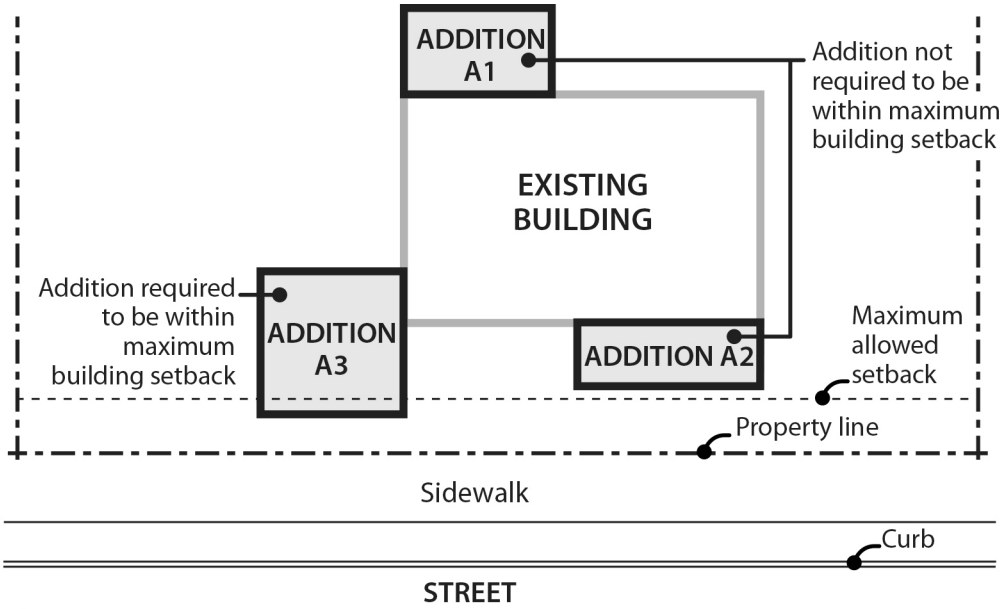


Figure 140-2
Alterations to Existing Building



Notes:

Addition A1. Not subject to maximum setback standard because addition has no street-facing facade.

Addition A2. Brings building closer to conformance with maximum setback standard because it does not increase the length of the street-facing facade, and it brings building closer to maximum building setback line.

Addition A3. Because addition increases length of street facing facade, 100% of addition facade must be within maximum setback until maximum setback standard for entire building is met.

Figure 140-3
Calculating Maximum Building Setback When More Than One Building On Site

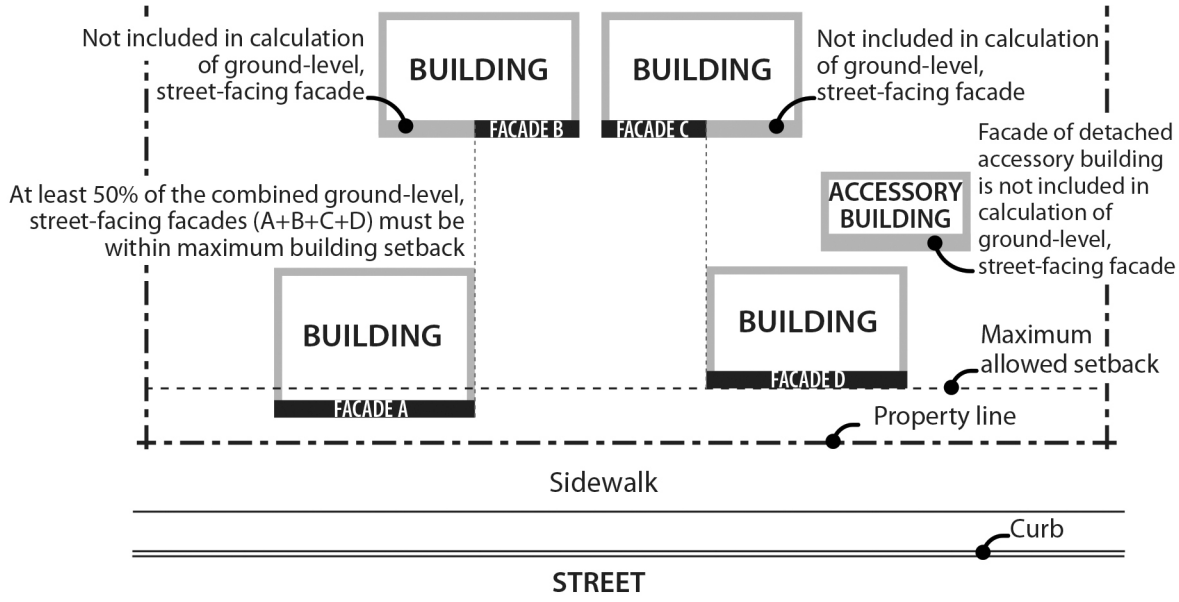
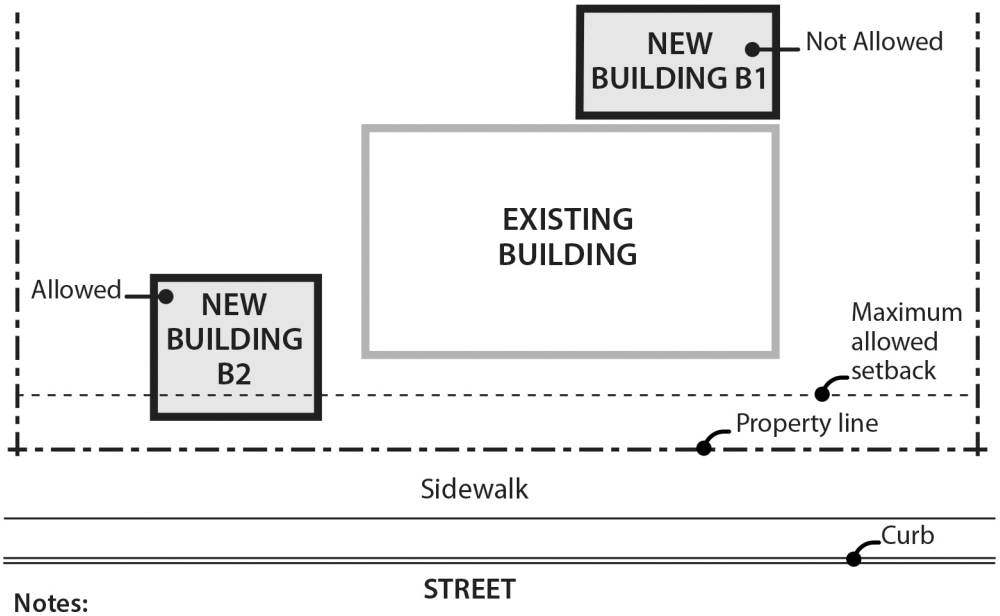


Figure 140-4
New Buildings on Sites with Buildings That Do Not Meet the Maximum Building Setback



Notes:
New Building B1. Not allowed because it moves site further out of conformance with maximum setback standard.
New Building B2. Because building increases length of combined street-facing facade on the site, 100% of building facade must be within maximum setback until maximum setback standard for site is met.

D. Alternative maximum setback option for large retailers.

1. Purpose. The intent of these regulations is to allow deeper street setbacks for very large retail stores locating along transit streets or in Pedestrian Districts in exchange for a pedestrian and transit-friendly main street type of development. These large retail sites can still be transit-supportive and pedestrian-friendly by placing smaller commercial buildings close to the street and by creating an internal circulation system that is similar to streets to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks and provide connectivity within the site and to adjacent streets and uses.

2. Regulation. Sites with a building having at least 100,000 square feet of floor area in Retail Sales And Service uses are exempt from the maximum setback requirement of Table 140-2 and the vehicle area frontage limitations of 33.266.130.C.3 if all of the requirements of this paragraph are met. For sites with frontage on more than one transit street or more than one street in a Pedestrian District, this exemption may be used only along one transit street frontage or frontage along a street in a Pedestrian District.

   a. Other buildings on the site have ground level walls within the maximum setback for at least 25 percent of the frontage on a transit street or street in a Pedestrian District. These buildings must be constructed before or at the same time as the large retail store;

   b. Internal circulation system. An internal circulation system that meets the following standards must be provided.

      (1) Internal accessways that are similar to streets must divide the site into parking areas that are no greater than 55,000 square feet;

      (2) These accessways must connect to the transit street, or street in a Pedestrian District, at least every 250 feet;

      (3) Each internal accessway must have at least one auto travel lane, curbs, and unobstructed sidewalks on both sides. One of the following must be met:
         - The sidewalks must be at least 10 feet wide and planted with trees a maximum of 30 feet on center. Trees must be planted in the center of unpaved tree wells at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk; or
         - The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide. The planting strip must be between the curb and the sidewalk, and be landscaped to at least the L1 standard except that trees cannot be grouped.

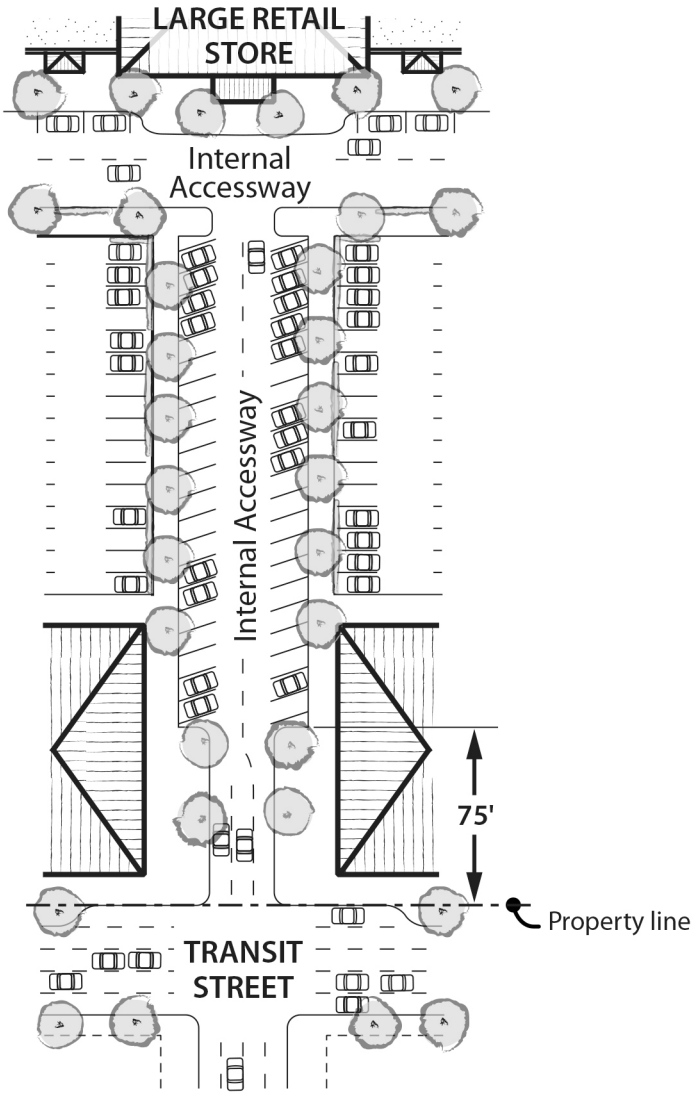
      (4) Along each internal accessway that intersects a transit street, parking must be provided between both sidewalks and the auto travel lanes except for within 75 feet of the transit street intersection, measured from the street lot line, where parking is not allowed;

(5) Curb extensions that are at least the full depth of the parking must be provided, as shown in Figure 140-5, at the intersections of internal accessways that have parking; and

(6) The internal accessways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.

c. Connections between sites. This standard applies to all commercial, office, or institutional development that is adjacent to sites either developed for commercial, office, or institutional use, or zoned C, E, or I. The system must connect the buildings on the site to these adjacent sites.

Figure 140-5
Internal Circulation System



33.140.220 Building Coverage

A. Purpose. The building coverage standards work with the FAR, height, and setback standards to control the overall bulk of structures. The standards assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent development or be inconsistent with the desired character of the zone. In the EG1, EG2, and IG2 zones, the standards work to assure that buildings will not dominate areas they are in. There is no limit to building coverage in the EX and IG1 zones because of the existing built-up character of the zones. There is no limit in the IH zone because the zone is designed to provide development flexibility.

B. The building coverage standards. The maximum building coverage for a site is stated in Table 140-2. The building coverage limits apply to all buildings and covered structures.

33.140.225 Landscaped Areas

A. Purpose. Landscaping is required to help soften the effects of built and paved areas. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater runoff by providing non-paved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife. Landscaping is required for all employment and industrially zoned lands abutting R-zoned lands to provide buffering and promote the livability of the residential lands.

B. Minimum landscaped area standard. The required amounts of landscaped areas are stated in Table 140-2. Required landscaped areas must be at ground level and comply with at least the L1 standard as stated in Chapter 33.248, Landscaping and Screening. However, up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples include walkways, play areas, plazas, picnic areas, and unenclosed recreational facilities. Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.

33.140.227 Trees

Requirements for street trees and for on-site tree preservation, protection, and overall tree density are in Title 11, Trees. See Chapter 11.50, Trees in Development Situations.

33.140.230 Ground Floor Windows in the EX Zone

A. Purpose. In the EX zone, blank walls on the ground level of buildings are limited in order to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;
- Encourage continuity of retail and service uses;
- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
- Avoid a monotonous pedestrian environment.

B. Required amounts of window area. In the EX zone, all exterior walls on the ground level which are 20 feet or closer to a street lot line, sidewalk, plaza, or other public open space or right-of-way must have windows. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade. The requirement does not apply to the walls of residential units, and does not apply to the walls of parking structures when set back at least 5 feet and landscaped to at least the L2 standard.

C. Qualifying window features. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than 4 feet above the adjacent exterior grade.

D. Exceptions for Public Arts. Outside of the Central City plan district, public art is allowed instead of meeting the ground floor window provision. Covenants for the public art will be required, following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art. To

qualify for this exception, documentation of approval by the Regional Arts and Culture Council must be provided prior to approval of the building permit.

33.140.235 Screening

A. **Purpose.** The screening standards address specific unsightly features which detract from the appearance of an area.

B. **Garbage and recycling collection areas.** In all zones except the IH zone, exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

C. **Mechanical equipment.** Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators, must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an R zone:

1. A parapet along facades facing the R zone that is as tall as the tallest part of the equipment;
2. A screen around the equipment that is as tall as the tallest part of the equipment; or
3. The equipment is set back from roof edges facing the R zone 3 feet for each foot of height of the equipment.

D. **Other screening requirements.** The screening requirements for parking, exterior storage, and exterior display areas are stated with the regulations for those types of development.

33.140.240 Pedestrian Standards

A. **Purpose.** The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in developments in the employment zones. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

B. **The standards.** The standards of this section apply to all development in the EG1, EG2, and EX zones except houses, attached houses, and duplexes. An on-site pedestrian circulation system must be provided. The system must meet all standards of this subsection.

1. Connections. The on-site pedestrian circulation system must provide connections as specified below:

   a. Connection between streets and entrances.

      (1) Sites with one street frontage.

         Generally. There must be a connection between one main entrance of each building on the site and the adjacent street. The connection may

not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less.

- Household Living. Sites where all of the floor area is in Household Living uses are only required to provide a connection to one main entrance on the site. The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less.
- Tree preservation. If a tree that is at least 12 inches in diameter is proposed for preservation, and the location of the tree or its root protection zone would prevent the standard of this paragraph from being met, the connection may be up to 200 percent of the straight line distance.

(2) Sites with more than one street frontage. Where the site has more than one street frontage, the following must be met:

- The standard of B.1.a(1) must be met to connect the main entrance of each building on the site to the closest sidewalk or roadway if there are no sidewalks. Sites where all of the floor area is in Household Living uses are only required to provide a connection meeting the standard of B.1.a(1) to one main entrance on the site;
- An additional connection, which does not have to be a straight line connection, is required between each of the other streets and a pedestrian entrance. However, if at least 50 percent of a street facing facade is within 10 feet of the street, no connection is required to that street.

b. Internal connections. The system must connect all main entrances on the site, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities.

2. Materials.

a. The circulation system must be hard-surfaced, and be at least 6 feet wide.

b. Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.

c. Where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.

3. Lighting. The on-site pedestrian circulation system must be lighted to a level where the system can be used at night by the employees, residents, and customers.

4. EG1 and EX zones. The land between a building and a street lot line must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians. This

area may be counted towards any minimum landscaped area requirements. Vehicle areas and exterior display, storage, and work activities, if allowed, are exempt from this standard. Bicycle parking may be located in the area between a building and a street lot line when the area is hard-surfaced.

33.140.242 Transit Street Main Entrance

A. Purpose. Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.

B. Applicability.

1. Generally. In the EX and EG1 zones, all sites with at least one frontage on a transit street, and where any of the floor area on the site is in nonresidential uses, must meet the following standards for the nonresidential uses. If the site has frontage on more than one transit street, the standards of Subsection C, below, must be met on at least one of the transit streets;

2. Small housing types. Houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes must meet the standards of subsection 33.140.265.D, Residential Main Entrance, instead of the requirements of this section.

C. Location. For the portion of buildings that conform to the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent transit street grade. The main entrance must:

1. Be within 25 feet of the transit street;

2. Allow pedestrians to both enter and exit the building; and

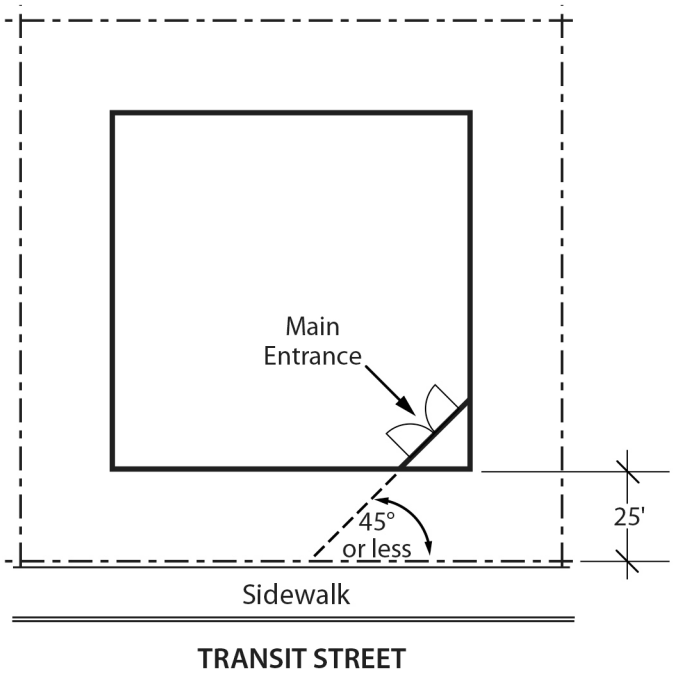
3. Either:

   a. Face the transit street; or

   b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 140-6.

D. Unlocked during regular business hours. The main entrance that meets the standards of Subsection C must be unlocked during regular business hours.

Figure 140-6
Transit Street Main Entrance



33.140.245 Exterior Display, Storage, and Work Activities

A. Purpose. The exterior development standards of this section are intended to assure that exterior display, storage, and work activities:

- Will be consistent with the desired character of the zone;
- Will not be a detriment to the overall appearance of an employment or industrial area, and exterior activities in the EG1 zone will be limited to a similar level as exterior activities in the Commercial Employment zone;
- Will not have adverse impacts on adjacent properties, especially those zoned residential; and
- Will not have an adverse impact on the environment.

B. Exterior display.

1. Employment zones. Exterior display of goods is allowed as follows. The setback and landscaping standards for exterior display areas are stated in Table 140-4:

   a. Exterior display of goods is allowed in the EG1 zone except for uses in the Industrial categories. Exterior display of goods is not allowed for uses in the Industrial categories in the EG1 zone.

   b. Exterior display of goods is allowed in the EG2 zone.

   c. Exterior display of goods is allowed in the EX zone except for the display of motor vehicles, recreational vehicles, motor vehicle parts and supplies, building materials, and goods associated with an industrial use.

2. Industrial zones. Exterior display of goods is allowed in the I zones. The setback and landscaping standards for exterior display areas are stated in Table 140-4.

C. Exterior storage.

1. Employment zones. Exterior storage is allowed in the EG1 zones but is limited to 20 percent of the site area for all uses except lumber yards and other building material stores. Exterior storage is allowed in the EG2 zones. Exterior storage is not allowed in the EX zones. The setback and landscaping standards for exterior storage areas are stated in Table 140-4.

2. Industrial zones. Exterior storage is allowed in the I zones. The setback and landscaping standards for exterior storage areas area stated in Table 140-4.

D. Exterior work activities. Exterior work activities are allowed in the industrial zones but not the employment zones. The setback and landscaping standards for exterior activity areas are stated in Table 140-4.

E. Other exterior activities. Outdoor eating areas are allowed as an exterior activity in the employment and industrial zones.

F. Paving. All exterior development areas in the EG1, EX, and IG1 zones must be paved.

Table 140-4
Exterior Development Setbacks and Landscaping [1]

	EG1, IG1	EG2, IG2	EX	IH
Exterior Display Abutting a street	5 ft. / L1	10 ft. / L1	Not Allowed	5 ft. / L1
Abutting a C, E, I, CI or IR zone lot	0	0	Not Allowed	0
Abutting an R or OS zone lot	5 ft. / L3	10 ft. / L3	Not Allowed	10 ft. / L3
Exterior Storage Abutting a street [2, 3]	5 ft. / L3, or 5 ft./ F2 + L2	25 ft. / L3, or 25 ft. / F2 + L2	Not Allowed	5 ft. / L3, or 5 ft./ F2 + L2
Abutting a C, E, I, CI or IR zone lot	0 / F1	0 / F1	Not Allowed	0
Abutting an R or OS zone lot	5 ft. / L4, or 10 ft. / L3	10 ft. / L4, or 25 ft. / L3	Not Allowed	10 ft. / L4, or 25 ft. / L3
Exterior Work Activities Abutting a street [2, 3]	Not allowed in EG1; 5 ft. / L3, or 5 ft./ F2 + L2 in IG1	Not allowed in EG2; 25 ft. / L3, or 25 ft. / F2 + L2 in IG2	Not Allowed	5 ft. / L3, or 5 ft./ F2 + L2
Abutting a C, E, I, CI or IR zone lot	Not allowed in EG1; 0 / F1 in IG1	Not allowed in EG2; 0 / F1 in IG2	Not Allowed	0
Abutting an R zone lot	Not allowed in EG1; 5 ft. / L4, or 10 ft. / L3 in IG1	Not allowed in EG2; 25 ft. / L3 or 25 ft. / F2 + L2 in IG2	Not Allowed	25 ft. / L3

Notes:
[1] The development standards first state the required setback, then the required landscaping standard.
[2] If parking areas are placed between exterior storage areas and the street, an F2 screen only is required on the edge of the storage area.
[3] When the F2 + L2 option is used, the fence must be placed along the interior side of the landscaped area.

33.140.250 Trucks and Equipment

The regulations for truck and equipment parking apply to business vehicles that are parked regularly at a site. The regulations do not apply to pick-up and delivery activities, or to the use of vehicles during construction, or other service at the site which occurs on an intermittent and short-term basis. The truck categories are defined in Chapter 33.910.

A. Light and medium trucks. The parking of light and medium trucks and similar equipment is allowed in areas that meet the perimeter development standards for parking areas. The areas must be paved.

B. Heavy trucks. The parking of heavy trucks and similar equipment is allowed in zones that allow exterior storage. The development standards for exterior storage must be met in the area where the heavy trucks and similar equipment are parked.

33.140.255 Drive-Through Facilities

Drive-through facilities are allowed in the zones which are intended for auto- accommodating development. They are not consistent with or supportive of areas where the desired character is pedestrian-oriented development. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities.

A. EG and I zones. Drive-through facilities are allowed in the EG and I zones.

B. EX zone. Drive-through facilities are prohibited in the EX zone.

33.140.265 Residential Development

When allowed, residential development is subject to the following development standards:

A. Generally. Except as specified in this section, base zone development standards continue to apply;

B. Existing buildings. Residential uses in existing buildings have no density limit within the building;

C. New development. Residential uses in new development are subject to the development standards of the EX zone, except as specified in this section;

D. Residential main entrance.

1. Purpose. The main entrance standards serve several purposes:

   - The main entrance standards, together with the window and garage standards ensure that there is a physical and visual connection between the living area of the residence and the street;
   - They enhance public safety for residents and visitors and provide opportunities for community interaction;
   - They ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
   - They ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.
   - Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.

2. Where these standards apply.

   a. The standards of this subsection apply to houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes in the employment and industrial zones.

b. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added.

c. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street frontage, the applicant may choose on which frontage to meet the standards.

d. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.

3. Location. At least one main entrance for each strucutre must:

a. Be within 8 feet of the longest street-facing wall of the structure; and

b. Either:

(1) Face the street. See Figure 140-7;

(2) Be at an angle of up to 45 degrees from the street; or

(3) Open onto a porch. See Figure 140-8. The porch must:
- Be at least 25 square feet in area;
- Have at least one entrance facing the street; and
- Have a roof that is:
  - No more than 12 feet above the floor of the porch; and
  - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with lattice or other open material if no more than 70 percent of the area of the material is open.

4. Duplexes on corner lots. Where a duplex is on a corner lot, the requirements of Paragraph C.3, above, must be met for both dwelling units. Both main entrances may face the same street.

E. Street-facing facades.

1. Purpose. The standard:

- Together with the main entrance and garage standards, ensures that there is a visual connection between the living area of the residence and the street;

- Enhances public safety by allowing people to survey their neighborhood from inside their residences; and

- Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

2. Where this standard applies. The standard of this subsection applies to houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes in the Employment and Industrial zones. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing

facade. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.

3. The standard. At least 15 percent of the area of each facade that faces a street lot line must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line.

Figure 140-7
Main Entrance Facing the Street

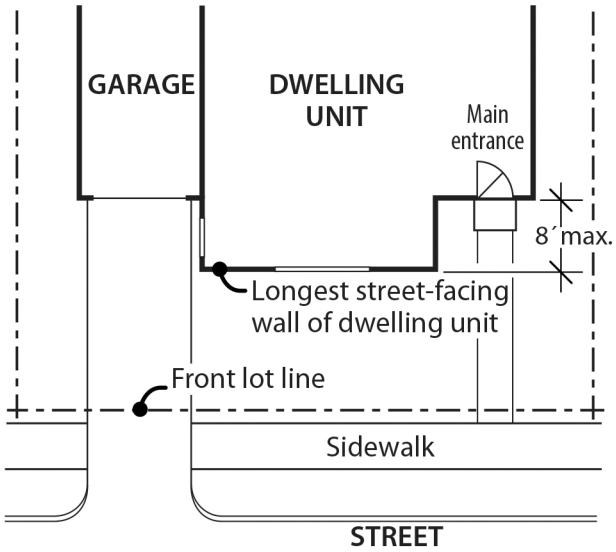
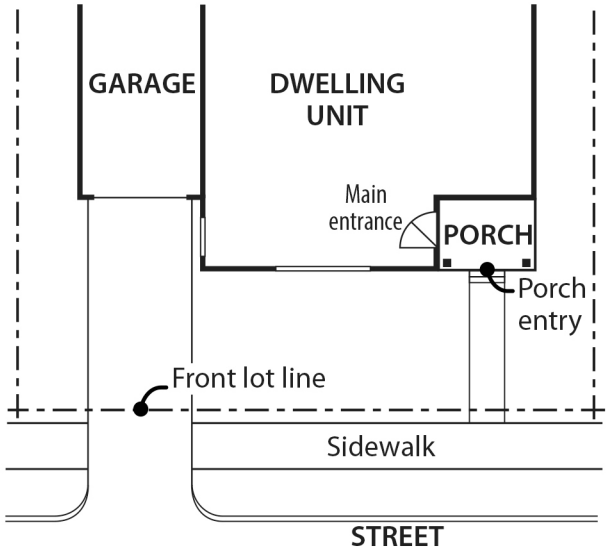


Figure 140-8
Main Entrance Opening Onto a Porch



F. Garages.

1. Purpose. These standards:

   - Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
   - Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
   - Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
   - Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
   - Enhance public safety by preventing garages from blocking views of the street from inside the residence.

2. Where these standards apply. The requirements of Paragraphs F.3 and F.4, below, apply to houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes. When a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.

3. Length of street-facing garage wall. The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building facade. See Figure 140-9. For attached houses and attached duplexes, the standard applies to the combined length of the street-facing facades of the attached units.

4. Street lot line setbacks.

   a. Generally. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 140-11.

   b. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:

      (1) The street-facing garage wall is 40 percent or less of the length of the building facade; and

      (2) There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 140-12. The porch must meet the following:
         - The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;
         - The porch must have a solid roof; and
         - The roof may not be more than 12 feet above the floor of the porch.

c. Exemption. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing facade on which the main entrance is located.

33.140.270 Detached Accessory Structures

A. Purpose. These standards are intended to maintain separation and privacy to abutting residential lots from nonresidential development.

B. General standards.

1. The regulations of this section apply to detached accessory structures on sites with non-residential uses. For sites where all of the floor area is in residential use, detached accessory structures are subject to the standards of Section 33.120.280. Detached garages that are accessory to residential development are also subject to the standards of 33.140.265, Residential Development.

2. Unless stated in this section, the height and building coverage standards of the base zone apply to detached accessory structures.

C. Setbacks.

1. Uncovered accessory structures. Uncovered accessory structures, such as flag poles, lamp posts, signs, antennas and dishes, mechanical equipment, uncovered decks, play structures, and tennis courts, are allowed in a street setback, but not in a required setback from an abutting residential zone.

2. Covered structures.

   a. Covered structures, such as storage buildings, greenhouses, work shed, covered decks, and covered recreational structures, are subject to the setbacks for buildings.

   b. Water cisterns that are 6 feet or less in height are allowed in side and rear setbacks, including setbacks abutting a residential zone.

   c. See Section 33.140.265, Residential Development, for additional requirements for garages that are accessory to residential development.

Figure 140-9
Length of Street-Facing Garage Wall

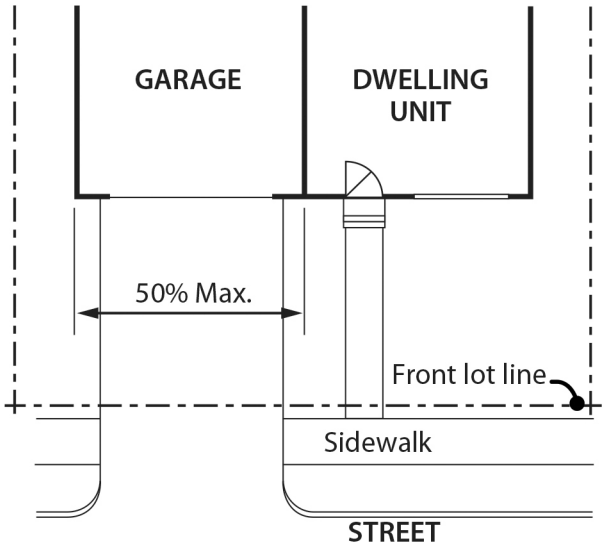


Figure 140-10
Length of Street-Facing Garage Wall Exception

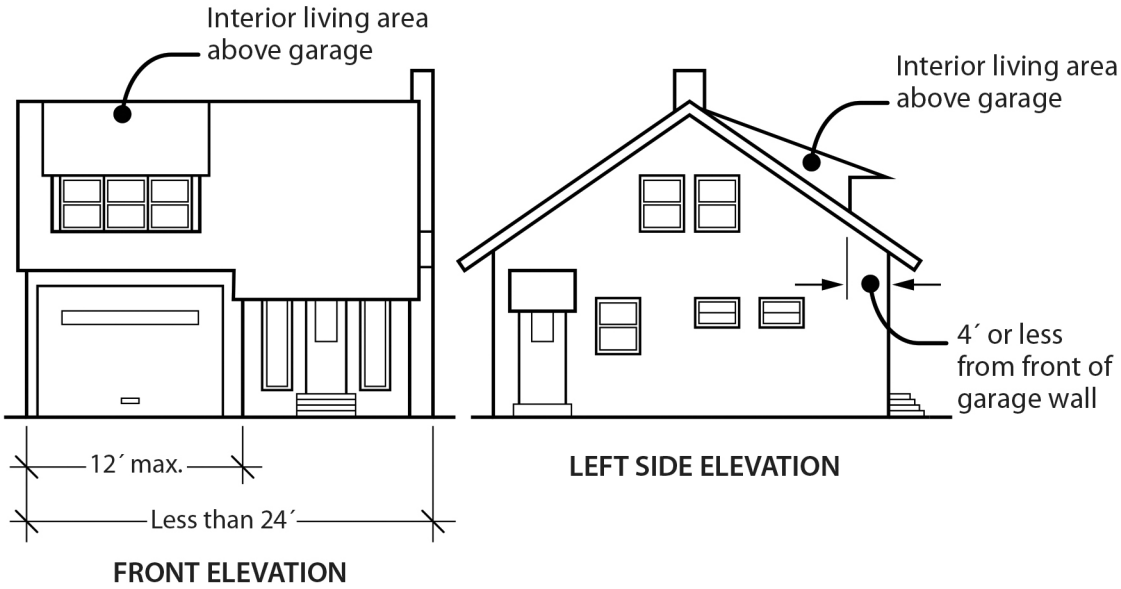


Figure 140-11
Street Lot Line Setback

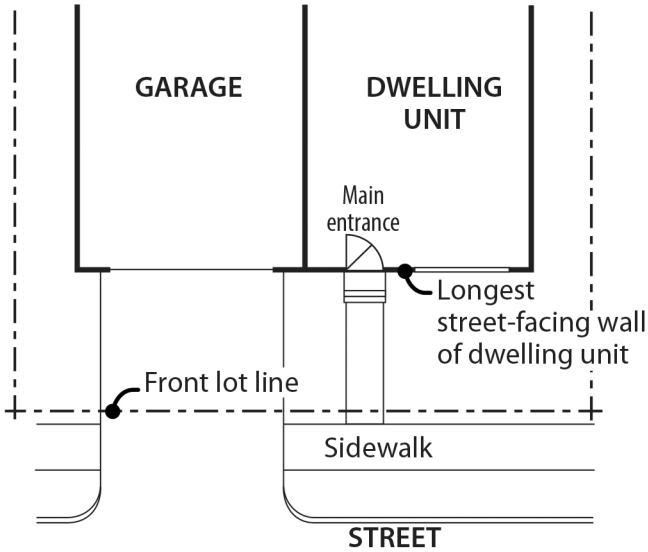
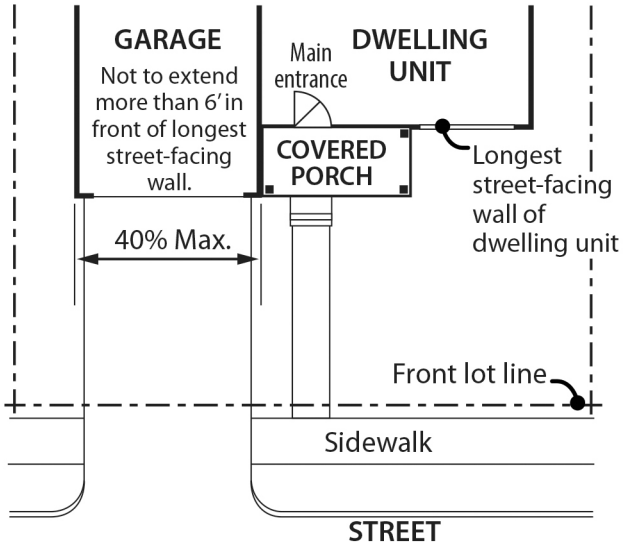


Figure 140-12
Garage Front Setback Exception



33.140.275 Fences

A. Purpose. The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

B. Types of fences. The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location and heights.

1. Fences along street lot lines, including pedestrian connections.

   a. EG1, IG1 and IH zones. In EG1, IG1, and IH zones, fences up to 3-1/2 feet high are allowed in a required street building setback, including setbacks from pedestrian connections.

   b. EG2, EX and IG2 zones. In EG2, EX and IG2 zones, within 10 feet of a street lot line, fences that meet the following standards are allowed:

      (1) Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high;

      (2) Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.

   c. EG2 and IG2 zones. In EG2 and IG2 zones, fences that are more than 50 percent sight-obscuring may be up to 8 feet high within the street building setback if they are more than 10 feet from the lot line.

2. Fences along other lot lines. Fences up to 8 feet high are allowed in required building setbacks along all other lot lines.

3. Fences in all other locations. The height for fences in locations other than described in Paragraphs C.1 and 2 is the same as the regular height limits of the zone.

D. Reference to other regulations. Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

33.140.280 Demolitions

A. Generally. Demolition on a site that requires a demolition permit is subject to the tree preservation and protection requirements of Title 11, Trees. See Chapter 11.50, Trees in Development Situations.

B. Historic resources. Demolitions of historic resources is regulated by Chapter 33.445, Historic Resource Overlay Zone.

33.140.290 Nonconforming Development

Existing development that does not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

33.140.295 Parking and Loading

The standards pertaining to the minimum required and maximum allowed number of auto parking spaces, minimum required number of bicycle parking spaces, parking lot placement, parking lot setbacks and landscaping, and loading areas are stated in Chapter 33.266, Parking And Loading.

33.140.300 Signs

The sign regulations are stated in Title 32, Signs and Related Regulations.

33.140.310 Superblock Requirements
Developments in the EX zone which are on land that includes vacated rights-of-way may be subject to the superblock standards of Chapter 33.293, Superblocks.

33.140.315 Recycling Areas
Requirements for recycling areas are regulated by the Bureau of Planning and Sustainability. See Section 17.102.270, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code.

33.140.320 Inclusionary Housing
The standards pertaining to inclusionary housing are stated in Chapter 33.245, Inclusionary Housing.

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 166920, effective 10/1/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 173259, effective 5/14/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/8/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177404, effective 7/1/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178832, effective 10/21/04; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No 188162, effective 2/1/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20.)

33.150 Campus Institutional Zones

150

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General

33.150.010 Purpose

The campus institutional zones implement the campus institution policies and Institutional Campus (IC) land use designation of the Comprehensive Plan. The zones are for institutions such as medical centers

and colleges that have been developed as campuses, and for other uses that are compatible with surrounding neighborhoods. The differences between the zones reflect the diversity and location of campus institutions. Allowed uses and development standards promote the desired character of each zone, and reflect the character and development intensity of surrounding neighborhoods. The CI1 and IR zones encourage development that is at a low to medium density residential scale, while the CI2 zone encourages development that is at a more intense, urban scale. The development standards allow flexibility for development and provide guidance to property owners, developers, and neighbors about the limits of what is allowed.

33.150.020 List of the Campus Institutional Zones

The full and short names of the campus institutional zones and their map symbols are listed below. When this Title refers to the campus institutional zones, it is referring to the three zones listed here. When this Title refers to the CI zones, it is referring only to CI1 and CI2.

Full Name	Short Name/Map Symbol
Campus Institutional 1	CI1
Campus Institutional 2	CI2
Institutional Residential	IR

33.150.030 Characteristics of the Zones

A. **Campus Institutional 1 zone.** The Campus Institutional 1 (CI1) zone is intended for large colleges and medical centers located in or near low and medium density residential neighborhoods. Retail Sales and Service and other uses that serve or support the campus and neighborhood are allowed. Development is intended to be internally focused and compatible with the scale of the surrounding neighborhood. Setback and open space requirements create a buffer between the institution and the surrounding community.

B. **Campus Institutional 2 zone.** The Campus Institutional 2 (CI2) zone is intended for large medical centers, colleges and universities located in or near a Regional, Town or Neighborhood Center, or along a civic or neighborhood corridor that is served by frequent transit service. Development is intended to be pedestrian-oriented and at a scale that encourages urban-scale medical and educational facilities, while also ensuring compatibility with nearby mixed-use commercial and residential areas. Retail Sales and Service and Office uses are allowed to support the medical or college campus, and to provide services to the surrounding neighborhoods.

C. **IR zone.** The IR zone is a multi-use zone that provides for the establishment and growth of large institutional campuses as well as higher density residential development. The IR zone recognizes the valuable role of institutional uses in the community. However, these institutions are generally in residential areas where the level of public services is scaled to a less intense level of development. Institutional uses are often of a significantly different scale and character than the areas in which they are located. Intensity and density are regulated by the maximum number of dwelling units per acre and the maximum size of buildings permitted. Some commercial and light industrial uses are allowed, along with major event entertainment facilities and other uses associated with institutions.

Residential development allowed includes all structure types. Mixed use projects including both residential development and institutions are allowed as well as single use projects that are entirely residential or institutional. IR zones will be located near one or more streets that are

designated as District Collector streets, Transit Access Streets, or streets of higher classification The IR zone will be applied only when it is accompanied by the "d" Design Review overlay zone.

33.150.040 Other Zoning Regulations

The regulations in this chapter state the allowed uses and the development standards for the base zones. Sites with overlay zones, plan districts, or designated historical landmarks are subject to additional regulations. The Official Zoning Maps indicate which sites are subject to the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

33.150.050 Where This Chapter Does Not Apply

The regulations in this chapter do not apply to sites with a College or Medical Center use that are continuing to develop under an approved conditional use, conditional use master plan, or impact mitigation plan as allowed by 33.700.110.B.2.b. and 33.700.110.B.4. According to 33.700.110.B.2.b. and 33.700.110.B.4., Colleges and Medical Centers in the CI1 and CI2 zones that were approved conditional uses under prior regulations can continue to develop under the approved conditional use master plan or impact mitigation plan, and the base zone regulations that were in effect at the time the conditional use application was deemed complete, until the conditional use, conditional use masterplan, or impact mitigation plan expires, or December 31, 2023, whichever comes first. In this case, the regulations of this chapter do not apply to development on the site.

33.150.060 Neighborhood Contact and Outreach

A. Purpose. The requirements of this section promote ongoing communication between campus institutions and other uses and the surrounding communities. In addition to neighborhood contact, Colleges and Medical Centers are required to annually update the community on campus operations and development proposals. The annual meeting allows neighbors and campus administrators the opportunity to discuss and resolve potential impacts or conflicts. While the comments from the community are not binding, a collaborative approach is encouraged.

B. 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:

1. Neighborhood contact I.

   a. Neighborhood contact I requirements. When proposed development will add at least 10,000 square feet and not more than 25,000 square feet of net building area to a site, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. All the steps in 33.705.020.A. must be completed before an application for a building permit can be submitted.

   b. Exemption. 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.

2. Neighborhood contact II.

   a. Neighborhood contact II requirements. When the proposed development will add more than 25,000 square feet of net building area to a site, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. All of the steps

in 33.705.020.B. must be completed before an application for a building permit can be submitted.

b. Exemption. 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.

C. Annual meeting. Colleges and Medical Centers must conduct at least one community meeting per year. The annual community meeting is intended to ensure that the College or Medical Center updates the community at least once a year regarding future development and other potential changes that could affect the surrounding area, and to provide a forum for discussion of a Good Neighbor Agreement:

1. The following information must be provided during the meeting:

   a. The status of and any updates to the College's or Medical Center's Transportation and Parking Demand Management Plan, Transportation Impact Analysis, and related mitigation measures;

   b. Development that is anticipated to take place on the site during the next 12 months;

   c. Potential impacts of other on-site activities that could affect the surrounding neighborhood; and

   d. Updated contact information for the College or Medical Center;

2. The College or Medical Center must send notice of the meeting to the neighborhood association and business association for the area at least 30 days before the meeting. Notice must be by registered or certified mail, and must include the following:

   a. The purpose of the meeting;

   b. Information on how to contact the institution regarding details about this meeting;

   c. The date, time, and location of the meeting.

3. A copy of the notification, the mailing list, and registered or certified mail receipt must be retained by the College or Medical Center for at least 5 years and must be available for inspection by City staff upon request.

Use Regulations

33.150.100 Primary Uses

A. Allowed uses. Uses allowed in the campus institutional zones are listed in Table 150-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.

B. Limited uses. Uses allowed that are subject to limitations are listed in Table 150-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs

listed below contain the limitations and correspond with the footnote numbers from Table 150-1.

1. Retail Sales And Service uses in the CI1 zone. This regulation applies to all parts of Table 150-1 that have note [1]. Up to 10,000 square feet of Retail Sales And Service use per site may be allowed as a conditional use in the CI1 zone.

2. Manufacturing And Production and Industrial Service in the CI1 and CI2 zones. This regulation applies to all parts of Table 150-1 that have note [2]. In the CI 1 and CI2 zones, up to 10,000 square feet of Manufacturing And Production use and 10,000 square feet of Industrial Service use is allowed per site. More than 10,000 square feet of Manufacturing and Production use and 10,000 square feet of Industrial Service use may be allowed as a conditional use in the CI2 zone. More than 10,000 square feet of Manufacturing and Production and Industrial Service is prohibited in the CI1 zone.

3. Basic Utilities. These regulations apply to all parts of Table 150-1 that have note [3].

    a. Basic Utilities that serve a development site are accessory uses to the primary use being served on that site.

    b. Small Scale Energy Production that provides energy for on-site or off-site use are considered accessory to the primary use on the site. Installations that sell power they generate—at retail (net, metered) or wholesale—are included. However, they are only considered accessory if they generate energy primarily from biological materials or byproducts from the site itself, or conditions on the site itself. Not more than 10 tons per week of biological material or byproducts from other sites may be used to generate energy. Not more than 20 percent of the floor area on a site, exclusive of parking area may be devoted to small scale energy production. The requirements of Chapter 33.262, Off Site Impacts must be met.

    c. All other Basic Utilities are conditional uses.

4. Community Service. This regulation applies to all parts of Table 150-1 that have note [4]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses.

5. Parks And Open Areas. This regulation applies to all parts of Table 150-1 that have note [5]. Parks And Open Areas uses are allowed by right. However, certain accessory uses and facilities that are part of a Parks And Open Areas use require a conditional use review. These accessory uses and facilities that require a conditional use review are listed below.

    a. Swimming pools.

    b. Cemeteries, including mausoleums, chapels, and similar accessory structures associated with funerals or burial.

    c. Golf courses, including club houses, restaurants, and driving ranges.

    d. Boat ramps.

    e. Parking areas.

    f. Recreational fields for organized sports. Recreational fields used for organized sports are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.

6. Colleges. This regulation applies to all parts of Table 150-1 that have note [6]. Colleges are allowed by right. However, outdoor sports facilities that include more than 1,500 square feet of accessory building floor area, more than 500 linear feet of spectator seating, outdoor lighting, or voice amplification require a conditional use review.

7. Agriculture. This regulation applies to all parts of Table 150-1 that have note [7]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, Agriculture is prohibited.

8. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 150-1 that have an [8]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.

9. Group Living in the IR Zone. This regulation applies to all parts of table 150-1 that have a note [9]. Group Living facilities in the IR zone are regulated as follows:

    a. Group Living facilities must be included in the mission statement of the campus's impact mitigation plan;

    b. The impact mitigation plan's implemented mitigation measures must accommodate the impacts the Group Living facility will create; and

    c. A facility located less than 150 feet from another residential zone must meet the standards for Group Living in that zone. Where two or more residential zones are within 150 feet of the Group Living development, the controlling regulations are those of the lower density zone.

10. Retail Sales And Services and Office uses in the IR zone. This regulation applies to all parts of Table 150-1 that have a note [10].

    a. Purpose. Retail Sales And Service uses are allowed as part of an institutional campus in recognition of the large size of such campuses and the needs of the people present for nearby goods and services. Office uses are allowed in recognition of the multifaceted nature of colleges and medical centers.

    b. Retail Sales and Service uses allowed as accessory activities. These uses are allowed by right when the use is identified as a permitted accessory use in the institution's approved impact mitigation plan or conditional use master plan; and

    c. Retail Sales and Service and Office uses are allowed on an institutional campus as primary uses when the following regulations are met:

        (1) The location is identified as a site for a primary retail, service or office use in the institution's approved impact mitigation plan;

        (2) The impact mitigation plan's mitigation measures for commercial use at the site are met; and

        (3) Retail Sales and Services uses in combination with office uses which are not listed as primary or accessory uses in the mission statement of the impact mitigation plan are limited. These uses are limited to no more than 50,000 square feet of floor area or 10 percent of the campus floor area, whichever is less. When structured parking is provided 250 square feet of parking structure floor area is included in the area subject to this floor area limitation for each required parking space. Size exceptions are prohibited.

d. Institutional Office uses allowed as accessory activities. These uses are allowed by right when the use is identified as a permitted accessory use in the institution's approved impact mitigation plan or conditional use master plan; and

e. Institutional Office uses allowed as primary uses. Office uses related to the mission of the institution are allowed by right when all of the following are met:

(1) The amount of office space development is mitigated for at the level specified in the institution's approved impact mitigation plan;

(2) The office uses allowed are limited to the following:

- Institutional administrative, faculty, staff, student, and educational offices;
- Blood collection facilities;
- Medical office space and medical office buildings; and
- Medical, scientific, educational research and development facilities and laboratories.

(3) Limit the aggregate size of medical, scientific, educational research and development facilities and laboratories; non institution-owned medical office buildings; and major event entertainment facilities and their associated structured parking to 30 percent or less of the campus floor area. Exceptions to the 30 percent maximum are prohibited.

11. Schools, Colleges, and Medical Centers in the IR zone. This regulation applies to all parts of Table 150-1 that have a note [11].

a. Purpose. High Schools, Colleges, and Medical Centers located in IR Zones are limited to the large institutional campuses the IR Zone is intended to foster. The IR zone was created in recognition of the role such institutions play in meeting the needs of Portland's citizens.

b. Regulations for institutional campuses. High Schools, Colleges, Hospitals, and Medical Centers are allowed to develop as institutional campuses when they meet the following regulations.

(1) The institution is located or is to be located on a site that is at least 5 acres in total area. Exceptions to this minimum size requirement are prohibited.

(2) The institution has an approved impact mitigation plan or conditional use master plan.

(3) Trade schools and business schools are commercial uses and are not allowed in an IR zone through a conditional use.

c. Regulations for other institutions. Schools, Colleges, Hospitals, and Medical Centers are allowed as a conditional use only.

d. Regulations for recreational fields for organized sports. Recreational fields used for organized sports on a school, school site, or in a park, are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.

12. Daycare in the IR zone. This regulation applies to all parts of Table 150-1 that have a note [11]. Daycare facilities are allowed if included in the institution's approved impact mitigation plan or conditional use master plan.

C. Conditional uses. Uses that are allowed if approved through the conditional use review process are listed in Table 150-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.

D. Prohibited uses. Uses listed in Table 150-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

33.150.110 Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory use and all applicable development standards. In addition, Retail Sales and Service, Manufacturing and Production, and Industrial Service uses that are on a site with a College or a Medical Center in a CI1 or CI2 zone that have exterior access within 150 feet of a public right-of-way or have exterior signage are primary uses. Retail Sales and Service, Manufacturing and Production, and Industrial Service uses that have exterior access more than 150 from a public right-of-way and do not have exterior signage are accessory uses.

33.150.120 Nuisance-Related Impacts

A. Off-site impacts. All uses, including accessory uses, must comply with the standards of Chapter 33.262, Off-Site Impacts.

B. Other nuisances. Other nuisances are regulated by Title 29, Property and Maintenance Regulations.

Table 150-1 Campus Institutional Zone Primary Uses			
Use Categories	**CI1**	**CI2**	**IR**
Residential Categories			
Household Living	N	Y	Y
Group Living	N	Y	Y [9]
Commercial Categories			
Retail Sales And Service	CU [1]	Y	L/CU [10]
Office	N	Y	L/CU [10]
Quick Vehicle Servicing	N	N	N
Vehicle Repair	N	N	N
Commercial Parking	N	Y	N
Self-Service Storage	N	N	N
Commercial Outdoor Recreation	N	N	N
Major Event Entertainment	CU	CU	CU
Industrial Categories			
Manufacturing And Production	L [2]	L/CU [2]	N
Warehouse And Freight Movement	N	N	CU
Wholesale Sales	N	N	N
Industrial Service	L [2]	L/CU [2]	N
Bulk Fossil Fuel Terminal	N	N	N
Railroad Yards	N	N	CU
Waste-Related	N	N	N

Y = Yes, Allowed
L = Allowed, But Special Limitations
CU = Conditional Use Review Required
N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.150.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Table 150-1
Campus Institutional Zone Primary Uses

Use Categories	CI1	CI2	IR
Institutional Categories			
Basic Utilities	L/CU [3]	L/CU [3]	L/CU [3]
Community Service	CU [4]	Y	CU [4]
Parks And Open Areas	L/CU [5]	L/CU [5]	L/CU [5]
Schools	N	N	L/CU [11]
Colleges	Y/CU [6]	Y/CU [6]	L/CU [11]
Medical Centers	Y	Y	L/CU [11]
Religious Institutions	CU	CU	CU
Daycare	Y	Y	L/CU [12]
Other Categories			
Agriculture	L [7]	L [7]	L [7]
Aviation And Surface Passenger Terminals	N	N	N
Detention Facilities	N	N	N
Mining	N	N	N
Radio Frequency Transmission Facilities	L/CU [8]	L/CU [8]	L/CU [8]
Rail Lines And Utility Corridors	CU	CU	CU

Y = Yes, Allowed
L = Allowed, But Special Limitations
CU = Conditional Use Review Required
N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.150.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Development Standards

33.150.200 Lot Size

There is no required minimum lot size for development of land or for the creation of new lots in campus institution zones. Creation of new lots is subject to the regulations of Chapter 33.613, Lots in Commercial and Campus Institutional Zones.

33.150.205 Floor Area Ratio

A. **Purpose**. Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.

B. **FAR standard.** The floor area ratios are stated in Table 150-2 and apply to all development.

C. **Inclusionary housing bonus FAR.** The following FAR bonus options are allowed in the CI2 zone. Sites in the CI1 and IR zone are not eligible for the bonus FAR options. Adjustments to this Subsection, or to the amount of maximum floor area allowed through the bonuses, are prohibited.

1. Mandatory inclusionary housing. Bonus FAR is allowed up to the maximum FAR allowed with inclusionary housing bonus stated in Table 150-2 for development that triggers the requirements of 33.245, Inclusionary Housing. The amount of bonus floor area allowed is

an amount equal to the net building area of the building that triggers 33.245, up to the maximum FAR allowed with bonus stated in Table 150-2. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.

2. Voluntary inclusionary housing. Bonus FAR up to the maximum with inclusionary housing bonus stated in Table 150-2 is allowed when one of the following voluntary bonus options is met:

   a. Bonus density or FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050, up to the maximum FAR allowed with bonus stated in Table 150-2. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

   b. Affordable Housing Fund. Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.

33.150.210 Height

A. Purpose. Maximum height limits work with other development standards to control the overall scale of buildings. The height limits in the CI zones allow for urban scale development that generally reflects the intent of each zone. Height limits adjacent to residential and mixed use areas preserve light, air, and the potential for privacy in the adjacent zones, and discourage buildings that visually dominate adjacent development.

B. Maximum height. The maximum height standards for all structures are stated in Table 150-2, or are shown on Maps 150-1 through 150-4. Maximum height is reduced adjacent to certain zones as described in Subsection C. The maximum heights shown on Maps 150-1 through 150-4 supersede the maximum height standards in Table 150-2 and Subsection C. Exceptions to all the maximum height standards are stated in Subsection E.

C. Reduced maximum height. Maximum height is reduced adjacent to certain zones.

1. In the CI1 zone, maximum height is reduced as follows.

   a. On the portion of the site within 60 feet of a lot line abutting or across the street from a site zoned OS or RF through R2.5, the maximum height is 30 feet. See Figure 150-1.

b. On the portion of the site within 40 feet of a lot line abutting or across the street from a site zoned RM1 through RMP or commercial/mixed use zones the maximum height is 45 feet. See Figure 150-2.

2. CI2 zone.

a. Maximum height is reduced on sites in the CI2 zone that abut or are across the street from a site zoned OS, or RF through R2.5 as follows:

(1) On the portion of the site within 60 feet of a lot line abutting or across the street from a site zoned OS, or RF through R2.5, the maximum height is 30 feet. See Figure 150-1.

(2) On the portion of the site that is more than 60 feet but within 130 feet of a lot line abutting or across the street from a site zoned OS, or RF through R2.5, the maximum height is 75 feet. See Figure 150-1.

b. Maximum height is reduced on sites in the CI2 zone that abut or are across the street from a site zoned RM1 through RMP, or commercial/mixed use zones as follows:

(1) On the portion of the site within 40 feet of a lot line abutting or across the street from a site zoned RM1 through RMP, or commercial/mixed use zones, the maximum height is 45 feet. See Figure 150-2.

(2) On the portion of the site more than 40 feet but within 110 feet of a lot line abutting or across the street from a site zoned RM1 through RMP, or commercial/mixed use zones, the maximum height is 75 feet. See Figure 150-2.

Figure 150-1

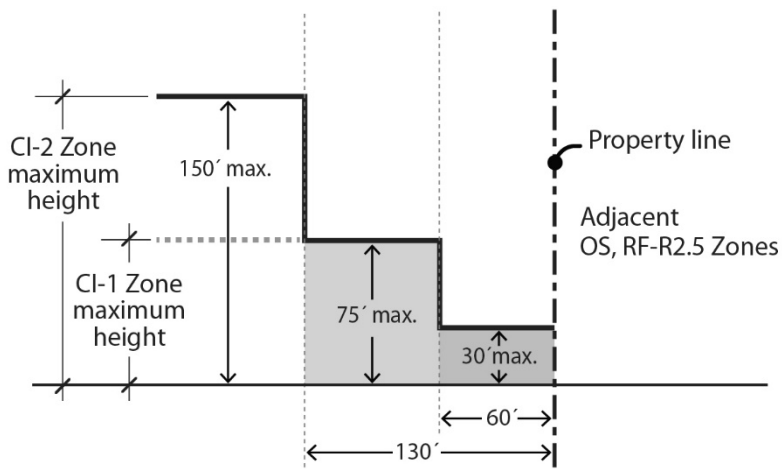
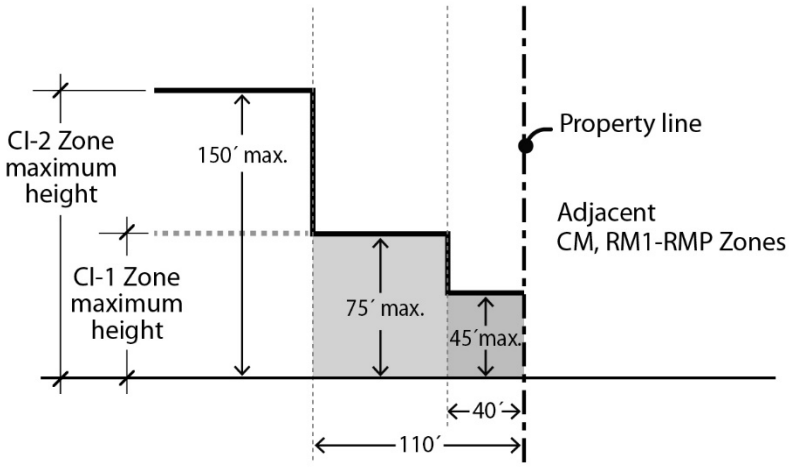


Figure 150-2



D. Exceptions

1. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may extend 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
2. Parapets and rooftop railings may extend 4 feet above the height limit.
3. Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades:
   a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and
   b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.
4. Antennas, utility power poles, and public safety facilities are exempt from the height limit.
5. Small wind turbines are subject to the standards of Chapter 33.299. Roof mounted solar panels are not included in height calculations, any may exceed the maximum height limit if the following are met:
   a. For flat roofs or the horizontal portion of mansard roofs, they may extend up to 5 feet above the top of the highest point of the roof.
   b. For pitched, hipped, or gambrel roofs, they must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.
6. Towers and spires with a footprint of 200 square feet or less may exceed the height limit, but still must comply with the setback standard.

Table 150-2
Summary of Development Standards in Campus Institutional Zones

Standard	CI1	CI2	IR
Maximum FAR [1] (see 33.150.205)	0.5 to 1	3 to 1 [2] [3]	2 to 1
Maximum FAR with Inclusionary Housing Bonus [1] (see 33.150.205.C)	NA	3.75 to 1 [2] [3]	NA
Maximum Height (see 33.150.210)	75 ft. [4]	150 ft. [4]	75 ft.
Minimum Building Setbacks [1] (see 33.150.215)			
- Lot line abutting or across the street from an OS, RF-R2.5 zoned lot	15 ft.	10 ft.	1 ft. for every 2 ft. of building height but not less than 10 ft.
- Lot line abutting or across the street from an RM1-RMP, IR zoned lot	10 ft.	10 ft.	
- Lot line abutting or across the street from a C, CI, E, or I zoned lot	0 ft.	0 ft.	
Maximum Building Setbacks Street Lot Line, Transit Street or Pedestrian District (See 33.150.215)	None	10 ft.	10 ft.
Maximum Building Coverage [1] (see 33.150.225)	50% of site area	85% of site area	70% of site area
Maximum Building Length [1] (see 33.150.235 and 33.150.255)	200 ft.	200 ft.	None
Minimum Landscaped Area (see 33.150.240)	25% of site area	15% of site area	20% of site area
Landscaping Abutting an R zoned lot (see 33.150.240.C)	10 ft. @ L3	5 ft. @ L3	10 ft. @L3
Landscaping across the street from an R zoned lot (see 33.150.240.C)	10 ft. @ L1	5 ft. @ L1	10 ft. @L1
Building Facade Articulation [1] (see 33.150.255)	No	Yes	No
Ground Floor Window Standards [1] (see 33.150.250)	No	Yes	Yes
Transit Street Main Entrance [1] (See 33.150.265)	No	Yes	No

Notes:
[1] For Colleges and Medical Centers, the entire CI zone is treated as one site regardless of ownership. In this case, FAR is calculated based on the total square footage of the parcels within the zone rather than for each individual parcel, and setbacks, building length, facade articulation, ground floor windows and transit street main entrance regulations are measured from, or only apply to, the perimeter of the zone.
[2] Maximum FAR within the Legacy Good Samaritan Hospital and Health Center campus boundary shown on Map 150-3 is 3.7 to 1, and is 4.5 to 1 with inclusionary housing bonus.
[3] Maximum FAR within the PCC Sylvania campus boundary shown on Map 150-5 is .75 to 1, and is 1 to 1 with inclusionary housing bonus.
[4] Heights reduced on sites that are across the street from, or adjacent to, certain zones. See 33.150.210.C.

33.150.215 Setbacks

A. Purpose. The required building setbacks promote streetscapes that are consistent with the desired character of the campus institutional zones, and reflect the diversity of neighborhoods within which the campus institutional zones are located. In instances where a campus institutional zone abuts a residential zone, the required setbacks centers complement the residential character of surrounding neighborhood and result in development that will maintain light, air, and the potential for privacy for adjacent residential zones. In instances where a campus institutional zone abuts a mixed-use zone, pedestrian district and/or transit street, the setback requirements promote buildings and activity that are inviting to pedestrians, and contribute to an active pedestrian environment.

B. Minimum building setbacks. The minimum building setback standards apply to all buildings and structures on the site. Minimum required building setbacks are stated in Table 150-2, or are shown on Maps 150-1 through 150-5. Minimum building setbacks shown on Maps 150-1 through 150--5 supersede Table 150-2. Exceptions to the minimum building setback standards are stated below:

1. Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, water collection cisterns and planters, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may project into a required building setback up to 20 percent of the depth of the setback. However, they may not be within 3 feet of a lot line. Bays and bay windows extending into the setback also must meet the following requirements:

    a. Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building facade cannot be more than 30 percent of the area of the facade;

    b. At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;

    c. Bays and bay windows must cantilever beyond the foundation of the building; and

    d. The bay may not include any doors.

2. Full projection allowed. In addition to Paragraph 1 above, the following features are allowed to fully project into required building setbacks:

    a. Canopies, marquees, awnings, and similar features may fully extend into a street setback;

    b. Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building may fully extend into a street setback;

    c. Uncovered decks and stairways that are no more than 2-1/2 feet above the ground may fully extend into a required building setback; and

    d. On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation may fully extend into a required building setback.

3. Projections not allowed. Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps are allowed in a street setback but not a required setback from an abutting residential zone.

C. Maximum building setbacks in the CI2 zone.

1. Where the building is within 100 feet a transit street or street lot line within a pedestrian district, the maximum the building can be set back is 10 feet. Where an existing building is being altered, the standard applies to the portion of the building being altered. If the site has street lot lines on three or more streets, the maximum setback standard only applies to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit street classifications. If multiple streets have the same highest transit street classification, the applicant may choose which streets to apply the standard.

2. Exception. The maximum building setbacks do not apply to primary structures under 500 square feet in floor area, or to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standard.

D. Improvements within maximum building setbacks. At least 50 percent of the setback area between the street lot line and the portion of the building that complies with the maximum building setback must be hard surfaced for use by pedestrians. Residential buildings are exempt from this standard.

33.150.220 Building Coverage

A. Purpose. The building coverage standards limit the footprint of buildings and work with the FAR, height, and setback standards to control the overall scale of development. The standards promote development consistent with the desired character of the zone. In the CI1 zone, the standard promotes open spaces, both formal and informal, together with buildings at a scale that are compatible with surrounding single family residential development. In the CI2 zone the standards allow for buildings that represent an urban level of development and are consistent with adjacent mixed use zones.

B. Building coverage standards. The maximum building coverage covered structures are stated in Table 150-2

33.150.235 Building Length in the CI1 Zone

A. Purpose. The maximum building length standard, along with the height and setback standard, limits the amount of bulk that can be placed close to the street. The standard assures that long building walls close to streets will be broken up into separate buildings. This will provide a feeling of transition from lower density development and help create the desired character of development in these zones.

B. Maximum building length. In the CI1 Zone, the maximum building length for the portion of buildings located within 30 feet of a street lot line is 200 feet. The portions of buildings subject to this standard must be separated by a minimum of 20 feet when located on the same site.

33.150.240 Landscaped Areas

A. Purpose. Landscaping is attractive and it helps to soften the effects of built and paved areas. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater runoff by providing non-paved permeable surface. Landscaping is required for all campus

institutional zoned lands that abut or are across a street from residential zoned lands to provide buffering and promote the livability of the residential lands.

B. Minimum landscaped area. The required amount of landscaped areas is stated in Table 150-2. Required landscaped areas must be at ground level and comply with at least the L1 standard as stated in Chapter 33.248, Landscaping and Screening. However, up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples include walkways, play areas, plazas, picnic areas, and unenclosed recreational facilities. Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.

C. Landscaping required in minimum building setbacks. Landscaping is required in minimum building setbacks from lot lines abutting or across the street from a residential zoned lot. The depth and type of required landscaping are stated in Table 150-2.

33.150.245 Trees

Requirements for street trees and for on-site tree preservation, protection, and overall tree density are specified in Title 11. See Chapter 11.50, Trees in Development Situations.

33.150.250 Ground Floor Windows in the CI2 Zone.

A. Purpose. In the CI2 Zone, blank walls on the ground level of buildings are limited in order to:

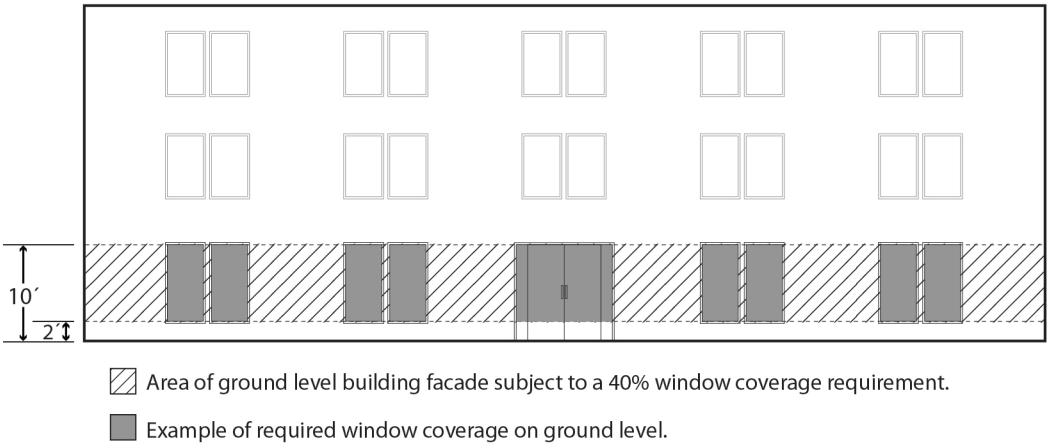
- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;
- Encourage continuity of active street level uses;
- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
- Avoid a monotonous pedestrian environment.

B. Ground floor window standard. The following standards apply in the CI2 zone:

1. General standard.

   a. Windows must cover at least 40 percent of the ground floor wall area of street-facing facades that are 20 feet or closer to a street lot line or a publicly-accessible plaza. For the purposes of this standard, ground floor wall areas include all exterior wall areas from 2 feet to 10 feet above the finished grade, and include openings in the walls of structured parking. See Figure 150-3.

Figure 150-3
Ground Floor Windows



b. If the lot has more than one street frontage, then the ground floor window standard in Subparagraph B.1.a. applies to the facade that faces the highest transit street classification. All other ground level street-facing facades that are 20 feet or closer to the street lot line must have windows that cover 25 percent of the ground level wall area. The walls of structured parking along these facades may be set back at least 5 feet and landscaped to the L2 standard instead of providing 25 percent windows. If two or more streets have the same highest transit street classification, then the applicant may choose on which of those streets to meet the higher standard. Transit street classifications are identified in the Transportation Element of the Comprehensive Plan.

2. Exemptions:

a. Houses, attached houses, manufactured homes, duplexes, attached duplexes, and triplexes are exempt from this Section;

b. Ground floor street-facing walls of dwelling units are exempt from Paragraph B.1., but the walls must meet one of the standards in Subsection D; and

c. If the portion of the ground floor wall area that is not a dwelling unit is less than 250 square feet in area, then it is exempt from this Section.

C. Qualifying window features. Required ground floor window areas must be windows that allow views into working areas, lobbies, residential units or residential building common areas; glazing in pedestrian entrances; or display windows that are at least 24 inches deep set into a wall. Windows into storage areas, vehicle parking areas, mechanical and utility equipment areas, garbage and recycling areas, and display cases attached to outside walls do not qualify. Windows into bicycle parking areas are allowed to qualify for up to 25 percent of the ground floor windows coverage requirement. Except for the windows of residential units and clerestory windows located above doors or other windows, the bottom of qualifying windows must be no more than 4 feet above the adjacent exterior grade.

D. Ground floor window and frontage standards for dwelling units. The ground floor wall area of street-facing facades of dwelling units that are 20 feet or closer to a street lot line must meet at least one of the following standards:

1. Flexible ground floor design. The ground floor window standard of Subparagraph B.1.a. must be met, and the ground level of the building must be designed and constructed as follows:

    a. The distance from the finished floor to the bottom of the ceiling structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;

    b. The area meeting this standard must be at least 25 feet deep, measured from the street-facing facade; and

    c. Each unit must include a front entrance that is located at the level of the finished grade and can be accessed without steps.

2. Front setback.

    a. The portions of the building with residential dwelling units on the ground-floor must be set back at least 5 feet from the street lot line. The setback must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians; and

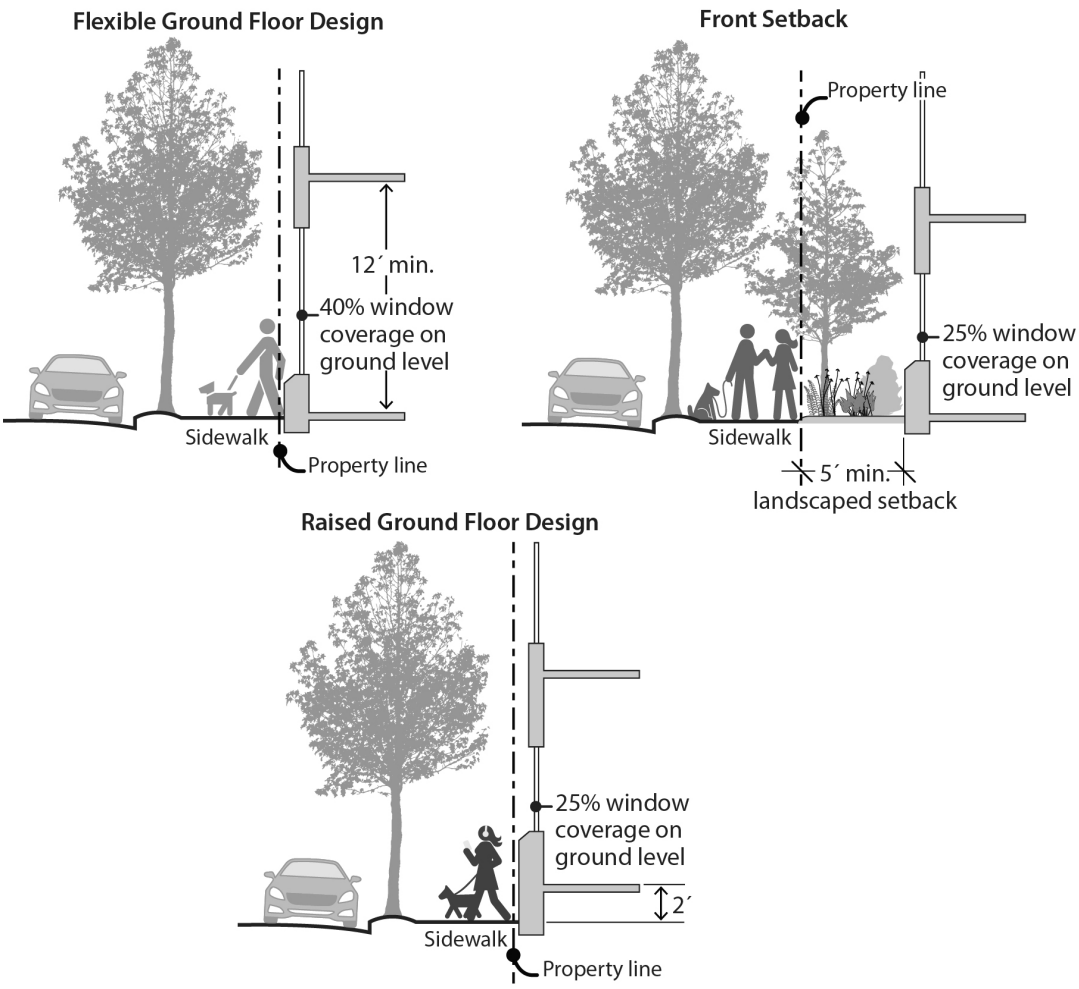
    b. Windows must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.

3. Raised ground floor.

    a. The portion of the building with residential dwelling units on the ground-floor must have the finished floor of each residential unit at least 2 feet above the grade of the closest adjoining sidewalk.

    b. Window must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.

Figure 150-4
Ground Floor Window Options



E. **Exception for Public Art.** Public art may be used to meet up to one half of the required window coverage of the ground floor window provision. Covenants for the public art will be required, following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art. To qualify for this exception, documentation of approval by the Regional Arts and Culture Council must be provided prior to approval of the building permit.

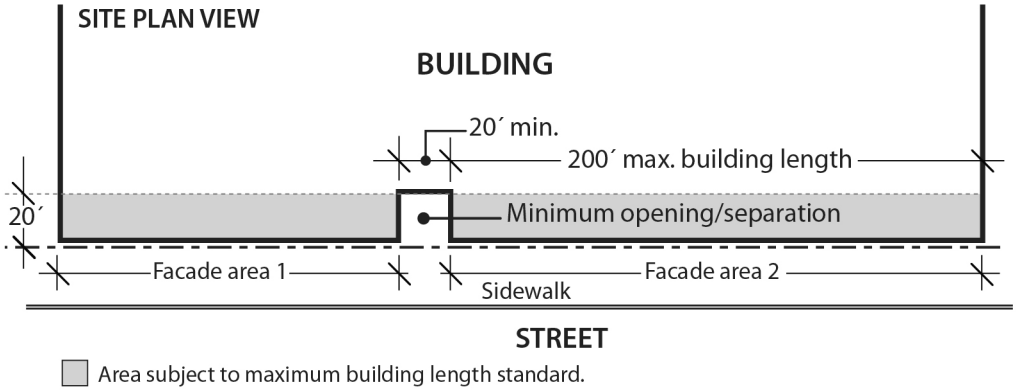
33.150.255 Building Length and Facade Articulation in the CI2 Zone

A. **Purpose.** These standards, along with the height and setback standards, limit the bulk of buildings close to the street. These standards help ensure that large buildings will be divided into smaller components that relate to the scale and patterns of Portland's commercial/mixed-use areas and add visual interest and variety to the street environment.

B. **Maximum building length.** In the CI2 zone, the maximum building length for the portion of a building located within 20 feet of a street lot line is 200 feet. The portions of buildings subject

to this standard must be separated by a minimum of 20 feet when located on the same site. See Figure 150-5.

Figure 150-5
Maximum Building Length

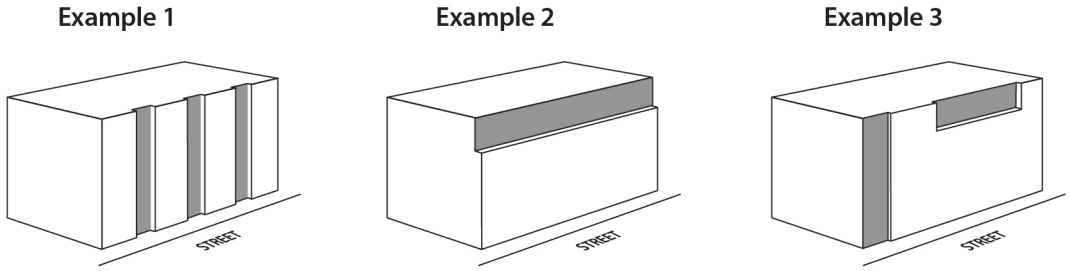


C. Building Facade articulation in the CI2 Zone.

1. The standard applies to buildings more than 35 feet high and that have more than 3,500 square feet of street-facing facade area within 20 feet of a street property line.

2. The standard. At least 25 percent of each facade within 20 feet of a street lot line must be divided into facade planes that are off-set by at least 2 feet from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind or project out from the primary facade plane, but projections into street right-of-way do not count toward meeting this standard. See Figure 150-6.

Figure 150-6
Facade Articulation



33.150.260 Screening

A. Purpose. The screening standards address specific unsightly features that detract from the appearance of campus institutional areas.

B. Garbage and recycling collection areas. All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash

receptacles for pedestrian use are exempt. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

C. Mechanical equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an R zone:

1. A parapet along facades facing the R zone that is as tall as the tallest part of the equipment;
2. A screen around the equipment that is as tall as the tallest part of the equipment; or
3. The equipment is set back from roof edges facing the R zone 3 feet for each foot of height of the equipment.

33.150.265 Transit Street Main Entrance

A. Purpose. Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.

B. Applicability.

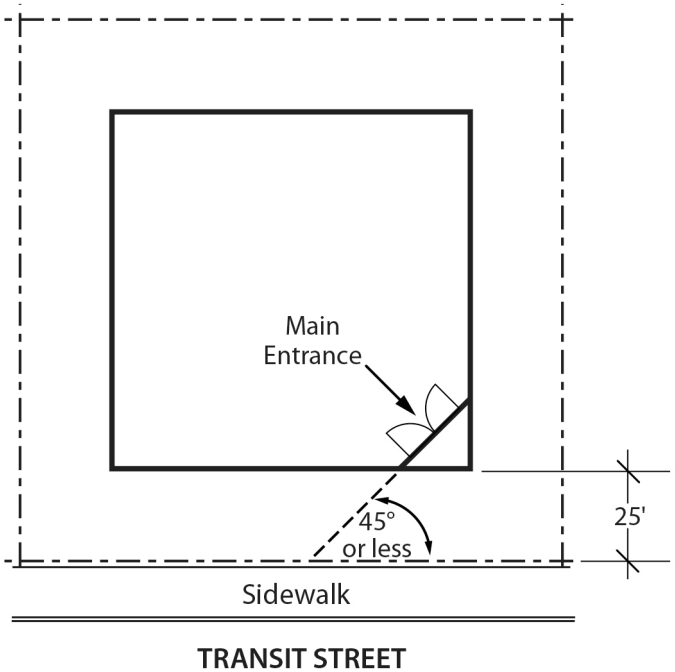
1. Generally. All sites with at least one frontage on a transit street, and where any of the floor area on the site is in nonresidential uses, or residential use in a multi-dwelling structure, must meet the following standards. If the site has frontage on more than one transit street, the standards of Subsection C must be met on at least one of the transit streets;
2. Small housing types. Houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes must meet the standards of 33.130.250.B, Residential Main Entrance, instead of the requirements of this section.

C. Location. For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor, and one main entrance to a multi-dwelling structure must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent transit street grade. The main entrance must:

1. Be within 25 feet of the transit street;
2. Allow pedestrians to both enter and exit the building; and
3. Meet one of the following:
   a. Face the transit street;
   b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 150-7; or
   c. If it is an entrance to a multi-dwelling structure:
      (1) Face a courtyard at least 15 feet in width that abuts the transit street and that is landscaped to at least the L1 level, or hard-surfaced for use by pedestrians; and

(2) Be within 60 feet of the transit street.

Figure 150-7
Transit Street Main Entrance



D. Distance between entrances. For portions of a building with any nonresidential uses within the maximum building setback, a minimum of one entrance is required for every 200 feet of building length.

33.150.267 Additional Development Standards for Institutional Campuses in the IR Zone

A. Purpose. The general base zone development standards in the IR zone are designed for institutional campuses with approved impact mitigation plans. The intent is to maintain compatibility with and limit negative impacts on surrounding areas.

B. Where these standards apply. The standards of this section apply to all development that is part of an institutional campus with an approved impact mitigation plan or conditional use master plan in the IR zone, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions from one use category to another.

C. The standards.

1. Access to accessory Retail Sales And Service uses must be from an interior space, or from an exterior space that is at least 150 feet from a public right of way.
2. Exterior signage for accessory Retail Sales And Service uses is prohibited.
3. The following subsections apply to development in the IR zone unless superseded by development standards in an approved impact mitigation plan or approved conditional use master plan:
   a. 33.120.200 Housing Types Allowed;

b. 33.120.232 Street-Facing Facades;

c. 33.120.240 Required Outdoor Areas; and

d. 33.120.255 Pedestrian Standards.

33.150.270 Exterior Display and Storage,

A. Purpose. The standards of this section are intended to assure that exterior display, storage, and work activities:

- Will be consistent with the desired character of the zone;
- Will not be a detriment to the overall appearance of a commercial area;
- Will not have adverse impacts on adjacent properties, especially those zoned residential; and
- Will not have an adverse impact on the environment.

B. Exterior display. Exterior display of goods is prohibited except for the display of plants and produce.

C. Exterior storage. Exterior storage is allowed when the following are met:

1. Exterior storage is limited to 10 percent of the site area; and

2. Exterior storage areas must be set back 10 feet from lot lines and the setback area must be landscaped to at least the L3 standard. Exterior storage areas located more than 100 feet from the perimeter of a College or Medical Center site are exempt from the landscape requirement. For colleges and medical centers, the entire CI zone is considered one site regardless of ownership.

D. Paving. All exterior display and storage areas, except for plant nurseries, must be paved.

33.150.275 Trucks and Equipment

A. Purpose. The parking and storage of trucks and equipment is regulated to ensure that it will be consistent with the desired character of the campus institutional zones, and to limit adverse effects on adjacent residential lands.

B. Truck and equipment parking standards. The standards for truck and equipment parking apply to business vehicles that are parked regularly at a site. The regulations do not apply to pick-up and delivery activities, to the use of vehicles during construction, or to services at the site that occur on an intermittent and short term basis. The truck categories are defined in Chapter 33.910.

1. Light trucks. The parking of passenger vehicles, light trucks, and similar equipment is allowed in all campus institutional zone areas that comply with the development standards for auto parking areas.

2. Medium trucks. The parking of pickup trucks in the medium truck category is allowed in all campus institutional zones. The parking of all other medium trucks and similar equipment is allowed only in the CI2 zone. Truck parking areas must comply with the development standards for auto parking areas.

3. Heavy trucks. The parking of heavy trucks and similar equipment is not allowed in any campus institutional zone.

33.150.277 Drive-Through Facilities

Drive-through facilities are prohibited in the campus institutional zones.

33.150.280 Detached Accessory Structures

A. Purpose. These standards are intended to maintain separation and privacy for abutting residential zoned lots from nonresidential development.

B. General standards.

1. The regulations of this section apply to detached accessory structures.
2. The height and building coverage standards of the base zone apply to detached accessory structures.

C. Setbacks.

1. Uncovered accessory structures. Uncovered accessory structures such as flag poles, lamp posts, signs, antennas and dishes, mechanical equipment, uncovered decks, play structures, and tennis courts are allowed in a street setback, but not in a required setback from an abutting residential zone.
2. Covered structures.
   a. Covered structures such as storage buildings, greenhouses, work shed, covered decks, and covered recreational structures are subject to the setbacks for buildings.
   b. Water cisterns that are 6 feet or less in height are allowed in side and rear setbacks, including setbacks for abutting a residential zone.

33.150.285 Fences

A. Purpose. The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for
the setback.

B. Types of fences. The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location and heights.

1. Fences up to 8 feet high are allowed in required building setbacks except for required building setbacks along street lot lines or pedestrian connections. The following height limits apply to fences located within 10 feet of a street lot line or pedestrian connection. In the case of a college or medical center these limits apply to fences within 10 feet of all street lot lines or pedestrian connections within the zone.
   a. Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high.
   b. Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.
2. Fences in all other locations. The height for fences in locations other than described in Paragraphs C.1 and C.2 is the same as the regular height limits of the zone.

D. Reference to other regulations

1. Building permits. Building permits are required by BDS for certain fences pursuant to the building code.
2. Fence materials regulated by other bureaus. Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

33.150.290 Demolitions

A. Generally. Demolition on a site that requires a demolition permit is subject to the tree preservation and protection requirements of Title 11, Trees. See Chapter 11.50, Trees in Development Situations.

B. Historic resources. Demolition of a historic resource is regulated by Chapter 33.445, Historic Resource Overlay Zone.

C. Landscaping. Sites must be landscaped within 6 months of the demolition of buildings unless there is an approved development for the site. Approved development means a project approved through a land use review or building permit. The landscaping must meet at least the L1 standard of Chapter 33.248, Landscaping and Screening, except that no shrubs or trees are required.

33.150.295 Nonconforming Development

Existing development that does not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

33.150.300 Parking, Loading, and Transportation and Parking Demand Management

The standards pertaining to the minimum required and maximum allowed number of auto parking spaces, minimum required number of bicycle parking spaces, parking lot placement, parking lot setbacks, and landscaping are stated in Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management.

33.150.305 Signs

The sign regulations are stated in Title 32, Signs and Related Regulations.

33.150.310 Superblock Requirements

Development on land that includes vacated rights-of-way may be subject to the superblock standards of Chapter 33.293, Superblocks.

33.150.315 Recycling Areas

Requirements for recycling areas are regulated by the Bureau of Planning and Sustainability. See Section 17.102.270, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code.

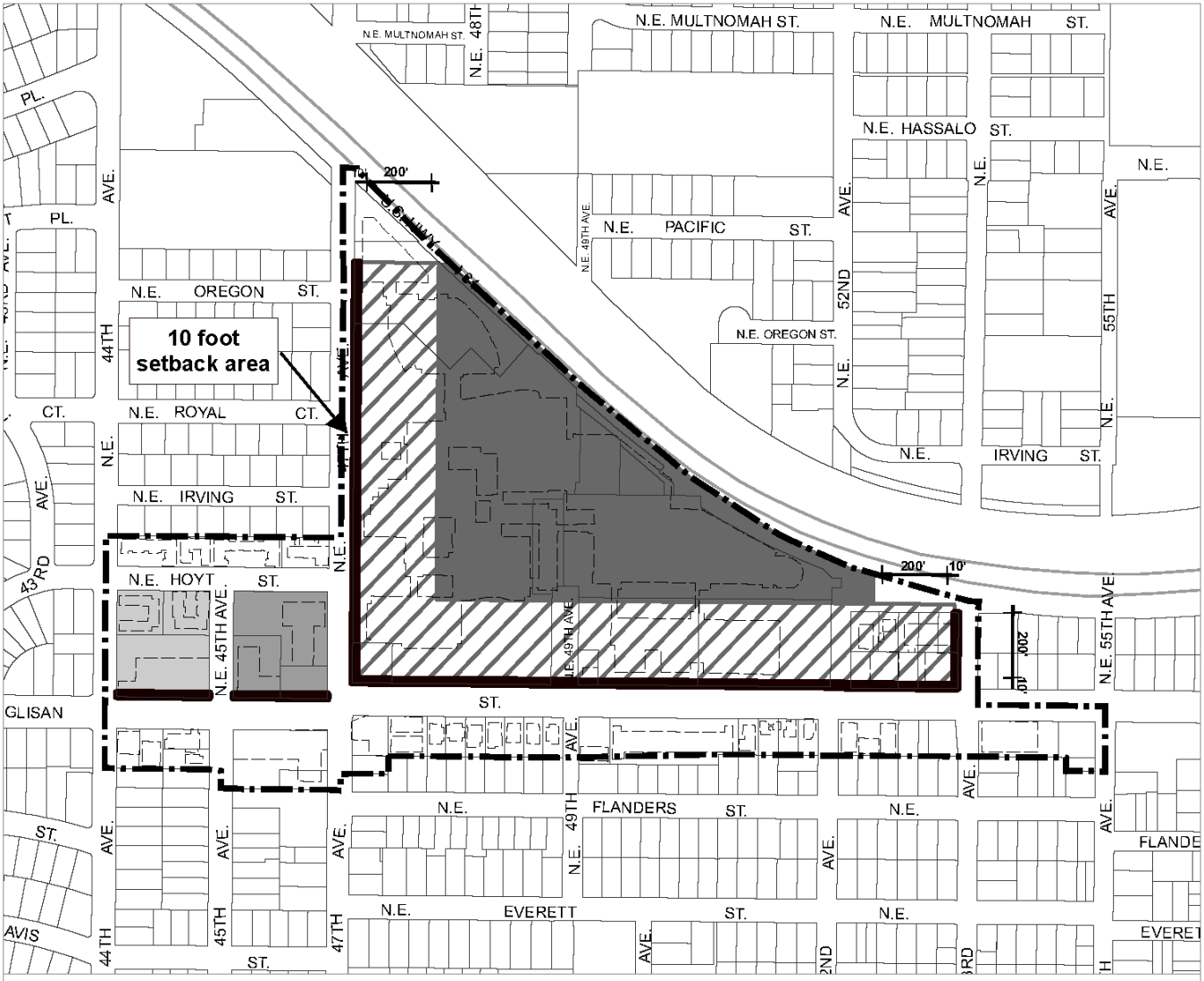
(Adopted by Ord. No. 188177, effective 5/24/18. Amended by Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20.)

(Adopted by Ord. No. 188177, effective 5/24/18. Amended by Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19.)

Maximum Heights and Minimum Setbacks
Providence Portland Medical Center

Map 150-1

Map Revised May 24, 2018



Legend

- Minimum 10' setback area
- 30' maximum building height
- 65' maximum building height
- 50'-150' maximum building height (1 foot of height for every 2 feet of setback)
- 150' maximum building height

Note:
Parcels not subject to maximum height and minimum setback requirements portrayed on this map are subject to the base zone standards described in table 150-2.

- Campus Boundary
- Building footprints
- ###' Setback dimensions

NORTH

0 300 600

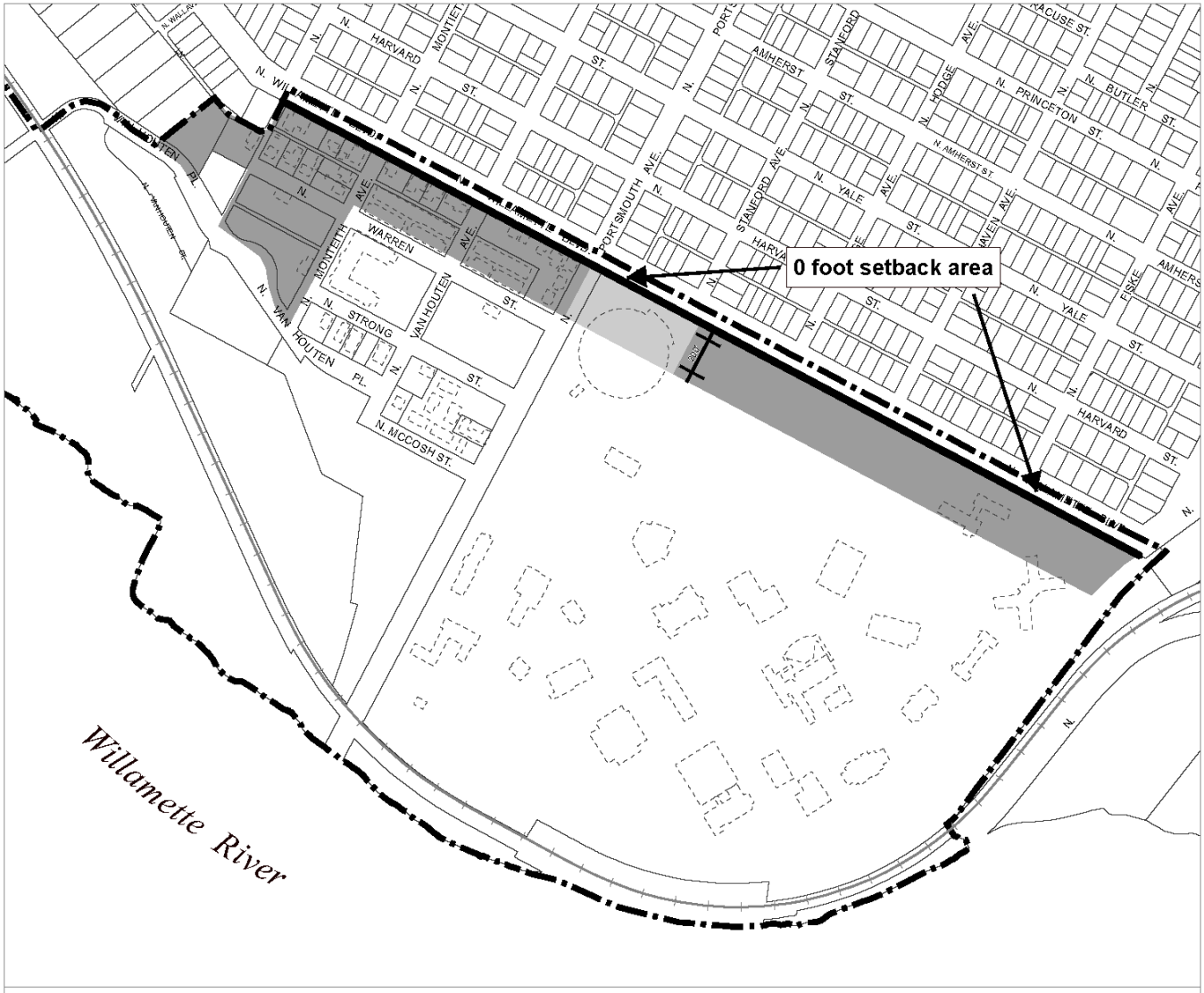
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Maximum Heights and Minimum Setbacks
University of Portland

Map 150-2

Map Revised May 24, 2018



Legend

- 50' maximum building height
- 75' maximum building height
- 0' minimum building setback

Note:
Parcels not subject to maximum height and minimum setback requirements portrayed on this map are subject to the base zone standards described in table 150-2.

- Campus Boundary
- Building footprints
- ###' Setback dimensions

NORTH

0 400 800

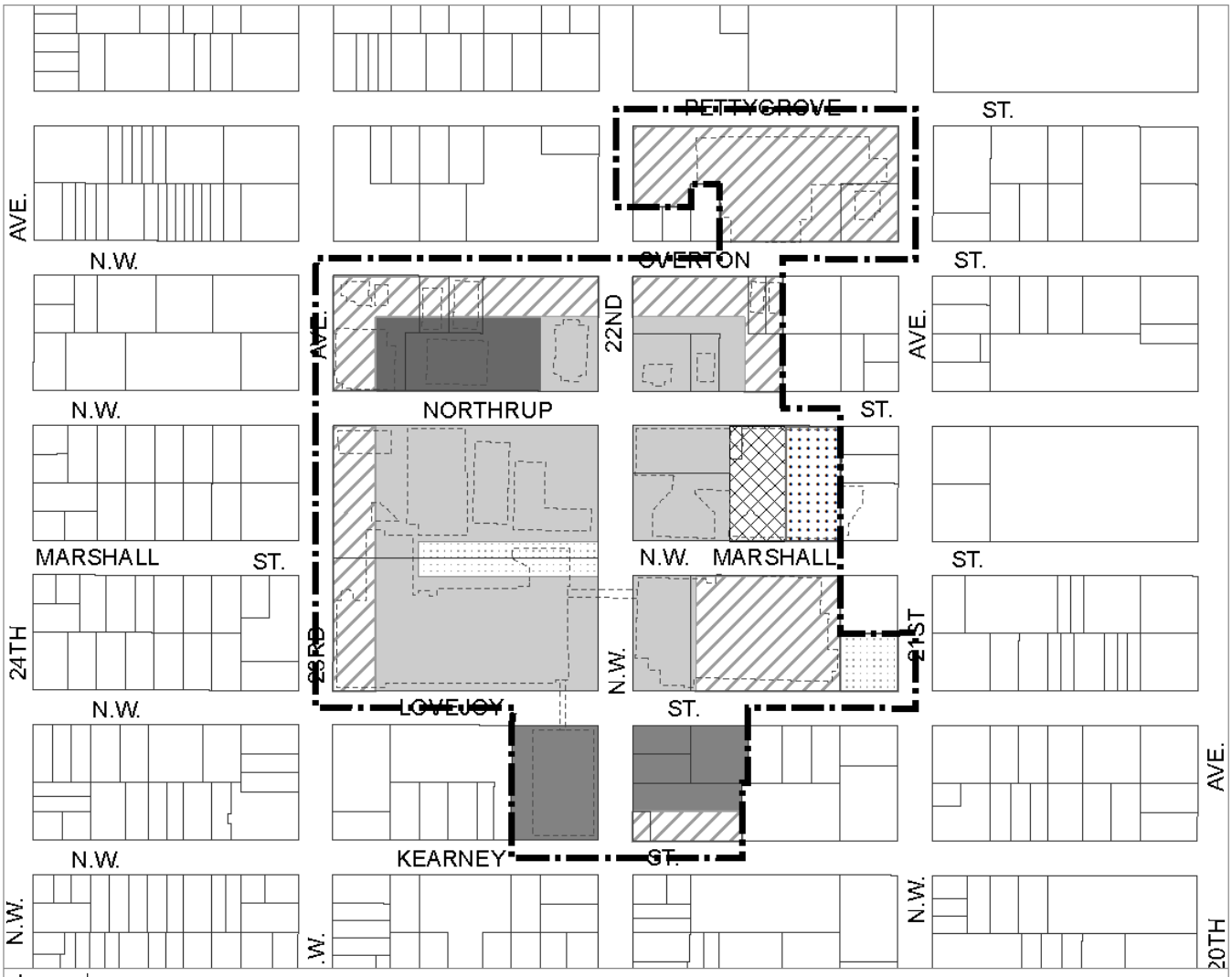
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Maximum Heights, Minimum Setbacks and Maximum Floor Area Ratio Legacy Good Samaritan Hospital and Health Center

Map 150-3

Map Revised May 24, 2018



Legend

- Open space
- 50' maximum building height
- 60' maximum building height
- 70' maximum building height
- 75' maximum building height
- 85' maximum building height
- 100' maximum building height

Note:
(1) Parcels not subject to maximum height and minimum setback requirements portrayed on this map are subject to the base zone standards described in table 150-2.

(2) Maximum Floor Area Ratio (FAR) 3.7:1

- Campus Boundary
- Building footprints

NORTH

0 200 400

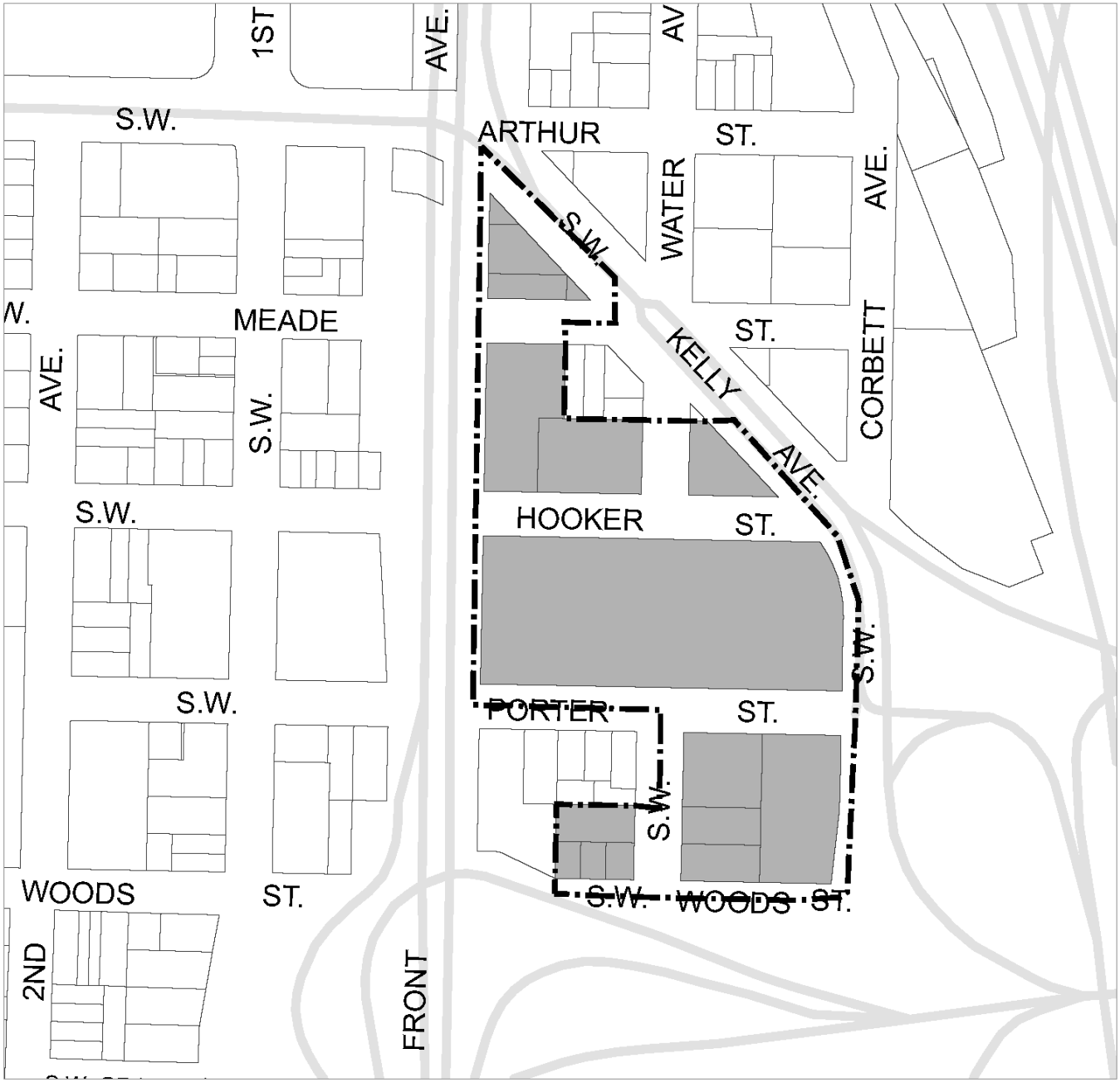
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Maximum Heights and Minimum Setbacks
National University of Natural Medicine

Map 150-4

Map Revised May 24, 2018



Campus Boundary

75' maximum building height

Building footprints

NORTH

0 150 300

Scale in Feet

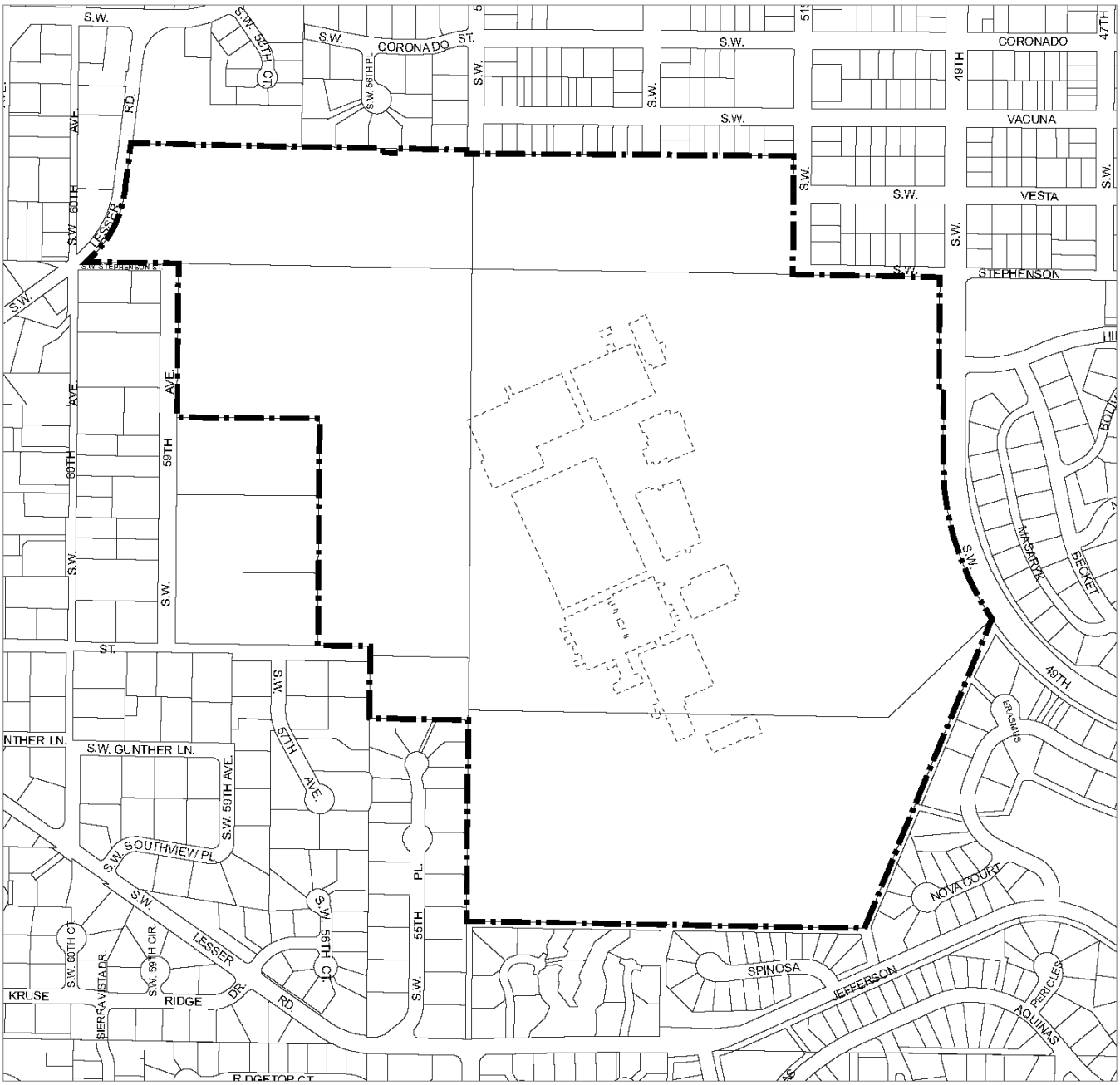
Bureau of Planning and Sustainability
Portland, Oregon

Note: All buildings are subject to the reduced maximum height standards of 33.150.210.C

Portland Community College - Sylvania Campus Boundary

Map 150-5

Map Revised May 24, 2018



Campus Boundary

Building footprints

NORTH

0 375 750

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

200s

Additional Use & Development Regulations

33.203 Accessory Home Occupations

33.205 Accessory Dwelling Units

33.207 Accessory Short-Term Rentals

33.209 Aviation

33.218 Community Design Standards

33.219 Convenience Stores

33.224 Drive-Through Facilities

33.229 Elderly and Disabled High Density Housing

33.236 Floating Structures

33.237 Food Production and Distribution

33.239 Group Living

33.243 Helicopter Landing Facilities

33.245 Inclusionary Housing

33.248 Landscaping and Screening

33.251 Manufactured Housing and Manufactured Dwelling Parks

33.254 Mining and Waste-Related

33.258 Nonconforming Situations

33.262 Off-Site Impacts

33.266 Parking and Loading

33.270 Planned Development

33.272 Major Public Trail

33.274 Radio Frequency Transmission Facilities

33.279 Recreational Fields for Organized Sports

33.281 Schools and School Sites

33.284 Self-Service Storage

33.285 Short Term Housing and Mass Shelters

33.288 Special Street Setbacks

33.293 Superblocks

33.296 Temporary Activities

33.299 Wind Turbines

33.203 Accessory Home Occupations

203

Sections:

33.203.010 Purpose
33.203.015 Adjustments and Modifications
33.203.020 Description of Type A and Type B Accessory Home Occupations
33.203.030 Use-Related Regulations
33.203.040 Site-Related Standards
33.203.050 Impact-Related Standards
33.203.060 Type B Home Occupation Permit

33.203.010 Purpose

Accessory home occupations are activities accessory to uses in the Household Living category. They have special regulations that apply to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations ensure that the accessory home occupation remains subordinate to the residential use, and that the residential viability of the dwelling is maintained. The regulations recognize that many types of jobs can be done in a home with little or no effects on the surrounding neighborhood.

33.203.015 Adjustments and Modifications

Adjustments and modifications to the requirements of this chapter are prohibited.

33.203.020 Description of Type A and Type B Accessory Home Occupations

There are two types of home occupations, Type A and Type B. Uses are allowed as home occupations only if they comply with all of the requirements of this chapter.

A. **Type A.** A Type A home occupation is one where the residents use their home as a place of work; however, no employees or customers come to the site. Examples include artists, crafts people, writers, and consultants. Type A home occupations also provide an opportunity for a home to be used as a business address but not as a place of work.

B. **Type B.** A Type B home occupation is one where the residents use their home as a place of work, and either one employee or customers come to the site. Examples are counseling, tutoring, and hair cutting and styling.

C. **Accessory short-term rentals.** The regulations for accessory short-term rentals are stated in Chapter 33.207.

D. **Family child care homes.** Registered or certified family child care homes for up to 16 children, including the children of the provider that also meet the State's requirements of ORS 329A, are exempt from the regulations of this chapter.

33.203.030 Use-Related Regulations

A. **Allowed uses.** The intent of the regulations of this chapter is to establish performance standards for all accessory home occupations rather than to limit the allowed uses to a

specific list. Uses which comply with the standards of this chapter are allowed by right unless specifically listed in Subsection B. below.

B. Prohibited uses.

1. Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited.

2. Accessory home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.

3. A Type B accessory home occupation is prohibited in a residence with an accessory dwelling unit.

4. A Type B accessory home occupation is prohibited in a dwelling unit with any accessory short-term rental.

C. Additional Type B home occupation regulations. The following additional regulations apply to Type B home occupations.

1. Hours. Customers may visit the site only during the hours of 7 am to 9 pm.

2. Nonresident employees. One nonresident employee is allowed with a Type B home occupation provided no customers come to the site at any time. Home occupations that have customers coming to the site at any time are not allowed to have nonresident employees. For the purpose of this Chapter, the term "one nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation. The term "one nonresident employee" does not allow employee shifts, with each shift staffed by a different employee, even when only one nonresident employee is at the site at any one time.

3. Customers. Only eight customers or clients may visit the site in a day.

4. Retail sales. Retail sales of goods must be entirely accessory to any services provided on the site (such as hair care products sold as an accessory to hair cutting).

5. Number of Type B home occupations. More than one Type B home occupation per dwelling unit is prohibited.

33.203.040 Site-Related Standards

A. Outdoor activities.

1. All activities associated with an accessory home occupation must be in completely enclosed structures on the site, excluding activities or services that, by their nature, must be conducted off site. Examples of accessory home occupations where activities or services must be conducted off site include house painting, landscape maintenance, or chauffeuring services.

2. Exterior storage or display of goods or equipment is prohibited.

B. Appearance of structure and site. The dwelling and site must remain residential in appearance and characteristics. Internal or external changes which will make the dwelling appear less residential in nature or function are prohibited. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting.

33.203.050 Impact-Related Standards

A. Nuisances. Accessory home occupations are regulated by the standards contained in Chapter 33.262, Off-Site Impacts, except noise, which is regulated by Subsection C. below.

B. Hazardous substances. Hazardous substances are prohibited, except that consumer quantities are allowed. Consumer quantities of hazardous substances are packaged and distributed in a form intended or suitable for sale through retail sales outlets for consumption by individuals for purposes of personal care and household use.

C. Noise. The maximum noise level for a home occupation is 50 dBA. Noise level measurements are taken at the property line. Home occupations that propose to use power tools must document in advance that the home occupation will meet the 50 dBA standard.

D. Vehicles. No more than one vehicle may be used in association with the home occupation. The maximum size of the vehicle used in association with the home occupation is a pickup truck in the medium truck category.

E. Deliveries. Truck deliveries or pick-ups of supplies or products, associated with the home occupation, are allowed at the home only between 8 am and 5 pm. Vehicles used for delivery and pick-up may not include heavy trucks.

33.203.060 Type B Home Occupation Permit

A. Purpose. Permits for Type B home occupations must be obtained from BDS prior to their establishment, to ensure the following:

- That the applicant is aware of the provisions of this chapter which govern accessory home occupations;
- That the City has all information necessary to evaluate whether the proposal initially meets and continues to meet code regulations; and
- That the distribution and location of Type B home occupations can be documented.

B. Procedure. A home occupation permit for Type B home occupations will be issued by BDS for a two year period. It is the responsibility of the applicant to obtain the permit every two years. The review process requires the applicant to agree to abide with the requirements of this chapter and sign a form showing agreement to these conditions and documentation that the proposal is a Type B home occupation. The applicant must demonstrate compliance with the neighborhood notice requirement, described in Subsection C. below.

C. Neighborhood notice.

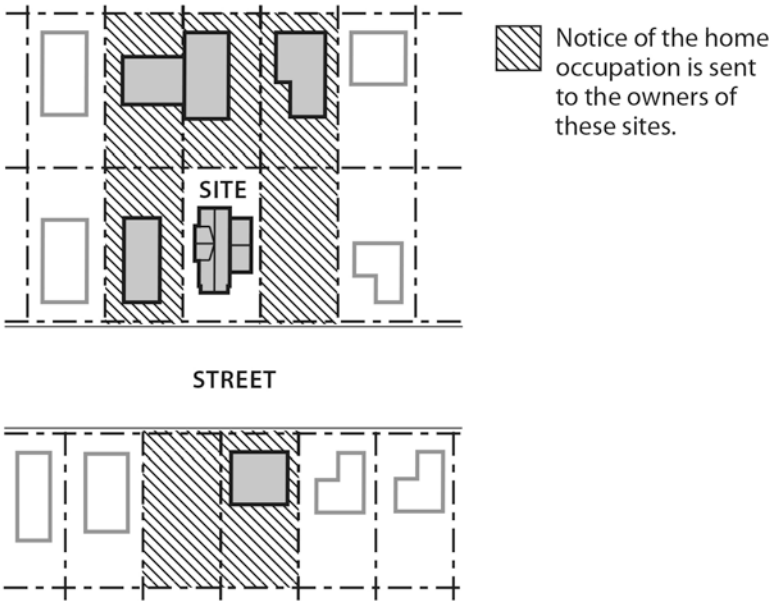
1. Purpose. The purpose of this requirement is to notify the neighborhood association and nearby property owners of the establishment of a Type B accessory home occupation, the type of activities which will occur, and the regulations under which the use must operate.

2. Process.

   a. Notice content. The applicant must complete a notice which describes the standards set forth in this chapter, the type of business activities to take place at the site, the hours of operation, and either the nonresident employee or the expected number of customers on a daily basis.

   b. Notice recipients. All recognized organizations whose boundaries include the site must receive the notice. In addition, all owners of the property abutting or across the street from the site must receive the notice. See Figure 203-1 for a description of the notice area. The applicant must submit to BDS a list of the addresses notified, a copy of the notice which was sent, and a signed statement verifying that this requirement has been met. It is the responsibility of the applicant to gather the information to fulfill this requirement.

Figure 203-1
Home Occupation Notice Area



D. Revocation. A Type B home occupation permit can be revoked for failure to comply with the regulations of this Chapter, through the procedures identified in Paragraph 3.30.040.B.5 of Title 3, Administration. When a Type B home occupation permit has been revoked, a new Type B home occupation permit will not be issued to the applicant or other persons residing with the applicant for 2 years.

(Amended by: Ord. No. 164264, effective 7/5/91; Ord. No. 171879, effective 2/2/98; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 176469, effective 7/1/02; Ord. No. 178509, effective 7/16/04; Ord. No. 182429, effective 1/16/09; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 187216, effective 7/24/15.)

33.205 Accessory Dwelling Units

205

Sections:

33.205.010 Purpose
33.205.020 Where These Regulations Apply
33.205.030 General Requirements
33.205.040 Development Standards
33.205.050 Density

33.205.010 Purpose

Accessory dwelling units are allowed in certain situations to:

- Create new housing units while respecting the look and scale of single-dwelling development;
- Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
- Allow more efficient use of existing housing stock and infrastructure;
- Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- Provide a broader range of accessible and more affordable housing.

33.205.020 Where These Regulations Apply

An accessory dwelling unit may be added to a house, attached house, or manufactured home in an R, C, or EX zone, except for attached houses in the R20 through R5 zones that were built using the regulations of 33.110.240.E, Duplexes and Attached Houses on Corners.

33.205.030 General Requirements

A. Number of residents. The total number of individuals that reside in both units may not exceed the number that is allowed for a household.

B. Other uses.

1. Type B home occupation. An accessory dwelling unit is prohibited on a site with a Type B home occupation.

2. Type A accessory short-term rental. An accessory dwelling unit is allowed on a site with a Type A accessory short-term rental.

3. Type B accessory short-term rental. An accessory dwelling unit is allowed on a site with a Type B accessory short-term rental if the accessory dwelling unit meets the standards of Paragraph 33.815.040.B.1.

33.205.040 Development Standards

A. Purpose. Standards for creating accessory dwelling units address the following purposes:

- Ensure that accessory dwelling units are compatible with the desired character and livability of Portland's residential zones;
- Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards;
- Ensure that accessory dwelling units are smaller in size than houses, attached houses, or manufactured homes; and
- Provide adequate flexibility to site buildings so that they fit the topography of sites.

B. Generally. The development standards for accessory dwelling units are stated in this section. If not addressed in this section, the base zone development standards apply.

C. Requirements for all accessory dwelling units. All accessory dwelling units must meet the following:

1. Location of entrances. Only one entrance may be located on the facade of the house, attached house, or manufactured home facing the street, unless the house, attached house, or manufactured home contained additional entrances before the accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks. Detached accessory dwelling units are exempt from this standard.

2. Parking. No additional parking is required for the accessory dwelling unit. Existing required parking for the house, attached house, or manufactured home must be maintained or replaced on-site.

3. Maximum size. The size of the accessory dwelling unit may be no more than 75 percent of the living area of the primary dwelling unit or 800 square feet of living area, whichever is less. The measurements are based on what the square footage of the primary dwelling unit and accessory dwelling unit will be after the accessory dwelling unit is created.

4. Setbacks. Detached accessory dwelling units must be:

   a. Set back 40 feet from the front lot line; or

   b. Located behind the rear wall of the house, attached house, or manufactured home. For the purpose of this regulation, the rear wall of the house is the wall furthest from the wall with the main entrance to the street.

5. Detached accessory dwelling units must meet the development standards for detached covered accessory structures in the base zone.

33.205.050 Density

In the single-dwelling zones, accessory dwelling units are not included in the minimum or maximum density calculations for a site. In all other zones, accessory dwelling units are included in the minimum density calculations, but are not included in the maximum density calculations.

(Amended by: Ord. No. 171879, effective 2/2/98; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178927, effective 12/31/04; Ord. No. 179845, effective 1/20/06; Ord. No. 183598, effective 4/24/10; Ord. No. , effective 8/29/14; Ord. No. 186736, effective 8/29/14; Ord. No. 187471, effective 1/1/16.)

33.207 Accessory Short-Term Rentals

33.207

Sections:

33.207.010 Purpose
33.207.020 Description and Definitions
33.207.030 Where These Regulations Apply
33.207.040 Type A Accessory Short-Term Rentals
33.207.050 Type B Accessory Short-Term Rentals
33.207.060 Monitoring
33.207.070 Pre-Established Bed and Breakfast Facilities

33.207.010 Purpose

This chapter provides standards for the establishment of accessory short-term rentals. The regulations are intended to allow for a more efficient use of residential structures, without detracting from neighborhood character, and ensuring that the primary use remains residential. In some situations, the operator can take advantage of the scale and architectural or historical significance of a residence. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

33.207.020 Description and Definitions

A. Description. An accessory short-term rental is where an individual or family resides in a dwelling unit and rents bedrooms to overnight guests for fewer than 30 consecutive days. There are two types of accessory short-term rental:

1. Type A. A Type A accessory short-term rental is where no more than 2 bedrooms are rented to overnight guests.
2. Type B. A Type B accessory short-term rental is where 3 or more bedrooms are rented to overnight guests.

B. Definitions. For the purposes of this chapter, the following words have the following meanings:

1. Resident. The individual or family who resides in the dwelling unit. The resident can be the owner or a long-term renter.
2. Operator. The resident or a person or entity that is designated by the resident to manage the accessory short-term rental.

33.207.030 Where These Regulations Apply

The regulations of this chapter apply to accessory short-term rentals in all zones. In zones where Retail Sales And Service uses are allowed, limited or conditional uses, accessory short-term rentals may be regulated either as a Retail Sales And Service use, or as an accessory short-term rental under the regulations of this chapter. The decision is up to the applicant.

33.207.040 Type A Accessory Short-Term Rentals

A. Use-related regulations.

1. Accessory use. A Type A accessory short-term rental must be accessory to a Household Living use on a site. This means that a resident must occupy the dwelling unit for at least 270 days during each calendar year, and unless allowed by Paragraph .040.B.2 or .040.B.3, the bedrooms rented to overnight guests must be within the dwelling unit that the resident occupies.

2. Permit required. A Type A accessory short-term rental requires a Type A accessory short-term rental permit consistent with Subsection 040.C.

3. Allowed structure type. A Type A accessory short-term rental is allowed in all residential structure types when accessory to a Household Living use.

4. Cap. The number of dwelling units in a multi-dwelling structure or a triplex that can have an accessory short-term rental is limited to 1 unit or 25 percent of the total number of units in the structure, whichever is greater.

5. Prohibition. Accessory short term rentals are prohibited in a building subject to Chapter 13 of the Uniform Building Code (1970 edition) in effect on September 7, 1972, except when the Fire Marshal's Office has determined that the building has a fire sprinkler system that protects the exitways.

B. Standards. The following standards apply to Type A accessory short-term rentals. Adjustments are prohibited:

1. Maximum size. A Type A accessory short-term rental is limited to renting a maximum of 2 bedrooms to overnight guests.

2. Accessory dwelling units. On sites with an accessory dwelling unit, the resident can live in the primary or accessory dwelling unit and rent bedrooms in either dwelling unit, but the maximum number of bedrooms on the site that can be rented to overnight guests is 2.

3. Detached accessory structures. A bedroom in a detached accessory structure can be rented to overnight guests, and counts toward the maximum size limit.

4. Bedroom requirements. The Bureau of Development Services must verify that each bedroom to be rented to overnight guests:

   a. Met the building code requirements for a sleeping room at the time it was created or converted. Bedrooms in multi-dwelling structures and in triplexes are exempt from this requirement;

   b. Has a smoke detector that is interconnected with a smoke detector in an adjacent hallway that is in the dwelling unit; and

   c. Is located on the floor of a dwelling unit equipped with a functioning carbon monoxide alarm. If the dwelling unit does not have a carbon monoxide source, then a carbon monoxide alarm is not required.

5. Number of residents and guests. The total number of residents and guests occupying a dwelling unit with a Type A accessory short-term rental may not exceed the number allowed for a household. For sites with an accessory dwelling unit, the total number of residents and guests occupying both dwelling units may not exceed the number allowed for a household.

6. Employees. Nonresident employees are prohibited. Hired service for normal maintenance, repair and care of the residence or site, such as yard maintenance or house cleaning, is allowed.

7. Services to overnight guests and visitors. Serving alcohol and food to overnight guests and visitors is allowed and may be subject to other county or state requirements.

8. Commercial meetings. Commercial meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation. Commercial meetings are prohibited with a Type A accessory short-term rental. A historic landmark that receives special assessment from the State, may be open to the public for 4 hours one day each year. This is not considered a commercial meeting.

9. A Type B accessory home occupation is prohibited with a Type A accessory short-term rental.

C. Type A accessory short-term rental permit. The resident of a dwelling unit with a Type A accessory short-term rental must obtain a permit from the Bureau of Development Services. It is the responsibility of the resident to obtain the permit every two years. The permit requires the resident, and operator if the operator is not the resident, to agree to abide by the requirements of this section, and document that the required notification requirements have been met:

1. Notification. The resident must:

   a. Prepare a notification letter that:

      (1) Describes the operation and the number of bedrooms that will be rented to overnight guests;

      (2) Includes information on how to contact the resident, and the operator if the operator is not the resident, by phone; and

      (3) Describes how the standards in Subsection .040.A and B are met.

   b. Mail or deliver the notification letter as follows:

      (1) All residential structure types except multi-dwelling structures. If the Type A accessory short-term rental is in a dwelling unit in a residential structure other than a multi-dwelling structure, then the notification letter must be mailed or delivered to all recognized organizations whose boundaries include the accessory short-term rental, and all residents and owners of property abutting or across the street from the accessory short-term rental. See Figure 207-1.

(2) Multi-dwelling structures. If the Type A accessory short-term rental is in a dwelling unit in a multi-dwelling structure, then the notification letter must be mailed or delivered to all recognized organizations whose boundaries include the accessory short-term rental, the property manager if there is one, and all residents and owners of dwelling units abutting, across the hall from, above, and below the accessory short-term rental.

2. Required information for permit. In order to apply for a Type A accessory short-term rental permit, the resident or operator must submit to the Bureau of Development Services:

a. Two copies of the completed application form bearing the address of the property, and the name, notarized signature, address, and telephone number of the following:

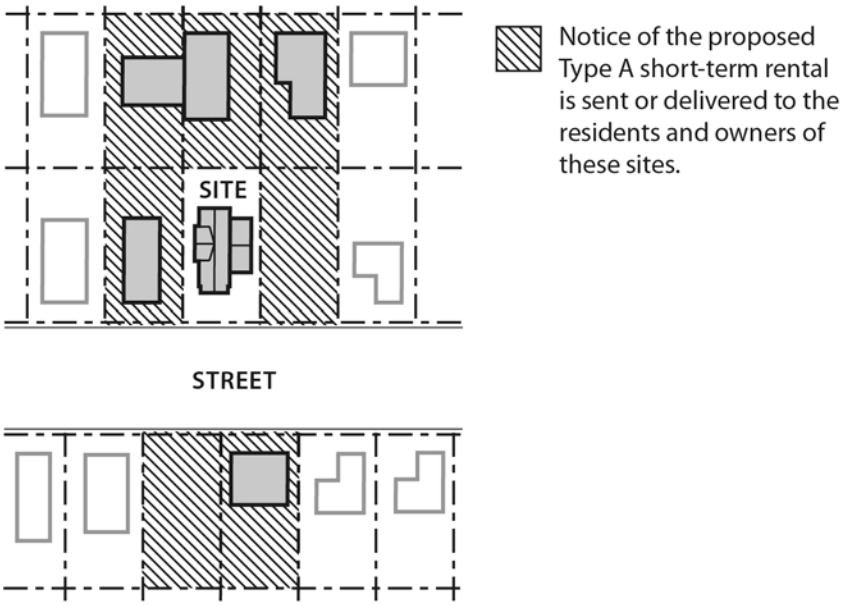
(1) Resident;

(2) Operator; and

(3) Property owner or their authorized agent.

b. A copy of the notification letter and a list with the names and addresses of all the property owners, residents, and recognized organizations that received the notification.

Figure 207-1
Type A Accessory Short-Term Rental Permit Notice Area
for All Dwelling Units Except Those in Multi-Dwelling Structures



D. Revoking a Type A accessory short-term rental permit. A Type A accessory short-term rental permit can be revoked according to the procedures in City Code Section 3.30.040 for failure to comply with the regulations of this Chapter. When a Type A accessory short-term rental permit has been revoked, a new Type A accessory short-term rental permit will not be issued to that resident at that site for 2 years.

33.207.050 Type B Accessory Short-Term Rentals

A. Use-related regulations.

1. Accessory use. A Type B accessory short-term rental must be accessory to a Household Living use on a site. This means that a resident must occupy the dwelling unit for at least 270 days during each calendar year, and unless allowed by Paragraph .050.B.2 or .050.B.3, the bedrooms rented to guests must be within the dwelling unit that the resident occupies.

2. Conditional use review. A Type B accessory short-term rental requires a conditional use review. A Type B accessory short-term rental that proposes commercial meetings is processed through a Type III procedure. All other Type B accessory short-term rentals are processed through a Type II procedure. The approval criteria are stated in 33.815.105, Institutional and Other Uses in R Zones.

3. Allowed structure type. A Type B accessory short-term rental is allowed in all residential structure types when accessory to a Household Living use.

4. Cap. The number of dwelling units in a multi-dwelling structure or a triplex that can have an accessory short-term rental is limited to 1 unit or 25 percent of the total number of units in the structure, whichever is greater.

5. Prohibition. Accessory short term rentals are prohibited in a building subject to Chapter 13 of the Uniform Building Code (1970 edition) in effect on September 7, 1972, except when the Fire Marshal's Office has determined that the building has a fire sprinkler system that protects the exitways.

B. Standards.

1. Maximum size. Type B accessory short-term rental is limited to renting a maximum of 5 bedrooms to overnight guests. In the single-dwelling zones, a Type B accessory short-term rental over this size limit is prohibited.

2. Accessory dwelling units. On sites with an accessory dwelling unit, the resident can live in the primary or accessory dwelling unit and rent bedrooms in either dwelling unit.

3. Detached accessory structures. A bedroom in a detached accessory structure can be rented to overnight guests, and counts toward the maximum size limit.

4. Bedroom requirements. The Bureau of Development Services must verify that each bedroom to be rented to overnight guests:

a. Met the building code requirements for a sleeping room at the time it was created or converted. Bedrooms in multi-dwelling structures and in triplexes are exempt from this requirement;

b. Has a smoke detector that is interconnected with a smoke detector in an adjacent hallway that is in the dwelling unit; and

c. Is located on the floor of a dwelling unit equipped with a functioning carbon monoxide alarm. If the dwelling unit does not have a carbon monoxide source, then a carbon monoxide alarm is not required.

5. Number of residents and overnight guests. The total number of residents and overnight guests occupying a dwelling unit with a Type B accessory short-term rental may be limited as part of a conditional use approval.

6. Employees. Nonresident employees for activities such as booking rooms and food preparation may be approved as part of the conditional use review. Hired service for normal maintenance, repair and care of the residence or site, such as yard maintenance or house cleaning, is allowed. The number of employees and the frequency of employee auto trips to the facility may be limited or monitored as part of a conditional use approval.

7. Services to guests and visitors. Serving alcohol and food to guests and visitors is allowed and may be subject to other county or state requirements.

8. Commercial meetings.

a. Commercial meetings. Commercial meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation. Commercial meetings are regulated as follows:

(1) In the single-dwelling zones, commercial meetings are prohibited;

(2) In all other zones, up to 24 commercial meetings per year may be approved as part of a conditional use review. The maximum number of visitors or guests per event will be determined through the conditional use review. Adjustments to the maximum number of meetings per year are prohibited.

b. Historic landmarks. A historic landmark that receives special assessment from the State, may be open to the public for 4 hours one day each year. This does not count as a commercial meeting.

c. Meeting log. The operator must log the dates of all commercial meetings held, and the number of visitors or guests at each event. The log must be available for inspection by City staff upon request.

9. Appearance. Residential structures may be remodeled for the development of an accessory short-term rental. However, structural alterations may not be made that prevent the structure being used as a residence in the future. Internal or external changes that will make the dwelling appear less residential in nature or function are

not allowed. Examples of such alterations include installation of more than three parking spaces, paving of required setbacks, and commercial-type exterior lighting.

10. A Type B accessory home occupation is prohibited with a Type B accessory short-term rental.

33.207.060 Monitoring

All accessory short-term rentals must maintain a guest log book. It must include the names and home addresses of guests, guest's license plate numbers if traveling by car, dates of stay, and the room assigned to each guest. The log must be available for inspection by City staff upon request.

33.207.070 Pre-Established Bed and Breakfast Facilities

A. Facilities without a revocable permit. Bed and breakfast facilities that were operating before May 24, 1988, and which did not receive a revocable permit, may continue to operate as an approved conditional use if the operator can show proof that the operation was established through City licensing. The requirements for verification are listed below.

1. The facility was operating with a City business license or was granted exemption from the business license requirement;
2. City transient lodging taxes were paid part or all of the tax period preceding May 24, 1988; and
3. The owner or operator can document that the Portland Bureaus of Planning or Buildings approved the site for a bed and breakfast facility prior to purchase, construction, or remodeling of the facility.

B. Alterations and Expansions. The approved conditional use status provided for in Subsection 070.A applies only to the number of bedrooms and size of facility that existed on January 1, 1991. Any expansions of building area or alterations that increase the intensity of the facility are not allowed unless approved through a conditional use review as provided in Section 33.207.050.A.2.

C. Facilities with a revocable permit. Bed and breakfast facilities operating under approved revocable permits are subject to the regulations for revocable permits in 33.700.120, Status of Prior Revocable Permits.

(Amended by: Ord. No. 164264, effective 7/5/91; Ord. No. 169324, effective 10/12/95; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 178657, effective 9/3/04; Ord. No. 186736, effective 8/29/14; Ord. No. 186976, effective 2/13/15; Ord. No. 188259, effective 3/31/17.)

33.209 Aviation

209

Sections:

33.209.010 Purpose
33.209.020 Aircraft Landing Facilities
33.209.030 Helicopter Landing Facilities
33.209.040 Commercial Seaplane Facilities

33.209.010 Purpose

This chapter:

- Provides standards for the efficient development of aviation facilities;
- Ensures that neighborhoods are protected from the off-site impacts and nuisances associated with aviation facilities; and
- Promotes compatibility between aviation facilities and other land uses.

33.209.020 Aircraft Landing Facilities

A. Portland International Airport. Interior and exterior alterations to the Portland International Airport are governed by the base zone requirements and Chapter 33.565, Portland International Airport Plan District.

B. New landing facilities. All new aircraft landing facilities (excluding seaplane facilities) require a conditional use master plan.

33.209.030 Helicopter Landing Facilities

Helicopter landing facilities are governed by the requirements of Chapter 33.243, Helicopter Landing Facilities.

33.209.040 Commercial Seaplane Facilities

A. When the commercial seaplane regulations apply. These regulations apply only to commercial seaplane facilities. Private seaplane hangars are regulated in the same manner as docks. The regulations also apply to all facilities such as docks and offices associated with a commercial seaplane facilities. Both floating and land facilities are regulated by this section.

B. State, Federal, and Port of Portland requirements. All commercial seaplane facilities must obtain approval from the Port of Portland, the Oregon Divisions of State Lands, State Aeronautics, and the US Army Corps of Engineers prior to issuance of a building permit.

C. Locational criteria.

1. Commercial seaplane facilities are not allowed within 400 feet of any residences, including houseboats.

2. Commercial seaplane facilities are not allowed within 400 feet of properties with River Natural zoning.

33.212 Bed and Breakfast Facilities

212

Chapter 33.212 was renamed by Ordinance No. 186736, and in order to maintain the alphabetical structure of the Additional Use and Development Regulations chapters, the renamed chapter was renumbered. See Chapter 33.207, Accessory Short-Term Rentals.

(Amended by: Ord. No. 164264, effective 7/5/91; Ord. No. 169324, effective 10/12/95; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 178657, effective 9/3/04; Ord. No. 186736, effective 8/29/14.)

33.216 Cluster Housing

216

(Deleted by Ord. Nos. 175965 and 176333, effective 7/1/02.)

33.218 Community Design Standards

218

Sections:

General
33.218.010 Purpose
33.218.015 Procedure
Standards
33.218.100 Standards for Primary and Attached Accessory Structures in Single-Dwelling Zones
33.218.110 Standards for Primary and Attached Accessory Structures in RM1, RM2, and RMP Zones
33.218.120 Standards for Detached Accessory Structures in Single-Dwelling, RM1, RM2, and RMP Zones
33.218.130 Standards for Exterior Alteration of Residential Structures in Single-Dwelling, RM1, RM2, and RMP Zones
33.218.140 Standards for All Structures in RM3, RM4, RX, C, CI, and E Zones
33.218.150 Standards for All Structures in I Zones

General

33.218.010 Purpose

Design review and historic resource review ensure that development conserves and enhances the recognized special design values of a site or area, and promote the conservation, enhancement, and continued vitality of special areas of the City.

The Community Design Standards provide an alternative process to design review and historic resource review for some proposals. Where a proposal is eligible to use this chapter, the applicant may choose to go through the discretionary design review process set out in Chapter 33.825, Design Review, and Chapter 33.846, Historic Resource Reviews, or to meet the objective standards of this chapter. If the applicant chooses to meet the objective standards of this chapter, no discretionary review process is required.

The purpose of these standards is to:

A. Ensure that new development enhances the character and livability of Portland's neighborhoods;

B. Ensure that increased density in established neighborhoods makes a positive contribution to the area's character;

C. Ensure the historic integrity of conservation landmarks and the compatibility of new development in conservation districts;

D. Enhance the character and environment for pedestrians in areas designated as design zones;

E. Offer developers the opportunity to comply with specific objective standards as a more timely, cost effective, and more certain alternative to the design review and historic resource review process.

33.218.015 Procedure

A. Generally. This chapter provides an alternative to the design review process or historic resource review process for some proposals. Where a proposal is eligible to use this chapter, the applicant may choose to go through either the discretionary design review process set out in Chapter 33.825, Design Review, and Chapter 33.846, Historic Resource Reviews, or to meet the objective standards of this chapter. If the proposal meets the standards of this chapter, no design review or historic resource review is required. The standards determining which proposals are eligible to use this chapter are in Chapter 33.405, Alternative Design Density Overlay Zone; Chapter 33.420, Design Overlay Zone; Chapter 33.445, Historic Resource Overlay Zone; and Chapter 33.505, Albina Community Plan District.

The standards of this chapter do not apply to proposals reviewed through the discretionary design review processes set out in Chapter 33.825, Design Review, and Chapter 33.846, Historic Resource Reviews. Where a proposal is for an alteration or addition to existing development, the standards of this chapter apply only to the portion being altered or added.

B. Adjustments. Adjustments to these standards are prohibited.

C. Permit application requirements. The following information must be submitted as part of an application for a building or development permit:

1. Site plan and elevations. The site plan and elevations must include enough detail to document compliance with the standards of this chapter. The site plan and elevations must be drawn at a scale of 1/8 inch = 1 foot or larger.

2. Vicinity plan. For proposals in the Southwest Community Plan area, shown on Map 825-4, and in conservation districts, a vicinity plan, drawn at a scale of 1 inch = 30 feet or larger, must show the following:

   a. The footprint of the proposed development;

   b. The lot lines of the site;

   c. The footprints and front yard setbacks of all buildings on lots that abut each side of the site and are on the same street.

Standards

33.218.100 Standards for Primary and Attached Accessory Structures in Single-Dwelling Zones

The standards of this section apply to development of new primary and attached accessory structures in single-dwelling zones.

A. Landscaping. Landscaping must be provided between structures and the street, as follows:

1. Foundation landscaping. All street-facing elevations must have landscaping along their foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:

   a. The landscaped area must be at least 3 feet wide;

   b. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and

   c. Ground cover plants must fully cover the remainder of the landscaped area; and

2. Front yard trees. There must be at least one tree in front of each residential structure. On corner lots, there must be one tree for each 30 feet of frontage on the side street.

B. Front setbacks in the Southwest Community Plan area and conservation districts. In the Southwest Community Plan area, shown on Map 825-4, and in conservation districts, the setback for primary buildings is based on the setbacks of primary buildings on the lots that abut each side of the site and are on the same street. The primary structure may be no closer to the front lot line than the adjacent primary structure that is closest to the front lot line. The primary structure may be no further from the front lot line than the adjacent primary structure that is farthest from the front lot line. In any case, the structure may not be set back from the front lot line more than 25 feet.

C. Large building elevations divided into smaller areas. The front elevation of large structures must be divided into smaller areas or planes. When the front elevation of a structure is more than 500 square feet in area, the elevation must be divided into distinct planes of 500 square feet or less. For the purpose of this standard, areas of wall that are entirely separated from other wall areas by a projection, such as the porch or a roof over a porch, are also individual building wall planes. This division can by done by:

1. A porch, a dormer that is at least 4 feet wide, or a balcony that is at least 2 feet deep and is accessible from an interior room;

2. A bay window that extends at least 2 feet; or

3. Recessing a section of the facade by at least 2 feet; the recessed section must be at least 6 feet long.

D. Roofs.

1. Primary structures must have a roof that is either:

   a. Sloped, with a pitch that is no flatter than 6/12 and no steeper than 12/12; or

   b. No steeper than and no flatter than the pitch of the roofs of the primary structures on the lots that abut either side of the site and front onto the same street.

2. Flat roofs are allowed when the space on top of the roof is no more than 150 square feet and accessible from an interior room, or as specified in subparagraph D.1.b, above.

E. Main entrance.

1. Location of main entrance. The main entrance of each primary structure must face the street. On corner lots the main entrance may face either of the streets or be oriented to the corner. For single dwelling, duplex, and triplex buildings that have more than one main entrance only one entrance must meet this requirement.

2. Front porch at main entrance. There must be a front porch at all main entrances that face a street. If the porch projects out from the building, it must have a roof. If the roof of a required porch is developed as a deck or balcony, it may be flat. If the main entrance is to a single dwelling, the covered area provided by the porch must be at least 48 square feet and a minimum of 8 feet wide. If the main entrance is to more than one dwelling unit, the covered area provided by the porch must be at least 63 square feet and a minimum of 9 feet wide.

3. Covered balcony. For attached houses, a covered balcony on the same facade as the main entrance may be provided instead of a front porch. The covered portion of the balcony must be at least 48 square feet and a minimum of 8 feet wide. The floor of the covered balcony must be no more than 15 feet above grade, and must be accessible from the interior living space of the house.

4. Ornamental columns. If the front porch or covered balcony at a main entrance provides columns as corner supports, the columns must be ornamental columns that meet one of the following standards. Wrought iron style porch supports do not meet this standard:

   a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches; or

   b. Groupings of 2, 3, or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.

5. Openings between porch floor and ground. Openings of more than 1 foot between the porch floor and the ground must be covered with a solid material or lattice.

F. Vehicle areas.

1. Alleys. If the site is served by an alley, access for motor vehicles must be from the alley, not from a street frontage.

2. Parking areas in the front setback. Parking areas may not be located in the front setback.

3. Vehicle areas between the porch and the street. Vehicle areas may not be located between the building’s porch or porches and an adjacent street.

4. Attached garages. When parking is provided in a garage attached to the primary structure, and garage doors face a street, the following standards must be met:

   a. The garage must not be more than 40 percent of the length of the street-facing facade or 12 feet long, whichever is greater;

   b. The front of the garage can be no closer to the front lot line than the front facade of the house;

   c. Garage doors may be no more than 75 square feet in area; and

   d. There may be no more than two individual garage doors.

5. Driveways. Driveways for attached houses must meet the following. See Figures 218-1 and 218-2 for examples of driveways that meet the standard.

   a. Driveways may be paired so that there is a single curb-cut providing access to two attached houses. The maximum width allowed for the paired driveway is 18 feet; and

   b. There must be at least 18 feet between single or paired driveways. Distance between driveways is measured along the front property line.

G. Foundation material. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall.

H. Exterior finish materials. The standards of this subsection must be met on all building facades.

1. Plain concrete block, plain concrete, corrugated metal, plywood, composite materials manufactured from wood or other products, and sheet pressboard may not be used as exterior finish material.

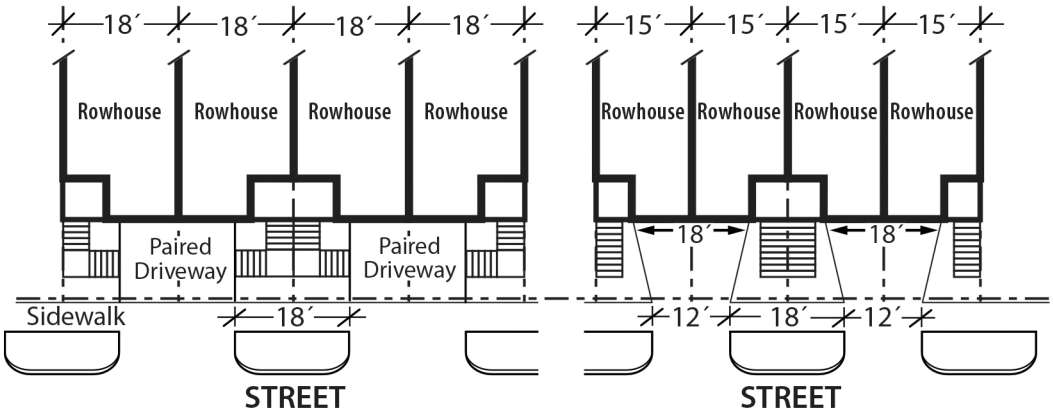
2. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than 6 inches wide.

3. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.

4. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of 6 inches or less, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.

5. Siding material may not cover required window and door trim.

Figure 218-1
Paired Driveways for Attached Houses



I. **Architectural features.** Each primary structure must have one of the following features on the front street-facing elevation:

1. Roof dormer placed a minimum of 3 feet from all the side building walls;

2. A porch roof with a gable end facing the street. The roof eaves of the porch must be the same height as the roof eaves of the building. The pitch of the porch roof must be between 6/12 and 12/12; or

3. A gable end facing the front lot line with one of the following in the gable area above the eave line:

   a. A window; or

   b. A trimmed vent. The trim must match the trim on the windows and the vent must be at least 4 square feet in area.

J. **Windows.** At least 15 percent of the area of a street-facing facade must be windows. All street-facing windows must meet the following. Windows in rooms with a finished floor height 4 feet or more below grade are exempt from this standard:

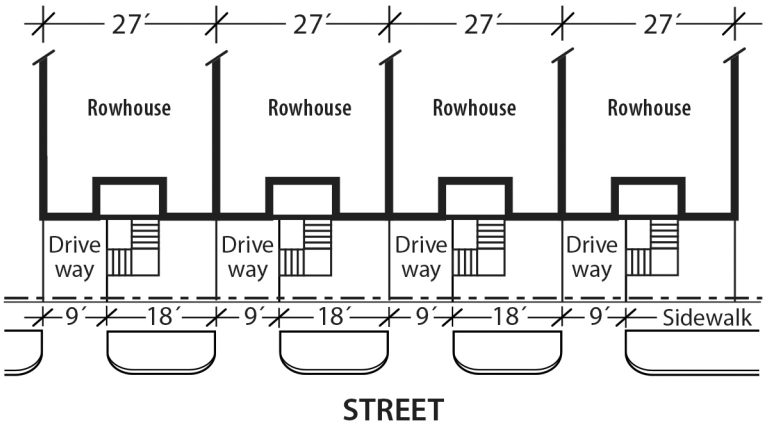
1. Each window must be square or vertical—at least as tall as it is wide; or

2. A horizontal window opening may be created when:

   a. Two or more vertical windows are grouped together to provide a horizontal opening, and they are either all the same size, or no more than two sizes are used. Where two sizes of windows are used in a group, the smaller window size must be on the outer edges of the grouping. The windows on the outer edges of the grouping must be vertical; the center window or windows may be vertical, square, or horizontal; or

   b. There is a band of individual lites across the top of the horizontal window. These small lites must be vertical and cover at least 20 percent of the total height of the window.

Figure 218-2
Single Driveways for Attached Houses



K. Trim. Trim must mark all building roof lines, porches, windows, and doors on all elevations. The trim must be at least 3-1/2 inches wide. Buildings with an exterior material of stucco or masonry are exempt from this standard.

L. Exterior stairs and fire escapes. Exterior stairs, other than those leading to a main entrance, must be at least 40 feet from all streets. Fire escapes must be at least 40 feet from all streets.

M. Roof eaves. Roof eaves must project from the building wall at least 12 inches on all elevations.

N. Rooftop solar energy systems.

1. Rooftop solar energy systems must meet the following requirements:

   a. On a flat roof. The solar energy system must be mounted flush or on racks, with the system or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. Solar energy systems must also be screened from the street by:

      (1) An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system; or

      (2) Setting the solar energy system back from the street-facing roof edges. For each foot of height that the portion of the system projects above the parapet, or roofline when there is no parapet, the system must be set back 4 feet.

   b. On a pitched roof. The plane of the system must be parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline.

2. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.

3. Photovoltaic glazing may be integrated into windows or skylights.

O. Water cisterns. Above-ground cisterns for rainwater or greywater collection meet the following:

1. Cisterns with a capacity of more than 80 gallons, or racks of cisterns with a total capacity of more than 80 gallons, may not be attached to the front facade of the primary structure; and

2. Cisterns must either:

   a. Match the color of the adjacent building wall, the color of the trim, or the color of the rain gutter; or

   b. Be screened by development, plantings, or fences so they are not visible from the street.

P. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

1. Skylights. Skylights may not be on street-facing elevations. On all other elevations, the glass, plastic, or other transparent material must be parallel to the slope of the roof.

2. Ornamental columns. Corners of the porch roof on street-facing elevations must be supported with ornamental columns that meet one of the following standards. Wrought iron style porch supports do not meet this standard:

   a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches; or

   b. Groupings of 2, 3, or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.

3. Albina Community Plan area. The standards of this paragraph apply in the Albina Community Plan area, shown on Map 825-1:

   a. Floor level delineation. Each primary residential structure must reflect, on its street-facing elevations, all floor levels in the building, including the attic. The different floor levels must be delineated through the use of porch roofs, changes in materials or texture of materials, location of pediment and roof lines, overhangs and setbacks.

   b. Ground floor. The ground floor of a primary structure that is entirely above grade must be at least 2 feet above grade. Developments must meet the standards of Chapter 11, Accessibility, of the Oregon Structural Specialty Code.

4. Vertical building proportions in Eliot. In the Eliot Conservation District, the front facade of each primary structure must have vertical proportions. New development must meet one of the following standards:

   a. It must be higher than it is wide; or

   b. Where the size of the building requires horizontal proportions, the street-facing elevations must be divided into visually distinct areas with vertical proportions.

This is accomplished through setbacks, use of vertical elements such as columns or multi-story bay windows, changes in materials or other architectural devices.

5. Historic setback pattern in Piedmont. In the Piedmont Conservation District, the front facades of primary structures must be set back exactly 25 feet from the front property line. On corner lots, this standard can be met on either frontage.

6. Woodlawn street pattern. Buildings may not be in the vacated portions of the angled street pattern in the Woodlawn Conservation District.

7. Rooftop solar energy systems.

   a. Rooftop solar energy systems must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;

   b. Solar energy systems may not be installed on a conservation landmark.

8. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

9. Cisterns. Cisterns for rainwater or greywater collection may not be located closer to the street than the primary street-facing building facade and they must be screened by development, plantings, or fences so they are not visible from the street.

33.218.110 Standards for Primary and Attached Accessory Structures in RM1, RM2, and RMP Zones

The standards of this section apply to development of new primary and attached accessory structures in the RM1, RM2, and RMP zones. The addition of an attached accessory structure to a primary structure on a site where all the uses are residential, is subject to Section 33.218.130, Standards for Exterior Alteration of Residential Structures in Single-Dwelling, RM1, RM2, and RMP Zones.

The standards of this section can also apply to development of new structures in the RM3, RM4, RX, C and E zones on sites where all the uses are residential. In this case, the applicant can choose to meet all the standards in this section or all the standards in Section 33.218.140, Standards for all Structures in the RM3, RM4, RX, C and E Zones.

A. Landscaping. Landscaping must be provided between structures and the street, as follows:

1. Foundation landscaping. All street-facing elevations must have landscaping along their foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:

   a. The landscaped area must be at least 3 feet wide;

   b. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and

   c. Ground cover plants must fully cover the remainder of the landscaped area.

2. Front yard trees. There must be at least one tree in front of each residential structure. On corner lots, there must be one tree for each 30 feet of frontage on the side street.

B. Building setback. Primary buildings must not be set back from the front lot line more than 25 feet.

C. Residential buffer. Where a site zoned RM2, RM3, RM4, RX, or E abuts or is across a street from an RF through RM1 or RMP zone, the following is required. Proposals in the Hollywood, Kenton, and Sandy plan districts are exempt from this standard:

1. On sites that abut an RF through RM1 or RMP zone the following must be met:

   a. In the portion of the site within 25 feet of the lower density residential zone, the building height limits are those of the adjacent residential zone; and

   b. A 10 foot deep area landscaped to at least the L3 standard must be provided along any lot line that abuts the lower density residential zone.

2. On sites across the street from an RF through RM1 or RMP zone the following must be met:

   a. On the portion of the site within 15 feet of the intervening street, the height limits are those of the lower density residential zone across the street; and

   b. If the site is across a local service street from an RF through RM1 or RMP zone, a 5-foot deep area landscaped to at least the L2 standard must be provided along the property line across the local service street from the lower density residential zone. Vehicle access is not allowed through the landscaped area unless the site has frontage only on that local service street. Pedestrian and bicycle access is allowed, but may not be more than 6 feet wide.

D. Building height. Except as provided in Subsection C, above, structures in the RM3, RM4, RX, and E zones may be up to 55 feet in height.

E. Large building elevations divided into smaller areas. The front elevation of large structures must be divided into smaller areas or planes. When the front elevation of a structure is more than 750 square feet in area, the elevation must be divided into distinct planes of 500 square feet or less. For the purpose of this standard, areas of wall that are entirely separated from other wall areas by a projection, such as the porch or a roof over a porch, are also individual building wall planes. This division can by done by:

1. A porch, a dormer that is at least 4 feet wide, or a balcony that is at least 2 feet deep and is accessible from an interior room;

2. A bay window that extends at least 2 feet; or

3. Recessing a section of the facade by at least 2 feet; the recessed section must be at least 6 feet long.

F. Roofs. Primary structures must have either:

1. A sloped roof with a pitch that is no flatter than 6/12 and no steeper than 12/12; or

2. A roof with a pitch of less than 6/12 if either:

a. The space on top of the roof is used as a deck or balcony that is no more than 150 square feet in area and is accessible from an interior room; or

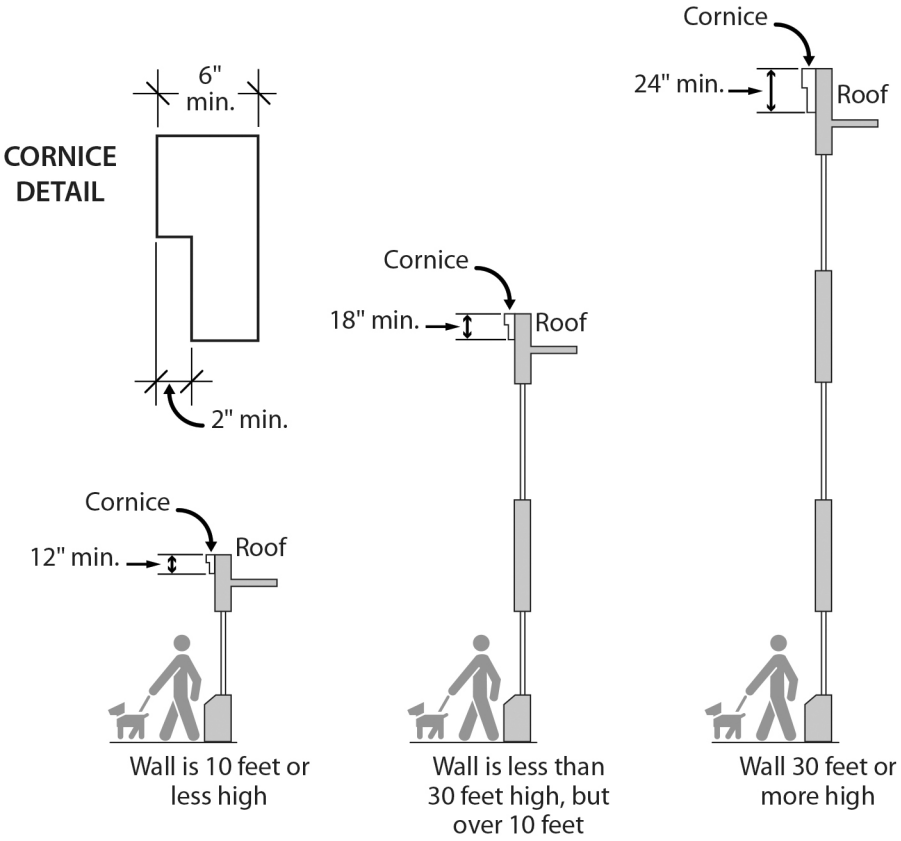
b. A cornice that meets the following:

(1) There must be two parts to the cornice. The top part of the cornice must project at least 6 inches from the face of the building and be at least 2 inches further from the face of the building than the bottom part of the cornice. See Figure 218-3; and

(2) The height of the cornice is based on the height of the building as follows:

- Buildings 10 feet or less in height must have a cornice at least 12 inches high.
- Buildings greater than 10 feet and less than 30 feet in height must have a cornice at least 18 inches high.
- Buildings 30 feet or greater in height must have a cornice at least 24 inches high.

Figure 218-3
Two-Part Cornice



G. Main entrance.

1. Location of main entrance. The main entrance of each primary structure must face the street lot line. The following are exceptions to this standard:

a. On corner lots the main entrance may face either of the streets or be oriented to the corner.

b. For buildings that have more than one main entrance, only one entrance must meet this requirement.

c. Entrances that face a shared landscaped courtyard, landscaped to at least the L1 General Landscaping standard, are exempt from this requirement.

2. Front porch at main entrance. There must be a front porch at all main entrances that face the street. If the porch projects out from the building it must have a roof. If the roof of a required porch is developed as a deck or balcony it may be flat. If the main entrance is to a single dwelling, the covered area provided by the porch must be at least 6 feet wide and 4 feet deep. If the main entrance is to more than one dwelling unit, the covered area provided by the porch must be at least 9 feet wide and 7 feet deep.

3. Covered balcony. Attached houses have the option of providing a covered balcony on the same facade as the main entrance instead of a front porch. The covered area provided by the balcony must be at least 48 square feet, a minimum of 8 feet wide and no more than 15 feet above grade. The covered balcony must be accessible from the interior living space of the house.

4. Ornamental columns. If the front porch or covered balcony at a main entrance provides columns as corner supports, the columns must be ornamental columns that meet one of the following standards. Wrought iron style porch supports do not meet this standard:

a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches; or

b. Groupings of 2, 3, or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.

5. Openings between porch floor and ground. Opening of more than 1 foot between the porch floor and the ground must be covered with a solid material or lattice.

H. Vehicle areas

1. Alleys. If the site is served by an alley, access for motor vehicles must be from the alley, not from a street frontage.

2. Vehicle areas between the building and the street. There are no vehicle areas allowed between the building and the street. If a site has two street lot lines, this standard must be met on both frontages. If a site has more than two street lot lines, this standard must be met on two frontages.

An exception is allowed for single dwelling developments. Each dwelling unit in a single dwelling development is allowed one 9 foot wide driveway.

3. Parking areas in the front setback. Parking areas may not be located in the front setback.

4. Attached garages. When parking is provided in a garage attached to the primary structure and garage doors face a street the following standards must be met:

   a. The garage must not be more than 40 percent of the length of the building frontage or 12 feet long, whichever is greater;

   b. The front of the garage can be no closer to front lot line than the front facade of the house;

   c. Garage doors that are part of the street-facing elevations of a primary structure may be no more than 75 square feet in area; and

   d. There may be no more than one garage door per 16 feet of building frontage.

5. Driveways. Driveways for attached houses must meet the following. See Figures 218-1 and 218-2 for examples of driveways that meet the standard.

   a. Driveways may be paired so that there is a single curb-cut providing access to two attached houses. The maximum width allowed for the paired driveway is 18 feet; and

   b. There must be at least 18 feet between single or paired driveways. Distance between driveways is measured along the front property line.

I. **Foundation material.** Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall.

J. **Exterior finish materials.** The standards of this subsection must be met on all building facades.

1. Plain concrete block, plain concrete, corrugated metal, plywood, composite materials manufactured from wood or other products, and sheet pressboard may not be used as exterior finish material except as secondary finishes if they cover no more than 10 percent of each facade.

2. Composite boards manufactured from wood or other products, such as hardboard or hard plank, may be used when the board product is less than 6 inches wide.

3. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.

4. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of 6 inches or less, or vinyl or aluminum siding which is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.

5. Siding material may not cover required window and door trim.

K. Windows. Street-facing windows must meet the following. Windows in rooms with a finished floor height 4 feet or more below grade are exempt from this standard:

1. Each window must be square or vertical;

2. A horizontal window opening may be created when:

   a. Two or more vertical windows are grouped together to provide a horizontal opening, and they are either all the same size, or no more than two sizes are used. Where two sizes of windows are used in a group, the smaller window size must be on the outer edges of the grouping. The windows on the outer edges of the grouping must be vertical; the center window or windows may be vertical, square, or horizontal; or

   b. There is a band of individual lites across the top of the horizontal window. These small lites must be vertical and cover at least 20 percent of the total height of the window.

3. St. Johns plan district. In the St. Johns plan district, at least 15 percent of the street facing facade must be windows. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more is exempt from this standard.

L. Trim. Trim must mark all building roof lines, porches, windows and doors on all elevations. The trim must be at least 3-1/2 inches wide. Buildings with an exterior material of stucco or masonry are exempt from this standard.

M. Roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar energy systems are subject to Subsection N below, and exempt from this standard:

1. A parapet as tall as the tallest part of the equipment;

2. A screen around the equipment that is as tall as the tallest part of the equipment;

3. The equipment is set back from the street-facing perimeters of the building 4 feet for each foot of height of the equipment; or

4. If the equipment is a satellite dish or other communication equipment, it is added to the facade of a penthouse that contains mechanical equipment, is no higher than the top of the penthouse, is flush mounted, and is painted to match the facade of the penthouse.

N. Rooftop solar energy systems.

1. Rooftop solar energy systems must meet the following requirements:

   a. On a flat roof. The solar energy system must be mounted flush or on racks, with the system or rack extending no more than 5 feet above the top of the highest

point of the roof, not including the parapet. Solar energy systems must also be screened from the street by:

(1) An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system; or

(2) Setting the solar energy system back from the street-facing roof edges. For each foot of height that the portion of the system projects above the parapet, or roofline when there is no parapet, the system must be set back 4 feet.

b. On a pitched roof. The plane of the system must be parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline.

2. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.

3. Photovoltaic glazing may be integrated into windows or skylights.

O. Exterior stairs and fire escapes. Exterior stairs, other than those leading to a main entrance, must be at least 40 feet from all streets. Fire escapes must be at least 40 feet from all streets.

P. Roof eaves. Roof eaves must project from the building wall at least 12 inches on all elevations. Buildings that take advantage of the cornice option are exempt from this standard.

Q. Water cisterns. Above-ground cisterns for rainwater or greywater collection must meet the following:

1. Cisterns with a capacity of more than 80 gallons, or racks of cisterns with a total capacity of more than 80 gallons, may not be attached to the front facade of the primary structure; and

2. Cisterns must either:

a. Match the color of the adjacent building wall, the color of the trim, or the color of the rain gutter; or

b. Be screened by development, plantings, or fences so they are not visible from the street.

R. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

1. Skylights. Skylights may not be on street-facing elevations. On all other elevations, the glass, plastic, or other transparent material must be parallel to the slope of the roof.

2. Ornamental columns. Corners of the porch roof on street-facing elevations must be supported with ornamental columns that meet one of the following standards. Wrought iron style porch supports do not meet this standard:

a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches; or

b. Groupings of 2, 3, or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.

3. Roof dormers and gable areas in the Albina and Outer Southeast Community Plan areas. In the Albina and Outer Southeast Community Plan areas, shown on Maps 825-1 and 825-2, each residential structure must have one of the following for every 40 feet of length along the street-facing elevations. Buildings with flat roofs are exempt from this standard:

a. A street-facing roof dormer placed at least 3 feet from all side building walls; or

b. A gable end facing the front lot line with either of the following in the gable area above the eave line:

(1) A window; or

(2) A trimmed vent. The trim must match the trim on the windows and the vent must be at least 4 square feet in area.

4. Albina Community Plan area. The standards of this paragraph apply in the Albina Community Plan area, shown on Map 825-1:

a. Floor level delineation. Each primary residential structure must reflect, on its street-facing elevations, all floor levels in the building, including the attic. The different floor levels must be delineated through the use of porch roofs, changes in materials or texture of materials, location of pediment and roof lines, overhangs and setbacks.

b. Ground floor. The ground floor of a primary structure that is entirely above grade must be at least 2 feet above grade. Developments must meet the standards of Chapter 11, Accessibility, of the Oregon Structural Specialty Code.

5. Stone or cast stone foundations in Kenton and Mississippi. In the Kenton and Mississippi Avenue Conservation Districts, stone or cast stone must be used as a foundation material on street-facing elevations. The stone, cast stone, or cast in place stone must be the material used between the finished building grade and the ground floor.

6. Vertical building proportions in Eliot. In the Eliot Conservation District, the front facade of each primary structure must have vertical proportions. New development must meet one of the following standards:

a. It must be higher than it is wide; or

b. Where the size of the building requires horizontal proportions, the street-facing elevations must be divided into visually distinct areas with vertical proportions. This is accomplished through setbacks, use of vertical elements such as columns or multi-story bay windows, changes in materials or other architectural devices.

7. Woodlawn street pattern. Buildings may not be in the vacated portions of the angled street pattern in the Woodlawn Conservation District.

8. Rooftop solar energy systems.

   a. Rooftop solar energy systems must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;

   b. Solar energy systems may not be installed on a conservation landmark.

9. Cisterns. Cisterns for rainwater or greywater collection may not be located closer to the street than the primary street facing building facade and they must be screened by development, fences, or plantings so they are not visible from the street.

10. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

33.218.120 Standards for Detached Accessory Structures in Single-Dwelling, RM1, RM2, and RMP Zones.

The standards of this section are applicable to development of new detached accessory structures in single-dwelling, RM1, RM2, and RMP zones.

A. **Foundation material.** Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall.

B. **Exterior finish materials.** The standards of this subsection must be met on all building facades.

1. Plain concrete block, plain concrete, corrugated metal, plywood, composite materials manufactured from wood or other products, and sheet pressboard may not be used as exterior finish material.

2. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than 6 inches wide.

3. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.

4. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal 6 inches or less, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.

5. Siding material may not cover required window and door trim.

6. Compatible exterior finish materials. Exterior material type, size and placement on detached accessory structures must be the same as or visually match that of the primary structure. However, if the exterior finishes and materials on the primary structure do not meet the standards above then any material that meets the standards above may be used.

C. Roof pitch. Where the accessory structure is more than 15 feet high, the roof pitch must be the same as the predominant roof slope of the primary structure.

D. Compatible trim. Trim on the accessory structure must be the same in type, size, and location as the trim that is used in the primary structure.

E. Compatible windows. Street-facing windows must meet the following. Windows in rooms with a finished floor height 4 feet or more below grade are exempt from this standard:

1. Match those in the primary structure in proportion (relationship of width to height) and orientation (horizontal or vertical);
2. Be square or vertical—at least as tall as they are wide; or
3. A horizontal window opening may be created when:
   a. Two or more vertical windows are grouped together to provide a horizontal opening, and they are either all the same size, or no more than two sizes are used. Where two sizes of windows are used in a group, the smaller window size must be on the outer edges of the grouping. The windows on the outer edges of the grouping must be vertical; the center window or windows may be vertical, square, or horizontal; or
   b. There is a band of individual lites across the top of the horizontal window. These small lites must be vertical and cover at least 20 percent of the total height of the window.

F. Compatible roof eaves. Eaves must project from the building walls the same distance as the eaves on the primary structure.

G. Additional standards for large accessory structures.

1. Where these standards apply. The standards of this subsection apply to detached, accessory structures that:
   a. Are more than 10 feet in height and at least one foot wide;
   b. Have a street-facing elevation more than 6 feet wide; or
   c. Have a street-facing elevation with more than 100 square feet in total surface area.
2. Setback. Large accessory structures must be set back at least 60 feet from the front lot line; and
3. Height. Large accessory structures must be no more than 25 feet in height.

H. Solar energy systems.

1. Solar energy systems on detached accessory buildings are subject to the same standards as would apply to new primary and attached accessory structures. See applicable solar standards in Sections 33.218.100 and .110.
2. Ground or pole mounted solar panels systems are subject to the following standards:

a. The tallest part of the system may not exceed 8 feet in height;

b. The system may not be located closer to the street than the primary street-facing building facade.

I. Water cisterns. Above-ground cisterns for rainwater or greywater collection must meet the following:

1. Cisterns with a capacity of more than 80 gallons, or racks of cisterns with a total capacity of more than 80 gallons, may not be attached to the front facade of the primary structure; and

2. Cisterns must either:

a. Match the color of the adjacent building wall, the color of the trim, or the color of the rain gutter; or

b. Be screened by development, plantings, or fences or they are not visible from the street.

J. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

1. Roof dormers. Where the structure is more than 20 feet in height, it must have a roof dormer. The dormer must be placed a minimum of 3 feet from the side building walls.

2. Columns and supporting pillars. Columns and supporting pillars on street-facing elevations must meet one of the following standards. Wrought iron style supports do not meet this standard:

a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches.

b. Groupings of 2, 3 or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.

3. Woodlawn street pattern. No portion of a building may be located in the vacated portions of the angled street pattern in the Woodlawn Conservation District.

4. Cisterns. Cisterns for rainwater or greywater collection must be screened by development, fences, or plantings so they are not visible from the street.

5. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

33.218.130 Standards for Exterior Alteration of Residential Structures in Single-Dwelling, RM1, RM2, and RMP Zones

The standards of this section apply to exterior alterations of primary structures and both attached and detached accessory structures in residential zones. These standards apply to proposals where there will be only residential uses on the site.

The standards of this section can also apply to exterior alterations in the RM3, RM4, RX, C and E zones on sites where all the uses are residential. In this case, the applicant can choose to meet all the standards in this section or all the standards in Section 33.218.140, Standards for all Structures in the RM3, RM4, RX, C and E Zones.

A. Foundation material. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall.

B. Exterior finish materials. The standards of this subsection must be met on all building facades. The exterior finish materials on the portion of the building being altered or added must visually match the appearance of those on the existing building. However, if the existing exterior finish materials do not meet the following standards, then they must be replaced on the portion being altered or added with materials that meet the following standards.

1. Plain concrete block, plain concrete, corrugated metal, plywood, composite materials manufactured from wood or other products, and sheet pressboard may not be used as exterior finish material.
2. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than 6 inches wide.
3. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.
4. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of 6 inches or less, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.
5. Siding material may not cover required window and door trim.

C. Compatible trim. Trim on edges of elements in the remodeled area must be the same in type, size, and location as the trim used on the rest of the structure.

D. Compatible windows. Street-facing windows must meet one of the following standards. Windows in rooms with a finished floor height 4 feet or more below grade are exempt from these standards:

1. Match those in the primary structure in proportion (relationship of width to height) and orientation (horizontal or vertical); or
2. Be square or vertical—at least as tall as they are wide.
3. A horizontal window opening may be created when:
   a. Two or more vertical windows are grouped together to provide a horizontal opening, and they are either all the same size, or no more than two sizes are used. Where two sizes of windows are used in a group, the smaller window size must be on the outer edges of the grouping. The windows on the outer edges of

the grouping must be vertical; the center window or windows may be vertical, square, or horizontal; or

b. There is a band of individual lites across the top of the horizontal window. These small lites must be vertical and cover no more than one-third of the total height of the window.

E. Rooftop solar energy systems.

1. Rooftop solar energy systems must meet the following requirements:

a. On a flat roof. The solar energy system must be mounted flush or on racks, with the system or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. Solar energy systems must also be screened from the street by:

(1) An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system; or

(2) Setting the solar energy system back from the street-facing roof edges. For each foot of height that the portion of the system projects above the parapet, or roofline when there is no parapet, the system must be set back 4 feet.

b. On a pitched roof. The plane of the system must be parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline.

2. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.

3. Photovoltaic glazing may be integrated into windows or skylights.

F. Water cisterns. Above-ground cisterns for rainwater or greywater collection meet the following:

1. Cisterns with a capacity of more than 80 gallons, or racks of cisterns with a total capacity of more than 80 gallons, may not be attached to the front facade of the primary structure; and

2. Cisterns must either:

a. Match the color of the adjacent building wall, the color of the trim, or the color of the rain gutter; or

b. Be screened by development, plantings, or fences so they are not visible from the street.

G. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

1. Building features to be retained. The following building features on street-facing elevations must be retained. Building features that are not original to the building are exempt from this standard:

a. Doors;

b. Windows;

c. Porches;

d. Balconies;

e. Bay windows; and

f. Dormers.

2. Porch enclosures. No portion of the front porch may be enclosed.

3. Columns and supporting pillars. Columns and supporting pillars on street-facing elevations must meet one of the following standards. Wrought iron style supports do not meet this standard:

   a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches.

   b. Groupings of 2, 3 or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.

4. Historic setback pattern in Piedmont. In the Piedmont Conservation District, the front facades of primary structures in single-dwelling zones must be set back exactly 25 feet from the front property line.

5. Woodlawn street pattern. No portion of a building may be located in the vacated portions of the angled street pattern in the Woodlawn Conservation District.

6. Rooftop solar energy systems.

   a. Rooftop solar energy systems in conservation districts must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;

   b. Solar energy systems may not be installed on a conservation landmark.

7. Cisterns. Cisterns for rainwater or greywater collection may not be located closer to the street than the primary street-facing building facade and they must be screened by development, plantings, or fences so they are not visible from the street.

8. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

33.218.140 Standards for All Structures in the RM3, RM4, RX, C, CI, and E Zones

The standards of this section apply to development of all structures in RM3, RM4, RX, C, CI, and E zones. These standards also apply to exterior alterations in these zones.

Applicants for development of new structures on sites where the uses are all residential can choose to meet all the standards of this section or all the standards of Section 33.218.110. Applicants for

exterior alterations on sites where the uses are all residential can choose to meet all the standards of this section or all the standards of Section 33.218.130.

A. Building placement and the street. Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and the street. All street-facing elevations must meet one of the following options.

Structures built to the street lot line are exempt from the requirements of this subsection. Where there is more than one street lot line, only those frontages where the structure is built to the street lot line are exempt from the requirements of this subsection.

1. Foundation landscaping option. All street-facing elevations must have landscaping along their foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:

   a. The landscaped area must be at least 3 feet wide;

   b. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and

   c. Ground cover plants must fully cover the remainder of the landscaped area.

2. Arcade option. All street-facing elevations must have an arcade that meets the following requirements:

   a. The arcade must be at least 6 feet deep between the front elevation and the parallel building wall;

   b. The arcade must consist of openings that are at least 6 feet wide and that run the full length of the street facing elevation;

   c. The arcade elevation facing a street must be at least 14 feet in height and at least 25 percent solid, but no more than 50 percent solid; and

   d. The arcade must be open to the air on three sides; none of the arcade's street facing or end openings may be blocked with walls, glass, lattice, glass block or any other material.

3. Hard-surface sidewalk extension option. The area between the building and the street lot line must be hard-surfaced for use by pedestrians as an extension of the sidewalk:

   a. The building walls may be set back no more than 10 feet from the street lot line; and

   b. For each 100 square feet of hard-surface area between the building and the street lot line at least one of the following amenities must be provided. Structures built within 2 feet of the street lot line are exempt from the requirements of this subparagraph:

      (1) A bench or other seating;

      (2) A tree;

(3) A landscape planter;

(4) A drinking fountain; or

(5) A kiosk.

c. Bicycle parking may be located in the area between a building and a street lot line.

B. Improvements between buildings and pedestrian oriented streets.

1. Where the ground floor of a building is in commercial or residential uses, and the building has frontage on a transit street or City Walkway, or is in a Pedestrian District, the following standards must be met. Proposals required to meet this standard are exempt from the requirements of Subsection 33.218.140.A, Building Placement and the Street:

a. A building wall that faces a transit street or City Walkway, or is in a Pedestrian District, must meet the base zone maximum street setback along 100 percent of the street lot line. Where no maximum street setback is specific in the base zone, the maximum street setback is 10 feet. Where the site has two frontages that are on a transit street or City Walkway, or is in a Pedestrian District, this standard must be met on both frontages. Where there are more than two such frontages, this standard must be met on any
two frontages;

b. The area between the building and an adjacent transit street, City Walkway, or street in a Pedestrian District, must be hard-surfaced for use by pedestrians as an extension of the sidewalk. Where the ground floor is in residential use, the area adjacent to the dwelling unit may be landscaped to an L1 standard of Chapter 33.248, Landscaping and Screening; and

c. For each 100 square feet of hard-surface area between the building and the street lot line at least one of the following amenities must be provided. Structures built within 2 feet of the street lot line are exempt from the requirements of this subparagraph.

(1) A bench or other seating;

(2) A tree;

(3) A landscape planter;

(4) A drinking fountain; or

(5) A kiosk.

d. Bicycle parking may be located in the area between a building and a street lot line when the area is hard-surfaced.

C. Reinforce the corner. On sites within a Pedestrian District or with at least two frontages on the corner where two City Walkways meet:

1. The primary structures must be within 10 feet of both street lot lines. Where a site has more than one corner, this requirement must be met on only one corner;
2. At least one of the street-facing walls must be at least 40 feet long;
3. The highest point of the building's street-facing elevations must be within 25 feet of the corner;
4. A main entrance must be on a street-facing wall and either at the corner, or within 25 feet of the corner; and
5. There is no parking within 40 feet of the corner.

D. Residential buffer. Where a site zoned RM3, RM4, RX, CI, or E abuts or is across a street from an RF through RM1 zone, the following is required. Proposals in the Hollywood, Kenton, and Sandy Boulevard plan districts are exempt from this standard:

1. On sites that abut an RF through RM1 zone the following must be met:
   a. In the portion of the site within 25 feet of the lower density residential zone, the building height limits are those of the adjacent residential zone; and
   b. A 10-foot deep area landscaped to at least the L3 standard must be provided along any lot line that abuts the lower density residential zone.
2. On sites across the street from an RF through RM1 zone the following must be met:
   a. On the portion of the site within 15 feet of the intervening street, the height limits are those of the lower density residential zone across the street; and
   b. If the site is across a local service street from an RF through RM1 zone, a 5-foot deep area landscaped to at least the L2 standard must be provided along the property line across the local service street from the lower density residential zone. Vehicle access is not allowed through the landscaped area unless the site has frontage only on that local service street. Pedestrian and bicycle access is allowed, but may not be more than 6 feet wide.

E. Building height.

1. Maximum height in RM3, RM4, RX, CI, C, and E zones.
   a. Generally. Structures in the RM3, RM4, RX, CI, C, and E zones may be up to 55 feet in height where allowed by the base zone;
   b. Where a site zoned RM3, RM4, RX or E abuts or is across a street from an RF through RM1 zone, the maximum height is reduced as specified in Subsection D, above;
   c. New and replacement antennas are exempt from this standard if the antennas are located on an existing monopole, and the antennas do not project above the height of the monopole.

2. Minimum height. In C and E zones, primary buildings must be at least 16 feet in height.

F. Main entrance.

1. Location of main entrance. The main entrance of the primary structure must face the street lot line. Where there is more than one street lot line, the entrance may face either of them or the corner. For residential developments there are the following exceptions:

   a. For buildings that have more than one main entrance only one entrance must meet this requirement.

   b. Entrances that face a shared landscaped courtyard, landscaped to at least the L1 General Landscaping standard, are exempt from this requirement.

2. Front porch at main entrances to residential. There must be a front porch at the main entrance to residential portions of a development, if the main entrance faces a street. If the porch projects out from the building it must have a roof. If the roof of a required porch is developed as a deck or balcony it may be flat. If the main entrance is to a single dwelling unit, the covered area provided by the porch must be at least 6 feet wide and 4 feet deep. If the main entrance is to more than one dwelling unit, the covered area provided by the porch must be at least 9 feet wide and 7 feet deep.

G. Vehicle areas.

1. Access to vehicle areas and adjacent residential zones. Access to vehicle areas must be at least 20 feet from any adjacent residential zone.

2. Parking lot coverage. No more than 50 percent of the site may be used for vehicle areas.

3. Vehicle area screening. Where vehicle areas are across a local service street from an RM2, RM3, RM4, or RX zone, there must be a 6 foot wide landscaped area along the street lot line that meets the L3 standard of Chapter 33.248, Landscaping and Screening. Vehicle areas across a local service street from an RF through RM1 zone are subject to the standards of Subsection D., Residential Buffer, above.

H. Foundation material. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall. This subsection does not apply to sites in the EX zone within the St. Johns plan district.

I. Exterior finish materials.

1. The standards of this paragraph must be met on all building facades.

   a. Plain concrete block, plain concrete, corrugated metal, plywood, composite materials manufactured from wood or other products, sheet pressboard, and horizontal shiplap or clapboard siding may not be used except as secondary finishes if they cover no more than 10 percent of each facade.

b. Exception for sites in the EX zone within the St. Johns plan district. Plain concrete block, plain concrete, and corrugated metal are permitted as exterior finish materials in the EX zone in the St. Johns plan district.

2. Compatible exterior finish materials. Where there is an exterior alteration to an existing building, the exterior finish materials on the portion of the building being altered or added must visually match the appearance of those on the existing building. However, if the exterior finish materials on the existing building do not meet the standards of Paragraph I.1, any material that meets the standards of Paragraph I.1 may be used.

J. Roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar energy systems are subject to paragraph K below, and exempt from this standard:

1. A parapet as tall as the tallest part of the equipment;

2. A screen around the equipment that is as tall as the tallest part of the equipment;

3. The equipment is set back from the street-facing perimeters of the building 4 feet for each foot of height of the equipment; or

4. If the equipment is a satellite dish or other communication equipment, it is added to the facade of a penthouse that contains mechanical equipment, is no higher than the top of the penthouse, is flush mounted, and is painted to match the facade of the penthouse.

K. Rooftop solar energy systems.

1. Rooftop solar energy systems must meet the following requirements:

a. On a flat roof. The solar energy system must be mounted flush or on racks, with the system or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. Solar energy systems must also be screened from the street by:

(1) An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system; or

(2) Setting the solar energy system back from the street-facing roof edges. For each foot of height that the portion of the system projects above the parapet, or roofline when there is no parapet, the system must be set back 4 feet.

b. On a pitched roof. The plane of the system must be parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline.

2. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.

3. Photovoltaic glazing may be integrated into windows or skylights.

4. Ground pole mounted solar energy systems are subject to the following additional standard: On sites that abut an RF through RM1 zone, the system must be set back

one foot for every one foot of height, from the lot line abutting the RF through RM1 zone.

L. Water cisterns. Above-ground cisterns for rainwater or greywater collection meet the following:

1. Cisterns with a capacity of more than 80 gallons, or racks of cisterns with a total capacity of more than 80 gallons, may not be attached to the front facade of the primary structure; and
2. Cisterns must either
   a. Match the color of the adjacent building wall, the color of the trim, or the color of the rain gutter; or
   b. Be screened by development, plantings, or fences so they are not visible from the street.

M. Ground floor windows. Street-facing elevations must meet the standards of 33.130.230.B, Ground floor windows. As an alternative to providing ground floor windows, proposals in E zones may provide public art if the following conditions are met:

1. The area of the ground level wall that is covered by the art must be equal to the area of window that would have been required;
2. The artist and the specific work or works of art must be approved by the Portland Regional Arts and Cultural Council; and
3. The art must be composed of permanent materials permanently affixed to the building. Acceptable permanent materials include metal, glass, stone and fired ceramics.

N. Distinct ground floor. This standard applies to buildings that have any floor area in non-residential uses. The ground level of the primary structure must be visually distinct from upper stories. This separation may be provided by:

1. A cornice above the ground level;
2. An arcade;
3. Changes in material or texture; or
4. A row of clerestory windows on the building's street facing elevation.

O. Roofs. Buildings must have either:

1. A sloped roof with a pitch no flatter than 6/12; or
2. A roof with a pitch of less than 6/12 and a cornice that meets the following:
   a. There must be two parts to the cornice. The top part of the cornice must project at least 6 inches from the face of the building and be at least 2 inches further from the face of the building than the bottom part of the cornice. See Figure 218-3; and

b. The height of the cornice is based on the height of the building as follows:

(1) Buildings 10 feet or less in height must have a cornice at least 12 inches high.

(2) Buildings greater than 10 feet and less than 30 feet in height must have a cornice at least 18 inches high.

(3) Buildings 30 feet or greater in height must have a cornice at least 24 inches high.

P. Base of buildings. Buildings must have a base on all street-facing elevations. The base must be at least 2 feet above grade and be distinguished from the rest of the building by a different color or material.

Q. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

1. Zero setbacks. For structures where none of the floor area is in residential use, no setback is permitted from the street lot line. Sites that have more than one street lot line must meet this standard along two street lot lines.

2. Exterior siding.

a. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.

b. Where horizontal siding is used, it must be shiplap or clapboard siding composed of wooden boards with a reveal of 3 to 6 inches, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.

c. The siding material may not cover the window and door trim.

3. Building features to be retained. In RH zones the following building features on street-facing elevations must be retained. Building features that are not original to the building are exempt from this standard:

a. Entrances;

b. Front porches;

c. Balconies;

d. Bay windows; and

e. Dormers.

4. Ground level glass. All glass in ground level street-facing windows and doors must be clear or ornamental stained glass. Restrooms may have reflective or opaque glass.

5. Clerestory windows. There must be clerestory windows above all windows and doors on the ground floor of street-facing elevations of buildings or parts of buildings with commercial uses.

6. Parapets. Flat roofs must be surrounded by a parapet at least 18 inches in height.

7. Arched windows in Russell Street. In the Russell Street Conservation District, all top floor windows on street-facing elevations must have an arch at the top of their window framing.

8. Red brick in Russell Street. In the Russell Street Conservation District, street-facing elevations must be red brick or a combination of block (basalt or cast stone) and red brick. Up to 20 percent of the facade may be stone or precast concrete.

9. Cast stone in Kenton. In the Kenton Conservation District new buildings in commercial/mixed use zones must have cast stone on their street facing elevations. At least 50 percent of the total exterior wall surface of these elevations must be cast stone.

10. Wood facades in Woodlawn. In the Woodlawn Conservation District, commercial buildings and commercial portions of mixed use buildings must have wood as their exterior finish material on their street facing elevations.

11. Facade height in Russell Street, Woodlawn, and Piedmont. In the Russell Street, Woodlawn and Piedmont Conservation Districts, the street-facing elevations of commercial and mixed use buildings must be at least 20 feet in height.

12. Woodlawn street pattern. Buildings may not be in the vacated portions of the angled street pattern in the Woodlawn Conservation District.

13. Rooftop solar energy systems.

    a. Rooftop solar energy systems in conservation districts must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;

    b. Solar energy systems may not be installed on a conservation landmark.

14. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

33.218.150 Standards for I Zones

The standards of this section apply to development of all structures in the I zones. These standards also apply to exterior alterations in these zones.

A. Building placement and the street. Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and the street. All street-facing elevations must meet one of the following options.

Structures built to the street lot line are exempt from the requirements of this subsection. Where there is more than one street lot line, only those frontages where the structure is built to the street lot line are exempt from the requirements of this paragraph.

1. Foundation landscaping option. All street-facing elevations must have landscaping along their foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of

the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:

a. The landscaped area must be at least 3 feet wide;

b. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and

c. Ground cover plants must fully cover the remainder of the landscaped area.

2. Arcade option. All street-facing elevations must have an arcade that meets the following requirements:

a. The arcade must be at least 6 feet deep between the front elevation and the parallel building wall;

b. The arcade must consist of openings that are at least 6 feet wide and which run the full length of the street facing elevation;

c. The arcade elevation facing a street must be at least 14 feet in height and at least 25 percent solid, but no more than 50 percent solid; and

d. The arcade must be open to the air on three sides; none of the arcade's street facing or end openings may be blocked with walls, glass, lattice, glass block or any other material.

3. Hard-surface sidewalk extension option. The area between the building and the street lot line must be hard-surfaced for use by pedestrians as an extension of the sidewalk.

a. The building walls may be set back no more than 10 feet from the street lot line; and

b. For each 100 square feet of hard-surface area between the building and the street lot line at least one of the following amenities must be provided. Structures built within 2 feet of the street lot line are exempt from the requirements of this subparagraph.

(1) A bench or other seating;

(2) A tree;

(3) A landscape planter;

(4) A drinking fountain; or

(5) A kiosk.

B. Landscape coverage. On sites outside conservation districts, at least 15 percent of the total site area must be landscaped. Other required landscaping may count toward this requirement.

C. Reinforce the corner. On sites within a Pedestrian District or with at least two frontages on the corner where two City Walkways meet:

1. The primary structures must be within 10 feet of both street lot lines. Where a site has more than one corner, this requirement must be met on only one corner;
2. At least one of the street-facing walls must be at least 40 feet long;
3. The highest point of the building's street-facing elevations must be within 25 feet of the corner;
4. A main entrance must be on a street-facing wall and either at the corner, or within 25 feet of the corner; and
5. There is no parking within 40 feet of the corner.

D. Pedestrian standards. Buildings that include any non-residential uses and are on a transit street or City Walkway, or within a Pedestrian District must meet the pedestrian standards of the Employment Zones.

E. Vehicle areas.

1. Parking between building and street. There may be only one double-loaded aisle of parking between the building and any street.
2. Parking lot coverage. No more than 50 percent of the site may be used for vehicle areas.

F. Foundation material. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall.

G. Exterior finish materials. The standards of this subsection must be met on all building facades:

1. Plain concrete block, plain concrete, corrugated metal, plywood, composite materials manufactured from wood or other products, sheet pressboard, and horizontal shiplap or clapboard siding may not be used except as secondary finishes if they cover no more than 10 percent of each facade.
2. Compatible exterior finish materials. Where there is an exterior alteration to an existing building, the exterior finish materials on the portion of the building being altered or added must visually match the appearance of those on the existing building. However, if the exterior finish materials on the existing building do not meet the standards of Paragraph G.1, any material that meets the standards of Paragraph G.1 may be used.

H. Roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar energy systems are subject to Subsection K below, and exempt from standard of this subsection:

1. A parapet as tall as the tallest part of the equipment;
2. A screen around the equipment that is as tall as the tallest part of the equipment;

3. The equipment is set back from the street-facing perimeters of the building 4 feet for each foot of height of the equipment; or

4. If the equipment is a satellite dish or other communication equipment, it is added to the facade of a penthouse that contains mechanical equipment, is no higher than the top of the penthouse, is flush mounted, and is painted to match the facade of the penthouse.

I. Rooftop solar energy systems.

1. Rooftop solar energy systems must meet the following requirements:

   a. On a flat roof. The solar energy system must be mounted flush or on racks, with the system or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. Solar energy systems must also be screened from the street by:

      (1) An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system; or

      (2) Setting the solar energy system back from the street-facing roof edges. For each foot of height that the portion of the system projects above the parapet, or roofline when there is no parapet, the system must be set back 4 feet.

   b. On a pitched roof. The plane of the system must be parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline.

2. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.

3. Photovoltaic glazing may be integrated into windows or skylights.

4. Ground or pole mounted solar energy systems are subject to the following additional standards:

   a. On sites that abut an RF through RM1 zone, the system must be set back one food for every one foot of height, from the lot line abutting the RF through RM1 zone;

   b. The system may not be located closer to the street than the portion of the street-facing facade that is closest to the street.

J. Ground floor windows. All street-facing elevations of a development must meet the Ground Floor Windows Standards of the EX zone. As an alternative to providing ground floor windows, a project may provide public art if the following conditions are met:

1. The area of the ground level wall that is covered by the art must be equal to the area of window that would have been required;

2. The artist and the specific work or works of art must be approved by the Portland Regional Arts and Cultural Council; and

3. The art must be composed of permanent materials permanently affixed to the building. Acceptable permanent materials include metal, glass, stone and fired ceramics.

K. Large building elevations divided into smaller areas. When the front elevation of a structure is more than 1,500 square feet in area, the elevation must be divided into distinct planes of 750 square feet or less. For the purpose of this standard, areas of wall that are entirely separated from other wall areas by a projection, such as the porch or a roof over a porch, are also individual building wall planes. This division can be done by:

1. Incorporating fascias, canopies, arcades, or other multidimensional design features to break up large wall surfaces on their street facing elevations; or

2. Setting part of the facade back at least three feet from the rest of the facade.

L. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

1. Zero setbacks. No setback is permitted from the street lot line. Sites that have more than one street lot line must meet this standard along two street lot lines.

2. Distinct ground floor. The ground level of the primary structure must be visually distinct from upper stories. This separation is provided by:

   a. A cornice above the ground level;

   b. An arcade;

   c. Changes in material or texture; or

   d. A row of clerestory windows on the building's street facing elevation.

3. Ground level glass. All glass in ground level street-facing windows and doors must be clear or ornamental stained glass. Restrooms may have reflective or opaque glass.

4. Clerestory windows. There must be clerestory windows above all windows and doors on the ground floor of street-facing elevations of buildings or parts of buildings with commercial uses.

5. Parapets. Flat roofs must be surrounded by a parapet at least 18 inches in height.

6. Arched windows in Russell Street. In the Russell Street Conservation District, all top floor windows on street-facing elevations must have an arch at the top of their window framing.

7. Red brick in Russell Street. In the Russell Street Conservation District, street-facing elevations must be red brick or a combination of block (basalt or cast stone) and red brick. Up to 20 percent of the facade may be stone or precast concrete.

8. Facade height in Russell Street. In the Russell Street Conservation District, the street-facing elevations of commercial and mixed use buildings must be at least 20 feet in height.

9. Rooftop solar energy systems.

    a. Rooftop solar energy systems in conservation districts must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;

    b. Solar energy systems may not be installed on a conservation landmark.

10. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

(Added by Ord. No. 171589, effective 11/1/97. Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 174325, effective 5/5/00; Ord. No. 175210, effective 1/26/01; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178452, effective 7/10/04; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184016, effective 1/2/11; Ord. No. 184842, effective 9/2/11; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20.)

33.219 Convenience Stores

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Sections:

33.219.010 Purpose
33.219.020 Where the Regulations Apply
33.219.025 Procedure
33.219.030 Preliminary Steps Before Submitting an Application
33.219.060 Implementation Program Requirements
33.219.070 Record of Good Faith

33.219.010 Purpose

The convenience store requirements provide regulations and procedures to allow convenience stores while reducing the negative impacts on nearby residents and businesses. This chapter provides a method for identifying and addressing issues and concerns that neighbors and the convenience store owner or operator may have regarding the operations and potential impacts of the convenience store. The outcome will be a written Implementation Program.

33.219.020 Where the Regulations Apply

All convenience stores proposing to locate in a new or existing building are subject to the regulations of this chapter. The regulations also apply when the operator of a convenience store changes.

33.219.025 Procedure

Compliance with standards of this chapter is determined as part of a building permit application or zoning approval. When the operator of a convenience store changes, the operator must adhere to the existing Implementation Program or must follow the requirements of this chapter to create a new Implementation Program.

33.219.030 Preliminary Steps Before Submitting an Application

Prior to submitting a building permit application or requesting zoning approval for a convenience store, the operator must complete all of the steps listed below.

A. **Develop an Implementation Program and site plan**. The operator must develop a draft Implementation Program and site plan that meet the requirements of 33.219.060 below.

B. **Contact neighborhood association.** Upon completion of the draft Implementation Program and site plan the operator must contact the neighborhood association to request a meeting. The operator must also send a copy of the neighborhood association meeting request to the affected district neighborhood coalition; however, the operator is not required to offer to meet with the district neighborhood coalition.

The meeting request must be sent by registered mail and must contain the draft Implementation Program, the draft site plan, and a description of any permits, land use reviews, or licenses that will be requested. The request letter must also summarize the purpose of the meeting and describe the following timelines.

The neighborhood association should reply to the operator within 14 days and hold a meeting within 45 days of the date the letter was mailed. If the neighborhood association does not reply to the operator's letter within 14 days, or hold a meeting within 45 days, the operator may request a building permit or zoning approval without further delay. If the neighborhood holds the meeting within the time frame, the operator must attend the meeting. The operator may attend additional meetings on a voluntary basis. The neighborhood may schedule the meeting with its board, the general membership, or a committee.

C. **Neighborhood notice.** In addition to contacting the neighborhood association, the operator must send notice by registered or certified mail to all property owners within 150 feet of the store site and to all recognized organizations within 400 feet of the store site. The notice must include the contact information required by paragraph 33.219.060.G, and the date, time and place of the neighborhood meeting where the convenience store will be discussed. If the neighborhood association did not respond to the operator's request for a meeting within 14 days, then the information about the date, time, and location of a meeting is not required.

D. **Convenience store meeting.** The purpose of the meeting is to provide the opportunity for all interested parties to voice their concerns regarding the proposed convenience store. The anticipated outcome of the meeting is an agreement among the local residents, businesses, and the applicant as to the content of the Implementation Program and the site plan. However, a consensus is not required. The meeting may be continued at a later date if all parties agree.

E. **Application for a building permit/zoning approval.** The next step is the application for a building permit or zoning approval. The application must be accompanied by the site plan, the final version of the Implementation Program and the record of good faith as described in 33.219.070 below.

33.219.060 Implementation Program Requirements

An application for proposals to locate a convenience store in a new or existing building must be accompanied by a written Implementation Program. The Program must be signed by the operator and contain all of the items listed below:

A. **Crime prevention and awareness training program.** Written verification from the Police Bureau that a crime prevention and crime awareness training program has been approved.

B. **Alcohol awareness and employee training program.** Written verification from the Oregon Liquor Control Commission that an alcohol awareness and employee training program has been approved. At a minimum, the program must be directed at identifying and handling situations involving minors or intoxicated customers, and identify which displays and marketing techniques will be used to discourage drunk driving.

C. **Litter control program.** Litter control program. The operator must provide a litter control program that includes:

1. The installation of at least two trash receptacles on-site for customer use. The trash receptacles must be located next to the on-site pedestrian circulation system.

2. The operator must ensure that litter is picked up at least once a day from the site and from the sidewalks adjacent to the site.

D. **Loitering control program.** The operator must provide a loitering control program that, at a minimum, limits the hours of operation of electronic video games, and locates telephone booths, benches, tables, and other customer activity areas where they can be viewed by store employees.

E. **Landscape maintenance awareness.** The operator must provide written verification that he or she understands the provisions of Chapter 33.248, Landscaping and Screening, and in particular 33.248.030, Plant Materials and 33.248.040, Installation and Maintenance.

F. **Lighting Certification.** The operator must document that the proposed lighting will meet the glare standards of Chapter 33.262, Off-Site Impacts. In addition to meeting the requirements of 33.262.100, Documentation in Advance, the operator must identify on the site plan the location of all exterior lighting.

G. **Communication agreement.** The operator must designate and include contact information for a person responsible for on-going communication with the local recognized organizations and other concerned individuals regarding any problems they may have with current business practices or impacts on the neighborhood. All responses to concerns raised by recognized organizations or concerned individuals should be written within 30 days of receiving the initial letter, and be from the designated contact person. A file of all letters received and written is to be maintained by the operator and be available to the public upon request. The operator should notify the local recognized organizations and property owners within 150 feet of the store site of changes to the designated contact person or contact information within 30 days of the change.

H. **Participation in Neighborhood Mediation Program.** The operator must agree to participate in a Neighborhood Mediation Program should that process be initiated.

33.219.070 Record of good faith.

The operator must document that he or she met with or attempted in good faith to meet with the neighborhood association in advance of submitting the building permit application or request for zoning approval. The documentation must include all of the following:

A. A copy of the neighborhood meeting request and registered or certified mail receipts;

B. The names and addresses of property owners and organizations that received notice of the Implementation Program contact information as required by Subsection 33.219.030.C.

C. The time, date, and location of any neighborhood meeting, and the names, addresses, and phone numbers of those who attended;

D. A copy of the draft Implementation Program and site plan sent to the neighborhood association;

E. A copy of the final Implementation Program and site plan if different from the draft plan. The final Implementation Program must identify those components of the Implementation Program that were agreed upon and those that were unresolved, plus any additional items discussed during the meeting(s); and

F. Documentation that the operator has sent the neighborhood association both a mailed and electronic copy of the final Implementation Program.

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 175837, effective 9/7/01; Ord. No. 176469, effective 7/1/02; Ord. No. 177422, effective 6/7/03; Ord. No. 186639, effective 7/11/14.)

33.222 Demolitions

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(Deleted by Ord. No. 169987, effective 7/1/96.)

33.224 Drive-Through Facilities

224

Sections:

33.224.010 Purpose
33.224.020 When These Regulations Apply
33.224.030 Setbacks and Landscaping
33.224.040 Vehicular Access
33.224.050 Stacking Lane Standards
33.224.060 Off-Site Impacts
33.224.070 Multi-Modal Access

33.224.010 Purpose

The regulations of this chapter are intended to allow for drive-through facilities by reducing the negative impacts they may create. Of special concern are noise from idling cars and voice amplification equipment, lighting, and queued traffic interfering with on-site and off-site traffic and pedestrian flow. The specific purposes of this chapter are to:

- Reduce noise, lighting, and visual impacts on abutting uses, particularly residential uses;
- Promote safer and more efficient on-site vehicular and pedestrian circulation;
- Reduce conflicts between queued vehicles and traffic on adjacent streets.

33.224.020 When These Regulations Apply

A. Uses. The regulations of this chapter apply to all uses that have drive-through facilities.

B. Site development.

1. Except as specified in Paragraph B.2, below, the regulations of this chapter apply only to the portions of the site development that comprise the drive-through facility. The regulations apply to new developments, the addition of drive-through facilities to existing developments, and the relocation of an existing drive-through facility. Drive-through facilities are not a right; the size of the site or the size and location of existing structures may make it impossible to meet the regulations of this chapter. Chapter 33.266 contains additional requirements regarding vehicle areas.

2. The site development standards of Sections 33.224.030 through 33.224.050 do not apply to drive-through facilities that do not involve any interactive service or communication with the customer.

C. Parts of a drive-through facility. A drive-through facility is composed of two parts – the **stacking lanes** and the **service area**. The stacking lanes are the space occupied by vehicles queueing for the service to be provided. The service area is where the service occurs. In uses with service windows, the service area starts at the service window. In uses where the service occurs indoors, the service area is the area within the building where the service occurs. For other development, such as gas pumps, air compressors, vacuum cleaning stations, the service area is the area where the vehicles are parked during the service.

33.224.030 Setbacks and Landscaping
All drive-through facilities must provide the setbacks and landscaping stated below.

A. Abutting an R, IR, or CI1 zone. Service areas and stacking lanes must be set back 5 feet from all lot lines that abut an R, IR, or CI1 zone. The 5 foot setback must be landscaped to at least the
L3 standard.

B. Abutting a C, E, I, or CI2 zone. Service areas and stacking lanes must be set back 5 feet from all lot lines that abut an C, E, I, or CI2 zone. The 5 foot setback must be landscaped to at least the L2 standard.

C. Abutting a street. Where allowed by Chapter 33.266, Parking and Loading, service areas and stacking lanes must be setback 5 feet from all street lot lines. The 5 foot setback must be landscaped to at least the L2 standard.

33.224.040 Vehicular Access
All driveway entrances, including stacking lane entrances, must be at least 50 feet from an intersection. The distance is measured along the property line from the junction of the two street lot lines to the nearest edge of the entrance.

33.224.050 Stacking Lane Standards
These regulations ensure that there is adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lands.

A. Gasoline pumps. A minimum of 30 feet of stacking lane is required between the stacking lane entrance and the nearest gasoline pump.

B. Other drive-through facilities.

1. Primary facilities. A minimum of 150 feet for a single stacking lane or 80 feet per lane when there is more than one stacking lane, is required for all other drive-through facilities. A stacking lane is measured between the stacking lane entrance and the service area.

2. Accessory facilities. A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations.

C. Stacking lane design and layout. Stacking lanes must be designed so that they do not interfere with parking and vehicle circulation. No part of a required stacking lane may encroach into the right-of-way. Stacking lanes may be curvilinear. See Subsection 33.930.030.C. for measurement information.

D. Stacking lanes identified. All stacking lanes must be clearly identified, through the use of means such as striping, landscaping, and signs.

33.224.060 Off-Site Impacts

Drive-through facilities must meet the off-site impact standards of Chapter 33.262, Off-Site Impacts. When abutting R zoned land, drive-through facilities with noise generating equipment must document in advance that the facility will meet the off-site impact noise standards. Noise generating equipment includes items such as speakers, mechanical car washes, vacuum cleaners, and exterior air compressors.

33.224.070 Multi-Modal Access

When a drive-through facility is open and other pedestrian-oriented customer entrances to the business are unavailable or locked, the drive-through facility must serve customers using modes other than a vehicle such as pedestrians and bicyclists.

(Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 175966, effective 10/26/01; Ord. No. 177028, effective 12/14/02; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

33.232 Essential Service Providers

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(Repealed by Ord. No. 167189, effective 1/14/94.)

33.229 Elderly and Disabled High Density Housing

229

Sections:

33.229.010 Purpose
33.229.020 Density Increase and Development Standards
33.229.030 General Requirements
33.229.040 Design Standards

33.229.010 Purpose

These regulations provide opportunities to integrate housing for elderly and disabled citizens with other types of housing, and to increase the ability of the elderly and disabled to live independently and close to where services are generally available. The regulations allow increased density with special design and development standards in RM1 through RM4, C, IR, and EX zones. The regulations are intended only for new developments and projects that involve major remodeling.

33.229.020 Density Increase and Development Standards

A. RM1, RM2, RMP, and IR zones. In the RM1, RM2, RMP, and IR zones, there is no limit on density if all of the following are met:

1. The project complies with the development standards of the base zone, except for density and minimum parking requirements;
2. The project complies with the standards of this chapter; and
3. The lot is at least 10,000 square feet in area.

B. RM3, RM4, and EX zones. In the RM3, RM4, and EX zones, the project can develop to an FAR of 4 to 1 if all of the following are met:

1. The project complies with the development standards of the base zone, except for density and minimum parking requirements;
2. The project complies with the standards of this chapter; and
3. The lot is at least 10,000 square feet in area.

C. Commercial/mixed use zones. In commercial/mixed use zones, required parking may be reduced if all of the following are met:

1. The project complies with the development standards of the base zone, except for minimum parking requirements;
2. The project complies with the standards of this chapter; and
3. The site is at least 10,000 square feet in area.

33.229.030 General Requirements

A. Residential uses and structures. Only uses in the Household Living use category are allowed. Only structures with fully self-contained dwelling units are allowed.

B. Project eligibility. The elderly and disabled high density housing provisions are limited to new projects or to existing developments which undergo major remodeling.

C. Occupant restrictions. At a minimum, the units that are over the density allowed by the base zone must be restricted to occupancy by households with a disabled member, or with a member aged 55 years or older. These units are called the "units restricted by covenant" throughout this chapter. Additional units may be restricted by covenant in order to take advantage of the lower parking requirements or other provisions of this chapter.

D. Covenant. The property owner must execute a covenant with the City of Portland, specifying that the property owner will abide by the conditions listed below for the life of the project. The covenant must comply with the requirements of 33.700.060, Covenants with the City.

1. Occupant restriction. Occupancy of a specified number of units will be restricted to households with a disabled member or with a member 55 years of age or older, as required in Subsection C. above.

2. Adaptable features. The property owner will submit a list of the adaptable features in the adaptable units to potential renters or buyers of the units. At a minimum the list will include the following features:

   a. Location of all adaptable features. The list must include a scale drawing of the location of all adaptable kitchen counters, cabinets, and grab bars; and

   b. Installation instructions, equipment, and parts. The list must include the location of the adaptable features, modification instructions, and the equipment and parts needed to adjust or install the features, or to modify the unit as listed in 33.229.040 E.

3. The owner will install equipment required by this chapter when renting to a tenant who requests the modifications. The owner will remove any adaptable features upon request. All modifications will be done at no expense to the renter or buyer.

4. When vacancies occur and there are no eligible applicants on a waiting list, the owner will advertise the units as being accessible and/or adaptable, as applicable.

33.229.040 Design Standards

A. Common Areas. All common areas in the project, including community rooms, laundry facilities, recreation rooms, and shared kitchen and toilet areas, must meet the physical access requirements of Chapter 11 of the Oregon Structural Specialty Code and must be along an accessible route from the sidewalk and parking area to all units restricted by covenant.

B. Individual Units.

1. At least 35 percent of all the units in the project must meet the requirements for Type A units in Chapter 11 of the Oregon Structural Specialty Code and must be along an accessible route from the sidewalk and parking area to all common areas. Any additional units above 35 percent that are restricted by covenant must also meet these requirements.

2. At least 25 percent of the units restricted by covenant must have at least one bedroom. The minimum bedroom size is 150 square feet, except for units that have two or more bedrooms. In this case, only one bedroom must meet this standard.

3. Exception. Projects that are restricted to occupancy by mentally disabled residents for the life of the project have lowered requirements for accessibility and adaptability. The restrictions can be in the form of funding restrictions or in the covenant with the City. In these cases, only 20 percent of the units restricted by covenant need to meet the requirements for Type A units in Chapter 11 of the Oregon Structural Specialty Code. The remaining units restricted by covenant may instead meet the ANSI 117.1 requirements for Type C units. In addition, only 20 percent of the parking spaces required by Subsection C. need to comply with the disabled parking standards.

C. Parking and passenger loading.

1. Motor vehicle parking.

   a. Generally. The minimum parking standard for units restricted by covenant is one space for every four units.

   b. Exception. Only one space for every eight units in the project is required when at least 75 percent of the total units are restricted by covenant to occupancy by elderly individuals.

   c. Parking for disabled persons. If parking is provided at a ratio of less than 1 space per unit, the number of parking spaces that must meet the parking standards for disabled persons (in the Oregon Structural Specialty Code) is calculated based on a ratio of 1 space per unit.

2. Bicycle parking. The project must meet the bicycle parking requirements of Chapter 33.266, Parking, Loading, and Transportation Demand Management.

3. Passenger Loading. Each project must have at least one passenger loading area that complies with Chapter 11 of the Oregon Structural Specialty Code.

(Amended by: Ord. No. 167054, effective 10/25/93; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. No. 177422, effective 6/7/03; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20.)

33.236 Floating Structures

236

Sections:

33.236.010 Purpose
33.236.015 Willamette River Restrictions
33.236.020 Allowed Uses
33.236.030 Houseboats
33.236.050 Additional Regulations
33.236.060 Floating Structures Code

33.236.010 Purpose

This chapter adapts the existing upland regulations for use with floating structures.

33.236.015 Willamette River Restrictions

The Willamette Greenway regulations prohibit floating structures that are not river-dependent or river-related to locate on the Willamette River unless a Greenway goal exception is obtained. For example, uses such as houseboats, restaurants, bars, grocery stores, and general office uses are not river-dependent or river-related. The exception to this is that new houseboats may locate in existing houseboat moorages. However, new houseboat moorages, the expansion of existing houseboat moorages, and the relocation of existing houseboat moorages are prohibited without a Greenway goal exception. See Chapter 33.440, Greenway Zones.

33.236.020 Allowed Uses

All uses in floating structures must be an allowed use on the upland lot they are attached to and must comply with all use regulations applying to the upland lot.

33.236.030 Houseboats

Houseboats and houseboat moorages are classified under the general use category of Household Living. An individual houseboat outside of a houseboat moorage is considered a single-dwelling use of the upland lot. A houseboat moorage is considered a multi-dwelling use. Generally, an individual houseboat outside of a houseboat moorage is allowed only where a single dwelling use would be allowed on the upland lot, and a houseboat moorage is allowed only where a multi-dwelling use is allowed on the upland lot.

In the I zones, houseboats and houseboat moorages are a conditional use.

33.236.050 Additional Regulations

A. Ownership of the upland lot. The owner of the floating structure must own or lease enough of the upland lot to meet all of the applicable regulations for the site.

B. Density and floor area. Uses in floating structures are not subject to the density and floor area regulations of the upland lot.

C. Development standards. The development standards applicable to floating structures and associated upland accessory structures are stated below.

1. Lot dimensions and size. The lot to which a floating structure is secured must comply with all lot size and dimension requirements. For zones with no minimum dimensions, the lot must be large enough to meet all of the development standards of this section.
2. Accessory structures. Accessory structures on the upland lot are subject to all of the accessory structure regulations that apply to the upland lot.
3. Parking. Uses in floating structures must comply with the parking requirements of the base zone, except that houseboat moorages must provide a minimum of two parking spaces per houseboat. The parking is to be provided on the upland lot to which the floating structure is attached.

33.236.060 Floating Structures Code
Title 28, Floating Structures, applies to all floating structures.

(Amended by: Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 4/15/00; Ord. No. 188177, effective 5/24/18.)

33.237 Food Production and Distribution

237

Sections:

33.237.010 Purpose
33.237.020 Where These Regulations Apply
33.237.100 Market Gardens
33.237.200 Community Gardens
33.237.300 Food Membership Distribution
33.237.500 Neighbor Notification and Meeting
33.237.550 Farmers Markets
33.237.600 Regulations for Existing Market Gardens, Food Membership Distribution, and Farmers Markets

33.237.010 Purpose

The purpose of the regulations in this chapter is to increase access to affordable, healthful, food for all, especially for those who may have limited options because of location, access, or income. The regulations encourage Community Gardens, Market Gardens, and food membership distribution at a scale that is appropriate to neighborhoods in an urban environment, and support small-scale agricultural use of land that is not otherwise developed. The regulations also recognize that the gardens and food membership organizations can help build a sense of community and offer increased opportunities to garden and to interact with neighbors.

In addition, the regulations ensure that these uses and activities are compatible with the surrounding area by limiting potential negative effects, particularly in residential neighborhoods, and take into consideration neighborhood character, scale, visual impacts, traffic, noise, fumes, local environmental resources, and hours of operation.

33.237.020 Where These Regulations Apply

The regulations of Section 33.237.100 apply to Market Gardens. The regulations of Section 33.237.200 apply to Community Gardens. The regulations of Section 33.237.300 apply to Food Membership Distribution. The regulations of Section 33.237.600 apply to Market Gardens, Food Membership Distribution, and Farmers Markets that existed before these regulations were adopted.

33.237.100 Market Gardens

A. Maximum area. The maximum area allowed for a Market Garden is specified in Table 237-1. The area of a Market Garden includes the area under cultivation, the area covered by any structures associated with the garden, the compost pile, any off-street parking, or any other area associated with the activities of the garden.

Table 237-1 Maximum Area for Market Gardens		
	Maximum Area Allowed per Site	**Maximum Area Allowed per Site if Neighbor Notification and Meeting requirements of Section 33.237.500 are met**
Zone		
RF Zone	174,000 square feet	261,000 square feet
R20 Zone	40,000 square feet	60,000 square feet
R10 Zone	20,000 square feet	30,000 square feet
R7 Zone	14,000 square feet	21,000 square feet
R5 and R 2.5 Zones	10,000 square feet	15,000 square feet
Multi-Dwelling Zones	14,000 square feet	21,000 square feet
Sites with Institutional Uses in residential, CI1 and IR zones	14,000 square feet or 10 percent of the total site area, whichever is larger.	21,000 square feet or 15 percent of the total site area, whichever is larger
Industrial, Employment, CI2, Commercial/mixed use, and Open Space Zones	No maximum	- -

B. Sales.

1. On-site sales.

   a. Nonresidential zones. In nonresidential zones, on-site sales are a Retail Sales And Service Use; and the following regulations apply:

      (1) No parking is required;

      (2) Exterior display is allowed; and

      (3) Only food and value-added products made from produce grown on site, such as jams and pickles, may be sold

   b. Residential zones. In residential zones, on-site sales are allowed as accessory to the Agriculture use, and the following regulations apply:

      (1) No parking is required;

      (2) Exterior display is allowed;

      (3) Only food and value-added products made from produce grown on site, such as jams and pickles, may be sold;

      (4) Sales are allowed only between 7 AM and 9 PM; and

      (5) Sales are allowed up to 70 days in each calendar year.

2. Off-site sales. Off-site sales are not limited by the regulations of this Chapter.

C. Hours of operation in residential zones.

1. In residential zones, operation may begin at sunrise or 7 AM, whichever is earlier, and must end at sunset or 9 PM, whichever is later. A Market Garden is operating if people are on the site. Automatic equipment functioning, such as sprinklers, is not considered operation.
2. Use of motorized equipment in residential zones is allowed only between 7 AM and 9 PM.

D. Fences. Fences are regulated by the base zones.

E. Signs. Signs are regulated by Title 32, Signs and Related Regulations.

33.237.200 Community Gardens

A. Maximum area. There is no maximum area for Community Gardens.

B. Sales. Sales of produce from a Community Garden may occur for no more than three consecutive days on two different occasions during a calendar year. Sales must occur on-site.

C. Other regulations. The regulations of Subsections 33.237.100.C through E apply to Community Gardens.

33.237.300 Food Membership Distribution

A. Use. Food Membership Distribution is accessory to most use categories, but not a primary use on a site.

B. Residential zones. The regulations of this subsection apply to sites in residential zones that are not in Institutional use.

1. The maximum number of members who may come to the site to pick up items delivered on one delivery day, and the number of delivery days that are allowed in a calendar year are specified in Table 237-2. If a site fits into more than one cell, the more restrictive requirement applies.
2. The operator of a site must select a maximum number of delivery days and maximum number of members who may come to the site, and is responsible for compliance with the regulations that apply to the combination of delivery days and maximum number of members who may come to the site. This may require limiting the number of members who may participate in each order, or moving some deliveries to other locations.
3. Members may pick up items at the site only between 7 AM and 9 PM.
4. Truck deliveries are allowed between 8 AM and 5 PM.
5. Exterior activities, except delivery and pick up, may not occur in the area between the primary building and any street lot line.

C. Institutional uses on sites in residential, CI1 and IR zones. The regulations of this subsection apply to sites in residential, CI1 and IR zones that are in Institutional use.

1. Sites that have at least three parking spaces reserved specifically for members picking up their food are subject to Paragraphs B.3 and B.4.
2. Sites that do not have at least three parking spaces reserved specifically for members picking up their food are subject to Paragraphs B.1 through B.4.

Table 237-2
Food Membership Distribution: Frequency and Number of Members

	Number of Delivery Days per Calendar Year				
Maximum Number of Members Who Come to Site per Delivery Day	Up to 5/year	6 to 26/year	27 to 52/year	53 to 104/year	More than 104/year
Up to 12	Allowed	Allowed	Allowed	Allowed if requirements of Section 33.237.500, Neighbor Notification and Meeting, are met	Not Allowed
13 to 56	Allowed	Allowed if requirements of Section 33.237.500, Neighbor Notification and Meeting, are met	Allowed if: 1. Requirements of Section 33.237.500, Neighbor Notification and Meeting, are met; and 2. West of I-205, site is within 500 feet of a non-local street; east of I-205, site is within 1,000 feet of a non-local street	Allowed if: 1. Requirements of Section 33.237.500, Neighbor Notification and Meeting, are met; and 2. West of I-205, site is within 500 feet of a non-local street; east of I-205, site is within 1,000 feet of a non-local street	Not Allowed
57 to 100	Allowed	Allowed if: 1. Requirements of Section 33.237.500, Neighbor Notification and Meeting, are met; and 2. West of I-205, site is within 500 feet of a non-local street; east of I-205, site is within 1,000 feet of a non-local street	Allowed if: 1. Requirements of Section 33.237.500, Neighbor Notification and Meeting, are met; and 2. West of I-205, site is within 500 feet of a non-local street; east of I-205, site is within 1,000 feet of a non-local street	Not Allowed	Not Allowed
More than 100	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed

33.237.500 Neighbor Notification and Meeting

A. Purpose. The requirements of this section allow neighbors an opportunity to become aware of and comment, in an informal manner, on a proposal before operations begin. By sharing information and concerns, all involved have the opportunity to identify ways to improve a proposal, and to resolve conflicts. While the comments from the neighbors are not binding, a collaborative approach is encouraged.

B. When Neighbor Notification and Meeting is required. Neighbor Notification and Meeting is required as specified in Section 33.237.100 and Table 237-2.

C. Notification.

1. A letter must be sent to the owners of property within 150 feet of the site, to the Neighborhood Association for the area, and to the Planning and Zoning Section of the Land Use Division of the Bureau of Development Services. The letter must be sent by US Mail, FedEx, UPS, or similar service. The letter may not be sent electronically or delivered by hand.
2. The letter must:
   a. Describe the proposal in detail;
   b. Include information on how to contact the person or organization making the proposal;
   c. Show the location of the site on a map, and give the address of the site; and
   d. Invite people to a meeting to discuss the proposal, specifying the date, time, and location of the meeting.
3. The letter must be mailed at least 14 days before the meeting.
4. At least one copy of the letter must be posted on the site.
   a. A copy of the letter must be placed on each street frontage of the site. If a street frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. Notices are not required along street frontages that are not improved and allow no motor vehicle access.
   b. Letters must be posted at least 14 days before the meeting, and may not be removed before the meeting.
5. A copy of the letter and the mailing list must be retained in the files of the person or organization making the proposal.

D. Meeting. A meeting to discuss the proposal must be held at a location within the boundaries of the neighborhood association that the site is within. The person making the proposal must attend the meeting.

33.237.550 Farmers Markets

The regulations for Farmers Markets are in Chapter 33.296, Temporary Uses, and in Section 33.237.600.

33.237.600 Regulations for Existing Market Gardens, Food Membership Distribution Sites, and Farmers Markets

A. **Purpose.** Before the regulations in this chapter were adopted, the regulations for Market Gardens, Food Membership Distribution Sites, and Farmers Markets were sometimes unclear. To simplify regulations for those uses that existed when the regulations were adopted, those that existed are automatically given status as if they were legally established.

B. **Market Gardens.** Market Gardens that existed on June 1, 2012, are considered to have been legally established. If they do not meet the current regulations, they are nonconforming, and changes to size, operation, or other aspects are regulated by Chapter 33.258, Nonconforming Situations.

C. **Food Membership Distribution Sites.** Food Membership Distribution Sites that were operating at any time between June 1, 2011 and June 1, 2012, are considered to have been legally established. If they do not meet the current regulations, they are nonconforming, and changes to the number of members coming to the site, the number of delivery days per year, size, operation, or other aspects are regulated by Chapter 33.258, Nonconforming Situations.

D. **Farmers Markets.** Farmers Markets that were operating during the month of June, 2012, are considered to have been legally established. If they do not meet the current regulations, they are nonconforming, and changes to size, operation, or other aspects are regulated by Chapter 33.258, Nonconforming Situations.

(Added by Ord. No.185412, effective 6/13/12; Amended by Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

33.239 Group Living

239

Sections:

33.239.010 Purpose
33.239.020 Use Regulations
33.239.030 Development Standards
33.239.040 Other Regulations

33.239.010 Purpose

The regulations ensure that uses in the Group Living category will be compatible with the character of residential and commercial areas.

33.239.020 Use Regulations. The regulations of this chapter apply to all uses in the Group Living use category. The base zone chapters state whether Group Living uses are allowed, limited, conditional uses, or prohibited. If they are conditional uses, they are subject to the regulations of Chapter 33.815 in addition to the provisions of this chapter. Group Living uses that are accessory to a College, Medical Center, or Religious Institution, such as dormitories, fraternities, or monasteries, and that are part of an approved conditional use master plan, are exempt from the regulations of this chapter.

33.239.030 Development Standards

The development standards of the base zone, overlay zone or plan district apply unless superseded by the standards below.

A. Resident Density.

1. Purpose. Resident density is limited to parallel the residential densities of the various zones. Resident density is also regulated to address service demands and to prevent nuisance-type impacts from overcrowding.

2. Description of residents. Residents include all people living at the site, including those who provide support services, building maintenance, care, supervision, etc. People who only work at the site are not considered residents.

3. Density standard. Group Living uses are limited to the following number of residents per square foot of site area:

Zone	Number of Residents
RF through R5 zones	1.5 residents per 1,000 square feet
R2.5 zone	2 residents per 1,000 square feet
RM1 zone	2.5 residents per 1,000 square feet
RM2 zone	3 residents per 1,000 square feet
RM3, RM4, RX, IR, CI2, C, and E zones	Not limited (must comply with the building or housing code, and the FAR of the base zone)

B. Minimum Spacing

1. Purpose. The minimum spacing standards assure that large Group Living uses do not unduly affect the character of residential and commercial areas.

2. Spacing standards. Group living facilities that are conditional uses must be at least 600 feet from a site with any other group living facility that is also a conditional use.

C. Required outdoor area. The requirement for outdoor areas applies in all residential zones except RX. Larger areas may be required as part of a conditional use review. The outdoor area requirement is 48 square feet for every 3 residents, with a minimum dimension of 6 feet by 6 feet. Individual outdoor areas may be combined. The minimum size of a combined area is 500 square feet and must measure at least 20 feet in all directions.

D. Parking and loading. Parking requirements are stated in Chapter 33.266, Parking and Loading.

33.239.040 Other Regulations

Uses in the Group Living use category may also be subject to County, State, or Federal licensing requirements. For more information, applicants should contact the Department of Human Services of the county in which the use will be located.

(Amended by: Ord. No. 166786, effective 8/27/93; Ord. No. 167054, effective 10/25/93; Ord. No. 188077, effective 12/9/16; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20.)

33.243 Helicopter Landing Facilities

243

Sections:

33.243.010 Purpose
33.243.020 Objectives
33.243.030 Zones Allowed and Use Related Regulations
33.243.040 Approval Procedures
33.243.050 Standards
33.243.060 Required Information
33.243.070 Approval Criteria
33.243.080 Helicopter Landing Facilities approved prior to January 1, 1988
33.243.090 Monitoring

33.243.010 Purpose

Helicopter landing facilities (HLFs) have unique land use impacts, needs, benefits and characteristics. This chapter provides criteria for the evaluation of proposals for helicopter landing facilities when not located at airports. The criteria ensure that HLFs are consistent with the public interest and safety, and that impacts on surrounding land uses are reduced.

33.243.020 Objectives

The following objectives are used to guide the decision-making process in the siting of helicopter landing facilities:

A. Limit development of facilities in residential zones to situations where public benefits outweigh the negative impacts;

B. Require more protection against impacts from HLFs in residential and some mixed-use zones than in commercial and industrial zones;

C. Encourage the consolidation of HLFs and the preplanning for HLFs during the master planning process;

D. Encourage the operators of proposed and existing HLFs to coordinate activities and to operate in a manner sensitive to the land uses in flight paths and in nearby areas; and

E. Locate HLFs so that they may take advantage of existing natural flight corridors such as freeways and industrial areas.

33.243.030 Zones Allowed and Use Related Regulations

A. **Zones where HLFs allowed.** Helicopter landing facilities are allowed as shown in Table 243-1.

Table 243-1 Zones Where HLFs are Allowed		
	OS, R, CR, CM1, CI, IR	**CM2, CM3, CE, CX, E, I**
HLF as primary use	Prohibited	CU
HLF as accessory use	CU	CU

B. Accessory HLFs in the R, CR, CM1, CI, and IR zones. Accessory HLFs in the R, CR, CM1, CI, and IR zones may only be approved when accessory to medical centers. Only one helicopter is allowed to be located on the site, either permanently or temporarily. Only trips which support the primary use are allowed.

C. Refueling. Refueling facilities are allowed in conjunction with an approved HLF, if approved by the Fire Marshal.

D. Repair facilities. Repair facilities are allowed only in the I zones. Minor or emergency repairs and routine maintenance are allowed in all zones.

33.243.040 Standards

A. Safety standards.

1. Federal Standards. Public HLFs must meet the most stringent safety standards since they are used by pilots of varying familiarity with the flight path locations, typical wind effects, and facility layout. To meet this highest level of safety, such facilities must meet all recommended standards of the FAA Heliport Design Guide, AC150/5390. The review body must include any conditions of approval recommended by the FAA as a condition of approval.

2. State Standards. Private HLFs must also meet safety standards as required by the Aeronautics Division of the State of Oregon.

3. Fire Safety Standards. All HLFs must meet fire suppression and safety standards of the Fire Marshal.

B. Development standards.

1. Minimum site area. The site area and physical facilities must be able to accommodate aircraft parking and landing pads, motor vehicle and emergency equipment access and parking, buffering and screening, and sufficient helicopter parking spaces to allow the landing of approaching aircraft without delay.

2. Setbacks and minimum distances from residential zones. The review body may impose setbacks and minimum distances from residential zones for HLFs as follows:

   a. A distance of 200 feet will be used as a guideline for setbacks for all HLFs developed within residential zones. The distance in commercial and industrial zones is 50 feet, except that for sites abutting residentially zoned land the distance is the 200 feet. All setbacks will be measured from the edge of the landing pad.

b. These distances may be increased or decreased by the review body upon consideration of such factors as the number of flights, hours of operation, types of aircraft, number of aircraft, types of existing land uses in the area, topography, proximity to natural aircraft corridors, and type and nature of the proposed noise mitigation plan.

c. A 20 foot deep area landscaped to at least the L4 standard must be provided around the HLF. The landscape standards are stated in 33.248, Landscaping and Screening. Trees must be located so as to not encroach into a 8 (horizontal) to 1 (vertical) flight path from the landing pad in all directions.

3. Off-street parking. For HLFs which are primary uses, the amount of off-street parking required will be determined during the conditional use review, based on the number of employees, types and number of flights, and types of facilities proposed. There are no additional off-street parking requirements for HLFs which are accessory uses.

4. Street trees. Street trees may be required for all ground level facilities. Trees must be located so as to not encroach into a 8 (horizontal) to 1 (vertical) flight path from the landing path in all directions.

5. Surfacing. All take-off, landing, and parking areas of HLFs must be surfaced with a dust proof material.

33.243.050 Approval Procedures

The procedures assigned in this section supersede the conditional use procedures of Chapter 33.815, Conditional Uses.

A. Conditional use review.

1. New HLFs. Applications for new helicopter landing facilities are reviewed through a Type III procedure.

2. Modifications or changes to existing helicopter landing facilities are reviewed through the procedures stated below.

a. Type III procedure. In all zones, requests for modifications of existing HLFs which would result in an increase in the number of flights, changes in flight path, number or type of aircraft, hours of operation, and changes in approved setbacks or minimum distances from other uses are reviewed through a Type III procedure.

b. Type II procedure. All other modifications are reviewed through a Type II procedure.

B. Noise review. The applicant must obtain approval for the proposal from the City of Portland Noise Review Board prior to submitting an application for conditional use review to BDS. The Noise Review Board may request the assistance of the Department of Environmental Quality (DEQ) while reviewing the application. This requirement applies to requests for new HLFs and modifications of existing HLFs that are subject to a Type III procedure review.

C. Other reviews.

1. State review. The applicant must obtain provisional approval from the State of Oregon Aeronautics Division prior to submitting the conditional use permit application to BDS.

2. FAA review. For facilities which require Federal Aviation Administration (FAA) approval, the applicant must file FAA Form 7480 "Notice of Landing Area Proposal" and must comply with all FAA regulations prior to the issuance of a building permit.

D. Master plans. Any use submitting a conditional use master plan must include any anticipated HLFs as part of the master plan. The review body may require a master plan when an HLF is proposed as part of a conditional use.

33.243.060 Required Information

All applications for helicopter landing facilities must include the following information in addition to the application requirements of 33.730.060.

A. Site plan. A detailed site plan of the project showing the layout of the aircraft landing and parking spaces, fire suppression equipment and access, auto parking areas, fences, landscaping, lights, walkways, adjacent streets and other details which relate to the development standards listed in 33.243.040 above.

B. Flight paths. An approach/departure flight path site plan showing proposed flight path locations, widths, lengths, slopes and other necessary details, as required by the State of Oregon.

C. Relation to flight corridors. The relationship of the site to natural flight corridors, such as freeways and industrial areas.

D. Operation of HLF. The operational information, such as the proposed hours of operation; the number, type and size of aircraft to be located at or expected to use the site; maximum number of helicopter trips on a daily, weekly, and annual basis; and the purpose of the helicopter trips and any resulting public benefits.

E. State approval. A copy of the State of Oregon Aeronautics Division provisional heliport approval, identifying and approving the following: direction, angles, and number of approaches; helipad size and surface; nearby obstructions; lighting and markings; tie-downs; number of trips; location; and fencing.

F. FAA notice. A copy of FAA Form 7480-1, "Notice of Landing Area Proposal," and evidence that it has been filed with the FAA.

G. Acoustical report and noise mitigation plan. An acoustical report and a noise mitigation plan approved by BDS or the City Noise Review Board. The plan must include a discussion of preferred approach/departure flight paths, preferred approach/departure path slopes, preferred approach/departure air speeds, preferred times of use, and other relevant factors. In addition, the plan must include a discussion of the existing physical factors, such as topography and proposed physical barriers, such as walls, fences, structures or vegetation, and how these factors would be used to reduce noise impacts. If the proposal

3. Parking. Parking must be provided in conformance with the parking regulations of the Oregon Manufactured Dwelling and Park Specialty Code for Manufactured Dwelling Parks, which supersede the requirements of this Title.

J. Individual manufactured dwelling space requirements. Spaces for manufactured dwellings must be a minimum of 30 feet in width and a minimum of 40 feet in depth.

K. Nonconforming manufactured dwelling parks. Existing manufactured dwelling parks may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development. Listed below are situations where the manufactured dwelling park is given nonconforming status.

1. Existing manufactured dwelling parks in E and I zones, except the EX zone, are nonconforming uses because residential uses are not allowed.

2. Existing manufactured dwelling parks may have nonconforming densities and development depending on the standards of the base zone. In a manufactured dwelling park that is nonconforming in minimum residential density, there may be a net decrease in the number of manufactured dwelling units, but there may not be a net decrease in the number of manufactured dwelling spaces, unless the decrease in spaces is the result of meeting the Oregon Manufactured Dwelling and Park Specialty Code for Manufactured Dwelling Parks.

3. Existing manufactured dwelling parks in the R2, R3, and RMP zones may have nonconforming densities and/or development depending on individual situations.

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 177028, effective 12/14/02; Ord. No.177422, effective 6/7/03; Ord. No. 182429, effective 1/16/09; Ord. No. __, effective 8/22/18.)

33.245 Inclusionary Housing

245

Sections:

33.245.010 Purpose
33.245.020 Where These Regulations Apply
33.245.030 Exemption
33.245.040 Inclusionary Housing Standards
33.245.050 Compliance

33.245.010 Purpose

The purpose of these regulations is to promote the production of affordable housing for a diversity of household types by linking of the production of affordable housing to the production of market-rate housing.

33.245.020 Where These Regulations Apply

The regulations of this chapter apply to the following:

A. New buildings with 20 or more dwelling units; and

B. Alterations to existing buildings that add 20 or more dwelling units.

33.245.030 Exemption

This chapter does not apply to Group Living, Medical Center, and College uses.

33.245.040 Inclusionary Housing Standards

Affordable dwelling units must be provided as follows, or a fee-in-lieu of providing affordable dwelling units must be paid. Adjustments are prohibited:

A. On-site affordable dwelling units. When the affordable dwelling units will be located on-site, affordable dwelling units must be provided at one of the following rates. For the purpose of this Section, affordable dwelling units located within the boundaries of a Central City Master Plan are considered to be on-site:

1. Central City and Gateway plan districts. Inside the Central City and Gateway plan districts, affordable dwelling units must be provided at one of the following rates:

   a. 10 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 60 percent of the area median family income; or

   b. 20 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 80 percent of the area median family income; or

   c. Alternate calculation method. As a way to encourage the creation of larger affordable dwelling units, using one of the percentages stated above, the number of affordable dwelling units required may be calculated based on the total number of bedrooms in the new or altered building. For example, using the 10 percent rate, a new building with 60 two-bedroom dwelling units could provide 6 two-bedroom affordable units or 4 three-bedroom affordable units.

2. Outside the Central City and Gateway plan districts. Outside the Central City and Gateway plan districts, affordable dwelling units must be provided at one of the following rates:

   a. Rates before January 1, 2022:

      (1) 8 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 60 percent of the area median family income; or

      (2) 15 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 80 percent of the area median family income.

      (3) Alternate calculation method. As a way to encourage the creation of larger affordable dwelling units, using one of the percentages stated above, the number of affordable dwelling units required may be calculated based on the total number of bedrooms in the new or altered building. For example, using the 10 percent rate, a new building with 60 two-bedroom dwelling units could provide 6 two-bedroom affordable units or 4 three-bedroom affordable units.

   b. Rates on and after January 1, 2022. The rates shown in Paragraph A.1. apply outside the Central City and Gateway plan districts on and after January 1, 2022.

B. Off-site affordable dwelling units. When the affordable dwelling units will be located off-site, affordable dwelling units must be provided at one of the following rates:

1. New dwelling units. When the affordable dwelling units will be provided by constructing new dwelling units off-site, one of the following rates apply. The number of affordable dwelling units required is calculated based on the development that triggers the regulations of this chapter:

   a. 10 percent of the total number of dwelling units in the new building or alteration must be affordable to those earning no more than 30 percent of the area median family income; or

   b. 20 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 60 percent of the area median family income.

2. Existing dwelling units. When the affordable dwelling units will be provided by dedicating existing dwelling units as affordable, one of the following rates apply. The number of affordable dwelling units required is calculated based on the development that triggers the regulations of this chapter:

   a. 15 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 30 percent of the area median family income; or

   b. 25 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 60 percent of the area median family income.

33.245.050 Compliance

To comply with the inclusionary housing standards in Section 33.245.040, the following must be met. Adjustments are prohibited:

A. The applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the standards stated above and any administrative requirements. The letter is required to be submitted before a building permit can be issued for the development, but is not required in order to apply for a land use review; and

B. If affordable dwelling units will be provided the property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must be provided prior to issuance of the building permit for the development that triggers this chapter, and the covenant must ensure that the affordable dwelling units will remain affordable to households meeting the income restriction, and will meet the administrative requirements of the Portland Housing Bureau.

(Adopted by Ord. No. 188162, effective 2/1/17; Amended by Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189303, effective 12/31/18; Ord. No. 190076, effective 8/10/20.)

33.248 Landscaping and Screening

248

Sections:

33.248 010 Purpose
33.248.020 Landscaping and Screening Standards
33.248.030 Plant Materials
33.248.040 Installation and Maintenance
33.248.050 Landscaped Areas on Corner Lots
33.248.060 Landscape and Tree Plans
33.248.070 Completion of Landscaping
33.248.080 Street Trees
33.248.090 Mitigation and Restoration Plantings

33.248.010 Purpose

The City recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:

- Preserve and enhance Portland's urban forest;
- Promote the reestablishment of vegetation in urban areas for aesthetic, health, and urban wildlife reasons;
- Reduce stormwater runoff pollution, temperature, and rate and volume of flow;
- Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development, and enhance and define public and private spaces;
- Promote the retention and use of existing non-invasive vegetation;
- Aid in energy conservation by providing shade from the sun and shelter from the wind;
- Restore natural communities and provide habitat through removal of nuisance plants and re-establishment of native plants; and
- Mitigate for loss of natural resource values.

This chapter consists of a set of landscaping and screening standards and regulations for use throughout the City. The regulations address materials, placement, layout, preparation of the landscape or mitigation area, and timing of installation. Specific requirements for mitigation plantings are in 33.248.090.

The Portland Tree and Landscaping Manual contains additional information about ways to meet the regulations of this chapter. The *Portland Plant List* includes information about native plants, non-native, non-nuisance plants, and nuisance plants.

33.248.020 Landscaping and Screening Standards

Subsections A. through H. state the different levels of landscaping and screening standards to be applied throughout the City. The locations where the landscaping or screening is required and the depth of the landscaping or screening are stated in various places throughout the Code. **All** landscaping and screening required by this Title must comply with all of the provisions of this chapter, unless specifically superseded. The landscaping standards are minimums; additional

vegetation or screening can be proposed, provided all minimum fence or vegetation height and screening requirements are met. Crime prevention and safety should be remembered when exceeding the landscaping standards (height and amount of vegetation may be an issue). Trees preserved or planted to meet the requirements of Chapter 11.50, Trees in Development Situations count toward the landscaping and screening standards of this Title.

A. L1, general landscaping.

1. Intent. The L1 standard is a landscape treatment for open areas. It is intended to be applied in situations where distance is used as the principal means of separating uses or development, and landscaping is required to enhance the area in-between. While primarily consisting of ground cover plants, it also includes a mixture of trees, high shrubs, and low shrubs.

2. Required materials. The L1 standard has two different requirements for trees and shrubs. Ground cover plants must fully cover the remainder of the landscaped area.

   a. Where the area to be landscaped is less than 30 feet deep, the standard is one large tree per 30 linear feet, one medium tree per 22 linear feet, or one small tree per 15 linear feet. Trees of different sizes may be combined to meet the standard. Trees may be grouped.

   b. Where the area is 30 feet deep or greater, the requirement is either two high shrubs or three low shrubs per 400 square feet of landscaped area in addition to the trees required in 2.a, above. The shrubs and trees may be grouped.

B. L2, low screen.

1. Intent. The L2 standard is a landscape treatment which uses a combination of distance and low level screening to separate uses or development. The standard is applied where a low level of screening is adequate to soften the impact of the use or development, or where visibility between areas is more important than a total visual screen. It is usually applied along street lot lines.

2. Required materials. The L2 standard requires enough low shrubs to form a continuous screen 3 feet high. The shrubs must be evergreen. In addition, one large tree is required per 30 linear feet of landscaped area, one medium tree per 22 linear feet of landscaped area, or one small tree per 15 linear feet of landscaped area. Trees of different sizes may be combined to meet the standard. Ground cover plants must fully cover the remainder of the landscaped area. A 3-foot-high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, any required or nonrequired screen, wall, or fence is to be placed along the interior side of the landscaped area.

C. L3, high screen.

1. Intent. The L3 standard is a landscape treatment which uses screening to provide the physical and visual separation between uses or development. It is used in those instances where visual separation is required.

2. Required materials. The L3 standard requires enough high shrubs to form a screen 6 feet high. The shrubs must be evergreen. In addition, one large tree is required per 30

linear feet of landscaped area, one medium tree per 22 linear feet of landscaped area, or one small tree per 15 linear feet of landscaped area. Trees of different sizes may be combined to meet the standard. Ground cover plants must fully cover the remainder of the landscaped area. A 6-foot-high masonry wall may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, any required or nonrequired screen, wall, or fence is to be placed along the interior side of the landscaped area.

D. L4, high wall.

1. Intent. The L4 standard is intended to be used in special instances where extensive screening of both visual and noise impacts is needed to protect abutting sensitive uses in areas and where there is little space for separation.

2. Required materials. The L4 standard requires a 6 foot high masonry wall along the interior side of the landscaped area. One large tree is required per 30 linear feet of wall, one medium tree per 22 linear feet of wall, or one small tree per 15 linear feet of wall. Trees of different sizes may be combined to meet the standard. In addition, four high shrubs are required per 30 linear feet of wall. Ground cover plants must fully cover the remainder of the landscaped area.

E. L5, high berm.

1. Intent. The L5 standard is intended to be used in special instances where extensive screening of both visual and noise impacts is needed to protect abutting sensitive uses, and where it is desirable and practical to separate a use by distance as well as sight-obscuring materials.

2. Required materials. The L5 standard requires a berm between 4 and 6 feet high. If the berm is less than 6 feet high, low shrubs that meet the L2 standard must be planted on top of the berm to assure that the overall screen height is 6 feet. In addition, one large tree is required per 30 linear feet of berm, one medium tree per 22 linear feet of berm, or one small tree per 15 linear feet of berm. Trees of different sizes may be combined to meet the standard. Ground cover plants must fully cover the remainder of the landscaped area. The L5 standard may be used to substitute for required L2 or L3 landscaping.

F. F1, partially sight-obscuring fence.

1. Intent. The F1 fence standard provides a tall, but not totally blocked visual separation. The standard is applied where a low level of screening is adequate to soften the impact of the use or development, or where visibility between areas is more important than a total visual screen. It is applied in instances where landscaping is not necessary and where nonresidential uses are involved.

2. Required materials. Fences must be 6 feet high and at least 50 percent sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials. See Figure 248-1.

G. F2, fully sight-obscuring fence.

1. Intent. The F2 fence standard provides a tall and complete visual separation, and is intended to be used in special instances where complete screening is needed to protect abutting uses, and landscaping is not practical. It is usually applied in nonresidential situations.

2. Required materials. Fences must be 6 feet high and 100 percent sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials. See Figure 248-2.

Figure 248-1
F1 – Partially Sight-Obscuring

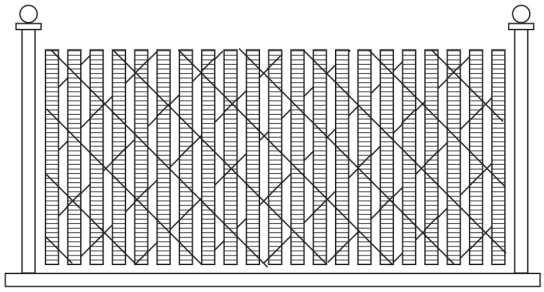
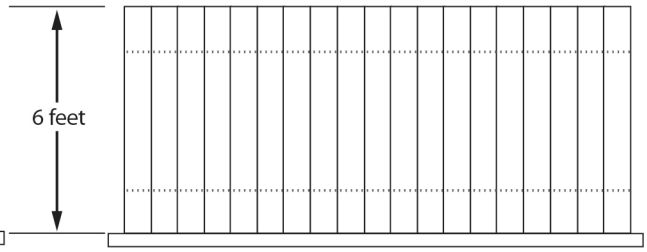


Figure 248-2
F2 – Totally Sight-Obscuring



H. P1, parking lot interior landscaping.

1. Intent. The P1 standard is a landscape treatment which uses a combination of trees, shrubs, and ground cover to provide shade, stormwater management, aesthetic benefits, and screening to soften the impacts of large expanses of pavement and vehicle movement. It is applied to landscaped areas within parking lots and associated vehicle areas.

2. Required materials.

   a. Trees. The P1 standard requires one large tree per 4 parking spaces, one medium tree per 3 parking spaces, or one small tree per 2 parking spaces. At least 20 percent of trees must be evergreen. Trees of different sizes may be combined to meet the standard.

   b. Shrubs. The P1 standard requires 1.5 shrubs per space. For spaces where the front two feet of parking spaces have been landscaped instead of paved, the P1 standard requires one shrub per space. Shrubs may be evergreen or deciduous.

   c. Ground cover plants. The P1 standard requires that the remainder of the area must be planted in ground cover plants. The plants must be spaced to cover the area within 3 years. Mulch does not count as ground cover.

33.248.030 Plant Materials

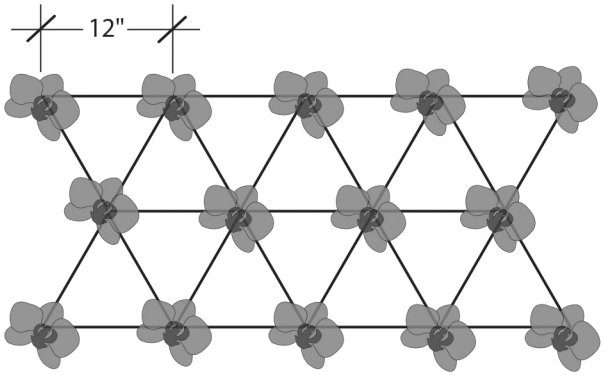
A. Ground cover.

1. Ground cover required. All of the landscaped area that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for ground cover plants.

2. Size and spacing. Ground cover plants other than grasses must be at least the four-inch pot size. Area planted in ground cover plants other than grass seed or sod must be planted in triangular spacing (see Figure 248-3) at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three years.

   To use a ground cover plant not listed in the Portland Tree and Landscaping Manual, the applicant must provide the Bureau of Development Services with an objective source of information about the plant's requirements for spacing. Applicants are encouraged to provide information about the plant's watering needs, sun or shade preference, and climate zone hardiness. This information can come from published sources, Internet sources, or nursery information, for example, cut sheets.

Figure 248-3
Example of Ground Cover Planting on Twelve-Inch Centers



B. Shrubs. All shrubs must be of sufficient size and number to meet the required standards within 3 years of planting. Shrubs must be at least the one-gallon container size at planting.

C. Trees.

1. Planting size. Trees may be broadleaf or conifers and must meet the following:

   a. Broadleaf trees at the time of planting must be fully branched and must be a minimum of 1.5 caliper inches.

   b. Conifer trees at the time of planting must be fully branched and a minimum of 5 feet in height.

   c. Specific planting size requirements related to the mitigation, remediation, or restoration of landscaped areas in overlay zones and plan districts supersede the minimums of this paragraph. These minimum requirements do not apply to trees approved through an Environmental Review, or Pleasant Valley Resource Review to be used for mitigation, remediation, or restoration.

2. Size category.

   a. Trees are categorized as small, medium, or large using the formulas in C.2.c. The Portland Tree and Landscaping Manual's suggested plant lists include the size categories recognized by BDS for many trees.

   b. To determine the size category of a tree not listed in the Portland Tree and Landscaping Manual, the applicant must provide BDS with an objective source of information about the tree's mature height, crown spread, and growth rate. This information can come from published sources, Internet sources, or nursery information such as cut sheets. BDS will assign the tree to one of the size categories using the formulas in C.2.c, and will periodically update the suggested tree list to include newly categorized trees.

   c. The size of a tree is calculated according to the following formulas, which incorporate the estimated height and crown spread of a mature specimen and on the species' growth rate:

      (1) Small trees have a canopy factor of less than 40, medium trees have a canopy factor from 40 to 90, and large trees have a canopy factor greater than 90;

      (2) Mature height of tree x Mature canopy spread x Growth rate factor x 0.01 = Canopy factor;

      (3) The growth rate factor is 3 for fast-growing trees, 2 for medium-growing trees, and 1 for slow-growing trees.

3. Existing trees may be used to meet the standards of this chapter, as described in Paragraph D.1. Existing trees must be protected as specified in Title 11, Trees. See Chapter 11.60, Technical Specifications.

D. Plant material choices and preparation.

1. Existing vegetation. Existing vegetation except those plants listed on the Nuisance Plants List may be used to meet the standards, if protected and maintained during the construction phase of the development. Existing trees are counted as follows:

   a. Each tree at least 1.5 inches and less than 6 inches in diameter counts as one small tree;

   b. Each tree 6 or more inches in diameter counts as 1 medium tree for each full 6 inch increment. For example, a 19-inch tree would count as three medium trees, while an 11-inch tree would count as one medium tree;

2. Selection of materials. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Arborescent shrubs from the *Portland Plant List* may not be used to meet the tree requirement.

3. Plant diversity.

a. Trees. If there are more than 8 required trees, no more than 40 percent of them can be of one species. If there are more than 24 required trees, no more than 24 percent of them can be of one species. This standard applies only to trees being planted to meet the regulations of this Title, not to existing trees.

b. Shrubs. If there are more than 25 required shrubs, no more than 75 percent of them can be of one species.

c. Plants may be selected from the Portland Tree and Landscaping Manual's suggested plant lists or other sources.

4. Nuisance plants. Plants listed on the Nuisance Plants List are prohibited from being planted in City-required landscaped areas.

5. Landscaped area preparation. All new required landscaped areas must be cleared of groundcovers and shrubs on the Nuisance Plants List. All plants on the Nuisance Plant List must be removed from the lower 6 feet of the trees to be preserved in the landscaped area. Trees listed on the Nuisance Plants List are not required to be removed.

E. **Exceeding standards.** Landscaping materials that exceed the standards may be substituted for the minimums so long as all fence or vegetation height limitations are met, including the vision clearance standards of Title 16, Vehicles and Traffic.

F. **Complying with the standards.** It is the applicant's responsibility to show that the landscaping materials proposed will comply with the regulations of this chapter.

33.248.040 Installation and Maintenance

A. **Installation.** All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Bureau of Environmental Services stormwater management requirements. Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.

B. **Maintenance.** Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced in kind. A fine may be levied if the landscaping has not been maintained, and new plants required to be planted.

C. **Irrigation.** The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All landscaped areas must provide an irrigation system, as stated in option 1, 2, or 3.

1. Option 1. A permanent built-in irrigation system with an automatic controller.

2. Option 2. An irrigation system designed and certified by a licensed landscape architect as part of the landscape plan, which provides sufficient water to ensure that the plants will become established. The system does not have to be permanent if the plants chosen can survive adequately on their own once established.

3. Option 3. Irrigation by hand. If the applicant chooses this option, an inspection will be required one year after final inspection to ensure that the landscaping has become established. An inspection fee, paid at the time of permit application, will be required.

D. **Protection.** All required landscaped areas, particularly trees and shrubs, must be protected from potential damage by adjacent uses and development, including parking and storage areas.

E. **Topping prohibited.** Topping is an extreme form of crown reduction. Topping of trees that are required by this Title is prohibited; required trees must be allowed to grow in their natural form. Topping is regulated as a tree removal by this Title and Title 11, Trees.

33.248.050 Landscaped Areas on Corner Lots

All landscaped areas on corner lots must meet the vision clearance standards of Section 16.70.800 of Title 16, Vehicles and Traffic. If high shrubs or other sight-obscuring screening is required by this Title, low screening must be substituted within vision clearance areas.

33.248.060 Landscape and Tree Plans

A. **Landscape plans.** Landscape plans must be submitted showing all landscaped areas. Plans must be drawn to scale and show type, size, number, and placement of materials. Materials must be identified with both their scientific and common names. Any required irrigation system must also be shown.

B. **Tree plans.** A tree plan may be required to comply with Chapter 11.50, Trees in Development Situations.

C. **Tree protection.** Where existing trees are used to meet the landscape standards or tree preservation requirements of this Title, tree protection meeting the requirements of Chapter 11.60, Technical Specifications must be shown on the landscape or tree plan.

33.248.070 Completion of Landscaping

The installation of any required landscaping may be deferred during the summer or winter months to the next planting season, but never for more than 6 months. All required landscaping must be installed prior to final inspection.

33.248.080 Street Trees

Street trees are not subject to the regulations of this chapter and are not counted toward any landscaping required by this chapter. See Title 11, Trees, for street tree requirements.

33.248.090 Mitigation and Restoration Plantings

Plantings intended to mitigate for the loss of natural resource values are subject to the following requirements. Where these requirements conflict with other requirements of this chapter, these requirements take precedence.

A. **Plant Source.** Plant materials must be native and selected from the *Portland Plant List*. They must be non-clonal in origin, seed source must be as local as possible, and plants must be nursery propagated unless transplanted from on-site areas approved for disturbance. These requirements must be included in the Mitigation Plan specifications.

B. **Plant Materials.** The Mitigation Plan must specify that plant materials are to be used for restoration purposes. Generally, this means that standard nursery practices for growing landscape plants, such as use of pesticides, fungicides or fertilizers, and the staking of trees must not be employed.

C. **Nuisance Plants.** Plants listed on the Nuisance Plants List are prohibited from being planted in mitigation areas, and may not be counted as existing vegetation.

D. **Landscaped Area Preparation.** All new required mitigation areas must be cleared or groundcovers and shrubs listed on the Nuisance Plants List. If the site is within the Environmental Overlay Zone, the Pleasant Valley Natural Resources Overlay Zone, the River Natural Overlay Zone, the River Water Quality Overlay Zone, or the River Environmental Overlay Zone, then trees listed on the Nuisance Plants List must be removed from the required
mitigation area.

E. **Installation.** Plant materials must be supported only when necessary due to extreme winds at the planting site. Where support is necessary, stakes, guy wires or other measures must be removed as soon as the plant can support itself.

F. **Irrigation.** The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. New plantings must be manually watered regularly during the first growing season. During later seasons, watering must be done as needed to ensure survival of the plants.

G. **Monitoring and Reporting.** Monitoring of landscape areas is the ongoing responsibility of the property owner. Plants that die must be replaced in kind. Written proof that all specifications of this section have been met must be provided one year after the planting is completed. The property owner must provide this documentation to BDS.

(Amended by: Ord. No. 165594, effective 7/8/92; Ord. No. 166572, effective 6/25/93; Ord. No. 173533, effective 8/2/99; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 176469, effective 7/1/02; Ord. No. 177701, effective 8/30/03; Ord. No. 178657, effective 9/3/04; Ord. No. 179316, effective 7/8/05; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183534, effective 7/1/10; Ord. No. 184524, effective 7/1/11; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20.)

33.251 Manufactured Homes and Manufactured Dwelling Parks

251

Sections:

33.251.010 Purpose
33.251.020 Manufactured Homes on Individual Lots
33.251.025 More Than One Manufactured Home on a Site
33.251.030 Manufactured Dwelling Park Regulations

33.251.010 Purpose

This chapter provides standards which will allow the placement of manufactured homes, mobile homes and manufactured dwelling parks in residential areas without changing the character of existing neighborhoods. These regulations promote additional housing options and provide locational opportunities for manufactured dwellings.

33.251.020 Manufactured Homes on Individual Lots

A. Purpose. The purpose of this section is to allow affordable housing opportunities in structures whose appearance is similar to housing built to the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State.)

B. Zones and types of manufactured homes allowed. Manufactured homes are allowed on individual lots as follows:

1. In all zones where houses are an allowed housing type, except in Historic Districts where they are prohibited;
2. In zones where multi-dwelling development is allowed, two to six manufactured homes may be allowed if they meet the provisions of this chapter; and
3. On individual lots in manufactured dwelling parks that were created under the provisions of Chapter 33.642.

C. Development standards. Manufactured homes must meet the development standards of the base zone, except on individual lots in manufactured dwelling parks that were created under the provisions of Chapter 33.642.

D. Other regulations. Manufactured homes must meet the following standards:

1. Floor area. The manufactured home must be at least 1,000 square feet in floor area.
2. Roof. The manufactured home must have a pitched roof with a pitch of at least a nominal 3/12. The roof must be covered with shingles, shakes, or tile. Eaves from the roof must extend at least 1 foot from the intersection of the roof and the exterior walls.
3. Foundation. The manufactured home must be set on an excavated, back-filled foundation and enclosed at the perimeter.

4. Exterior siding. The exterior siding of the manufactured home must have the same appearance as materials commonly used on residential dwellings. Metal siding must be painted or anodized.

5. Hauling mechanisms. The transportation mechanisms including the wheels, axles and hitch must be removed.

33.251.025 More Than One Manufactured Home on a Site

The following standards apply when more than one manufactured home is located on a site:

A. Two or three manufactured homes. Two or three manufactured homes on a site are regulated as multi-dwelling development in zones that allow multi-dwelling development. They are subject to the density and development standards that would apply to multi-dwelling development on the site. The manufactured homes may be detached or may share common walls or ceilings with other manufactured homes on the site. The manufactured homes must also meet the standards of 33.251.020.D, above.

B. Four to six manufactured homes. Four to six manufactured homes on a site must meet one of the following standards:

1. Four to six manufactured homes on a site may be regulated as multi-dwelling development in zones that allow multi-dwelling development. They are subject to the density and development standards that would apply to multi-dwelling development on the site. The manufactured homes may be detached or may share common walls or ceilings with other manufactured homes on the site. The manufactured homes must also meet the standards of 33.251.020.D, above; or

2. Four to six manufactured homes on a site must meet the regulations of Section 33.251.030, Manufactured Dwelling Park Regulations.

C. Seven or more manufactured homes. Seven or more manufactured homes on a site must meet the regulations of Section 33.251.030, Manufactured Dwelling Park Regulations.

D. Historic Districts and Conservations Districts. Manufactured homes are prohibited in Historic Districts. More than one manufactured home on a site is prohibited in Conservation Districts.

33.251.030 Manufactured Dwelling Park Regulations

A. Purpose. Manufactured dwelling parks are allowed in certain multi-dwelling residential zones to provide locational opportunities for manufactured dwellings. The manufactured dwelling park requirements provide standards for orderly development, adequate vehicle circulation, parking, pedestrian circulation, open areas, and landscaping.

B. Where these regulations apply. These regulations apply to all manufactured dwelling parks. For sites with four to six manufactured homes, an applicant may choose to meet the regulations of this section or the regulations of 33.251.025.B, above.

C. Zones allowed. Manufactured dwelling parks are allowed only in the RM1 and RMP zones. An exception is Historic Districts and Conservation Districts, where they are prohibited.

D. Uses allowed. In manufactured dwelling parks that have been divided under the provisions of Chapter 33.642, Household Living is an allowed use. All other uses are prohibited.

E. Density. The maximum density allowed in a manufactured dwelling park is that allowed by the base zone. In calculating density, the area of the whole park is included except public or private streets or driveways which serve four or more manufactured dwelling spaces.

F. Development Standards. Manufactured dwelling parks must meet the development standards of the base zone in addition to the standards of this section. Development standards are measured related to the property lines of the site, not the boundaries or dimensions of the individual manufactured dwelling space.

G. Types of structures allowed.

1. All types of manufactured dwellings are allowed in manufactured dwelling parks. Recreational vehicles, if owned by a manufactured dwelling park resident, may be parked on the required parking space but may not be used for residential purposes.

2. In manufactured dwelling parks that have been divided under the provisions of Chapter 33.642, Land divisions of Manufactured Dwelling Parks, residential structure types other than manufactured dwellings are prohibited.

H. General park requirements.

1. Perimeter landscape area. A 10-foot deep area landscaped to at least the L1 standard must be provided around the perimeter of the manufactured dwelling park. Vehicle areas, including driveways and parking areas, must meet the perimeter landscaping requirements in Section 33.266.130.G.

2. Individual outdoor areas. An individual area landscaped to at least the L1 standard or surfaced with pavers or decking is required for each manufactured dwelling space. The minimum size is 48 square feet. The minimum dimension is 6 feet. The individual outdoor area must be placed on or adjacent to each manufactured dwelling space. Common outdoor areas, as required by Paragraph 3, below, may not be counted towards meeting this requirement.

3. Common outdoor areas.

   a. Generally. A common outdoor area of 2,500 square feet in area or 100 square feet per unit, whichever is greater, is required. There may be more than one outdoor area and each must be at least 2,500 square feet. Required common open areas must be available for the use of all park residents. The open area(s) must be landscaped to at least the L1 standard or be developed as a playground for children, or a combination of both options.

   b. Exemption. A manufactured dwelling park that does not accommodate children who are under 14 years of age does not have to meet this requirement if the property owner executes a covenant with the City of Portland specifying that the manufactured dwellings will not accommodate children under 14 years of age.

The covenant must comply with the requirements of 33.700.060, Covenants with the City.

4. Trees. The City Forester may require trees along all public or private streets and driveways which serve two or more manufactured dwelling spaces, within a manufactured dwelling park as provided in 20.40, Street Tree and Other Public Tree Regulations.

5. Other structures. Other structures within the manufactured dwelling park for uses accessory to the operation of the manufactured dwelling park, such as laundries, storage, garages, park offices, and recreational facilities are allowed and are subject to the site development regulations of the base zone. Any accessory use that draws its trade from outside the park is prohibited. These structures may not be located within common outdoor areas.

I. Vehicle and pedestrian circulation and parking.

1. Vehicle areas, access, and circulation.

   a. Access and circulation within the manufactured dwelling park may be provided by streets, public or private, or driveways. All public streets must be approved by the City Engineer. All private streets, private alleys, and driveways must meet the standards of the Oregon Manufactured Dwelling and Park Specialty Code for Manufactured Dwelling Parks, which supersede the requirements of this Title. Circulation plans for manufactured dwelling parks must be approved by the Fire Bureau and Office of Transportation.

   b. Vehicle areas. Where the site abuts a street that is not part of the site, the standard of 33.266.130.C.3.a must be met.

2. Pedestrian circulation.

   a. A pedestrian circulation system must connect each space with the internal street or driveway system, to other areas of the site, such as parking areas, recreational areas, and to adjacent streets.

   b. The pedestrian circulation system must be at least 4 feet wide and hard-surfaced. Where the pedestrian system crosses driveways or parking areas, it must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.

   c. Where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used, it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.

   d. The on-site pedestrian circulation system must be lighted to a level where the system can be used at night by residents.

3. Parking. Parking must be provided in conformance with the parking regulations of the Oregon Manufactured Dwelling and Park Specialty Code for Manufactured Dwelling Parks, which supersede the requirements of this Title.

J. Individual manufactured dwelling space requirements. Spaces for manufactured dwellings must be a minimum of 30 feet in width and a minimum of 40 feet in depth.

K. Nonconforming manufactured dwelling parks. Existing manufactured dwelling parks may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development. Listed below are situations where the manufactured dwelling park is given nonconforming status.

1. Existing manufactured dwelling parks in E and I zones, except the EX zone, are nonconforming uses because residential uses are not allowed.

2. Existing manufactured dwelling parks may have nonconforming densities and development depending on the standards of the base zone. In a manufactured dwelling park that is nonconforming in minimum residential density, there may be a net decrease in the number of manufactured dwelling units, but there may not be a net decrease in the number of manufactured dwelling spaces, unless the decrease in spaces is the result of meeting the Oregon Manufactured Dwelling and Park Specialty Code for Manufactured Dwelling Parks.

3. Existing manufactured dwelling parks in the RM1 and RMP zones may have nonconforming densities and/or development depending on individual situations.

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 177028, effective 12/14/02; Ord. No.177422, effective 6/7/03; Ord. No. 182429, effective 1/16/09; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20.)

33.254 Mining and Waste-Related Uses

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Sections:

33.254.010 Purpose
33.254.020 Limitations
33.254.030 Location and Vehicle Access
33.254.040 Operations
33.254.050 Traffic Impact Study
33.254.060 Nuisance Mitigation Plan
33.254.070 Reclamation Plan for Landfills
33.254.080 Setbacks, Landscaping, and Screening
33.254.090 Activities in Required Setbacks
33.254.100 Underground Utilities

33.254.010 Purpose

These regulations:

- Reduce the impacts and nuisances resulting from mining and waste-related uses on surrounding land uses;
- Reduce the transportation impacts from these uses;
- Ensure that land used for these purposes is restored so that it may be reused; and
- Provide security measures so that these land uses are not a safety hazard to other land uses or to nearby residents.

33.254.020 Limitations

A. **Accessory uses.** Concrete batching, asphalt mixing, rock crushing, or clay bulking in connection with a Mining use are prohibited except in IH and IG zones.

B. **Hazardous wastes.** The disposal of hazardous wastes, as defined by OAR 340.100 to 340.110, is prohibited.

33.254.030 Location and Vehicle Access

Uses must be located so that vehicle access is restricted to Major City Traffic Streets or to streets in Freight Districts, as designated in the Transportation Element of the Comprehensive Plan.

33.254.040 Operations

A. **On-site queueing.** The site layout must include adequate areas to accommodate the peak number of vehicles expected to come to the site at any one time.

B. **Processing of waste products.** In the case of Waste-Related uses other than landfills and composting operations, all activities relating to the receiving, sorting, processing, storage, transfer, and shipping of wastes must take place entirely within enclosed structures. The transfer of waste products from one vehicle or container to another vehicle or container and the cleaning of such vehicles or containers must be done within a containment area

designed to ensure that waste materials will be confined so as to not enter the groundwater or any water body.

C. **Liquid waste pretreatment.** The use, if other than a sewage treatment facility, must provide pretreatment of any liquids being discharged into the City's stormwater or sanitary disposal system. The pretreatment must meet the standards of the Bureau of Environmental Services.

D. **Posted information.** A sign must be posted near the entrance to the site, stating the telephone number(s) where a representative of the use may be reached at all times.

33.254.050 Traffic Impact Study

A traffic impact study must be submitted for the proposed use. As part of the study, measures must be proposed for mitigating traffic impacts resulting from vehicles going to and from the site. The study must also include a plan and mechanisms to ensure that traffic, especially trucks, travel primarily on truck streets or Major City Traffic Streets when near the site. The traffic study must include information on proposed access points, hours of operation, types of vehicles, and number of trips.

33.254.060 Nuisance Mitigation Plan

The applicant must submit a mitigation plan that addresses potential nuisance impacts which might be created by the proposed use. The plan must include the following components:

A. **Off-site impacts.** The plan must document that the use will comply with the off-site impact standards stated in Chapter 33.262;

B. **Litter.** For Waste-Related uses, the plan must address litter generated on the site and litter along roadways leading to the use that is generated by vehicles coming to the site. The plan must also address illegally dumped waste products near the site. The plan must provide for regular litter removal. The plan must also include means to limit litter from vehicles coming to site; and

C. **Dust, mud, and vector control.** The plan must provide mechanisms to limit impacts from dust, mud, and disease carrying organisms such as rats and mosquitoes.

33.254.070 Reclamation Plan for Landfills

The applicant for a landfill use in the Waste-Related use category must submit a reclamation plan. The Bureau of Environmental Services and BDS will provide a technical review of the plan. Mining uses are subject to State requirements for reclamation plans.

A. **Contents of the reclamation plan.** The reclamation plan must include the following:

1. Phasing and schedule of work to be conducted;
2. Phasing and schedule of reclamation to be conducted;
3. Materials to be used in the reclamation;
4. The effect of the reclamation on surface and subsurface drainage patterns;
5. Plans for future use of the land; and

6. A discussion of how the proposed reclamation plan is consistent with the future potential uses of the land, according to the zoning and the Comprehensive Plan designation.

B. Performance guarantee. The review body as part of the conditional use review may require the applicant to post a bond or other security with the City to ensure the completion of the reclamation plan. The security must comply with the regulations for performance guarantees stated in 33.700.050.

33.254.080 Setbacks, Landscaping, and Screening

Waste-Related uses are subject to the following setback, landscaping, and screening requirements. Mining uses are subject to State requirements for setbacks, landscaping, and screening.

A. Setback distance. Waste-Related uses must be set back 100 feet from all property and street lot lines that abut C, E, or I zones. A 200 foot setback is required along all property and street lot lines that abut OS, CI, IR, or R zones.

B Landscaping and screening requirements. The setback must be landscaped to at least the L1 standard. A fence at least 6 feet high must be provided on the interior side of the setback. The fence must be screened by a high hedge meeting the L3 standard. The landscaping standards are stated in Chapter 33.248, Landscaping and Screening. In addition, gates with fencing at least 6 feet high must be provided across all entrances. The property owner must maintain the fencing and gates in good repair.

33.254.090 Activities in Required Setbacks

Extraction, movement, or stockpiling of mineral and aggregate resources or the disposal or storage of waste products within a required setback is prohibited. The tops and toes of cut and fill slopes must remain outside the required setback. Structures, exterior storage, and parking areas for trucks or equipment are not allowed within the required setbacks. Required setbacks includes all setbacks approved by the State for Mining uses.

33.254.100 Underground Utilities

All underground lines and conduits on a mining or landfill site and within 50 feet of the site must be protected from damage from the use. This includes storm and sanitary sewers, and water, gas, and electric lines.

(Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 177028, effective 12/14/02; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

33.258 Nonconforming Situations

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Sections:

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33.258.030 Types of Nonconforming Situations
33.258.035 Where These Regulations Apply
33.258.037 Documenting Conforming Development
33.258.038 Documenting A Nonconforming Situation
33.258.040 Regulations that Apply to All Nonconforming Situations
33.258.050 Nonconforming Uses
33.258.060 Nonconforming Residential Densities
33.258.065 Nonconforming Lots, Lots of Record, and Lot Remnants in Single-Dwelling Zones
33.258.070 Nonconforming Development
33.258.075 Determination of Legal Nonconforming Status
33.258.080 Nonconforming Situation Reviews

33.258.010 Purpose

Nonconforming situations are created when the application of a specific zone to a site changes, or a zoning regulation changes. As part of the change, existing uses, density, or development might no longer be allowed. The intent of the change is not to force all noncomplying situations to be immediately brought into conformance. Instead, the intent is to guide future uses and development in a new direction consistent with City policy, and, eventually, bring them into conformance.

This chapter provides methods to determine whether situations have legal nonconforming status. This is based on whether they were allowed when established, and if they have been maintained over time. This chapter also provides a method to review and limit nonconforming situations when changes to those situations are proposed. The intent is to protect the character of the area by reducing the negative impacts from nonconforming situations. At the same time, the regulations assure that the uses and development may continue and that the zoning regulations will not cause unnecessary burdens.

Nonconforming situations that have a lesser impact on the immediate area have fewer restrictions than those with greater impacts. Nonconforming uses in residential zones are treated more strictly than those in commercial/mixed use, employment, industrial, or campus institutional zones to protect the livability and character of residential neighborhoods. In contrast, nonconforming residential developments in residential zones are treated more liberally because they do not represent a major disruption to the neighborhood and they provide needed housing opportunities in the City.

33.258.030 Types of Nonconforming Situations

A specific site may be nonconforming because it contains either a nonconforming use, an allowed residential use that exceeds the allowed density, a nonconforming development, or a combination of these. Nonconforming uses, nonconforming residential densities, and nonconforming development are defined in Chapter 33.910, Definitions.

33.258.035 Where These Regulations Apply
The nonconforming situation regulations apply only to those nonconforming situations which were allowed when established or which were approved through a land use review. Additionally, they must have been maintained over time. These situations have legal nonconforming status. Nonconforming situations which were not allowed when established or have not been maintained over time have no legal right to continue (often referred to as "grandfather rights") and must be removed.

33.258.037 Documenting Conforming Development
Sites with nonconforming development must come into compliance with certain development standards in some situations, as required by Paragraph 33.258.070.D.2. To streamline the permitting process, applicants may request that sites that are in compliance be certified by BDS as in compliance with the development standards listed in Paragraph 33.258.070.D.2.

33.258.038 Documenting A Nonconforming Situation
The applicant must provide evidence to show that the situation was allowed when established and was maintained over time. If the applicant provides standard evidence from the list below, the Director of BDS will determine if the evidence is satisfactory. The Director of BDS will also determine, based on the evidence, what the current legal use is, using the definitions in Chapter 33.910 and the use categories in Chapter 33.920. If the applicant provides evidence other than the standard evidence listed below, a Determination of Legal Nonconforming Status is required. (See 33.258.075.)

A. Situation allowed when established. Standard evidence that the situation was allowed when established is:

1. Building, land use, or development permits; or
2. Zoning codes or maps;

B. Situation maintained over time. Standard evidence that the use has been maintained over time is:

1. Utility bills;
2. Income tax records;
3. Business licenses;
4. Listings in telephone, business, or Polk directories;
5. Advertisements in dated publications;
6. Building, land use, or development permits;
7. Insurance policies;
8. Leases;
9. Dated aerial photos;

10. Insurance maps that identify use or development, such as the Sanborn Maps; or

11. Land use and development inventories prepared by a government agency.

33.258.040 Regulations that Apply to All Nonconforming Situations

A. Ownership. The status of a nonconforming situation is not affected by changes in ownership.

B. Change to a conforming situation. A nonconforming situation may be changed to a conforming situation by right. Once a conforming situation occupies the site, the nonconforming rights are lost and a nonconforming situation may not be re-established.

C. Change to conditional use. A nonconforming use may change to a conditional use if approved through a conditional use review. Some previously nonconforming uses receive automatic conditional use status, as described in 33.815.030. Once a conditional use occupies the site, the nonconforming rights are lost and a nonconforming use may not be re-established.

D. Maintenance. Normal maintenance and repair of nonconforming situations is allowed.

33.258.050 Nonconforming Uses

A. Continued operation. Nonconforming uses may continue to operate. Changes in operations, such as changes in ownership, hours of operation and the addition or subtraction of accessory uses, are allowed. However, nonconforming uses in residential zones may not extend their hours of operation into the period of 11 pm to 6 am.

B. Change of use in the same use category. A change to a different use in the same use category, such as a change from one type of Community Services use to another type of Community Services use, is allowed by right, provided that the off-site impact standards of Chapter 33.262, Off-Site Impacts, are met. The applicant must document in advance that the nonconforming use will meet the off-site impact standards. For changes of use within the same use category which do not meet the off-site impact standards, the change may be allowed through a nonconforming situation review.

C. Change of use in a different category. A change to a use in a different use category which is prohibited by the base zone may be allowed through a nonconforming situation review. In R zones, a change from a nonconforming nonresidential use to an allowed residential use that exceeds the allowed density may be allowed through a nonconforming situation review. An example of this is conversion of a storefront in an R7 zone (nonconforming use) to a triplex (allowed use, nonconforming residential density).

D. Expansions. Nonconforming uses may expand under certain circumstances. Exterior improvements may expand by increasing the amount of land used. Changing the exterior use, for example from parking to storage, is an expansion of exterior storage. Adding parking spaces to an existing lot is also an expansion. However, increasing the amount of goods stored on an existing exterior storage area is a change in operations, not an expansion. Examples of expansion of gross building area include expanding a nonconforming use into a newly constructed building or addition on the site, and expanding the amount of gross building area occupied by a nonconforming use within an existing building.

Expansion of nonconforming uses and development is generally limited to the area bounded by the property lines of the use as they existed two years before the use became nonconforming. The property lines are the lines nearest to the land area occupied by the nonconforming use and development and its accessory uses and development, moving in an outward direction. Property lines bound individual lots, parcels, and tax lots; a site or ownership may have property lines within it. See Figures 258-1 and 258-2. The applicant must provide evidence to show the location of property lines as they existed two years before the use became nonconforming.

1. OS, R, and IR zones. The standards stated below apply to all nonconforming uses in OS and R zones.

   a. Expansions of gross building area or exterior improvements, when proposed within the property lines as they existed two years before the use became nonconforming, may be approved through a nonconforming situation review. The development standards of the base zone, overlay zone, and plan district must be met.

   b. Expansion of gross building area or exterior improvements beyond the property lines as they existed two years before the use became nonconforming, is prohibited.

Figure 258-1
Area of Possible Expansion - OS and R Zones

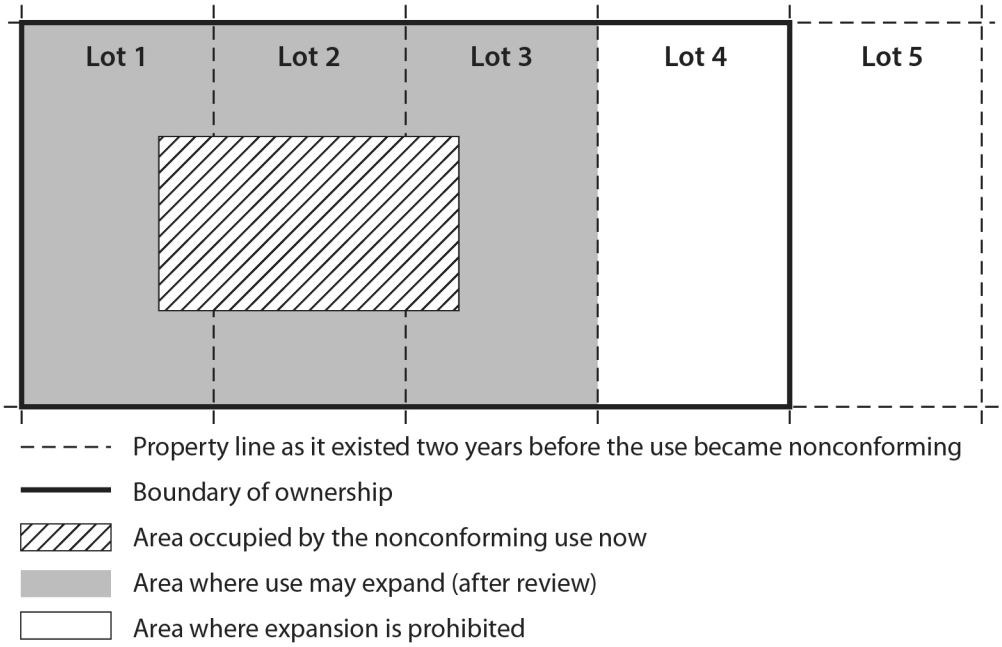
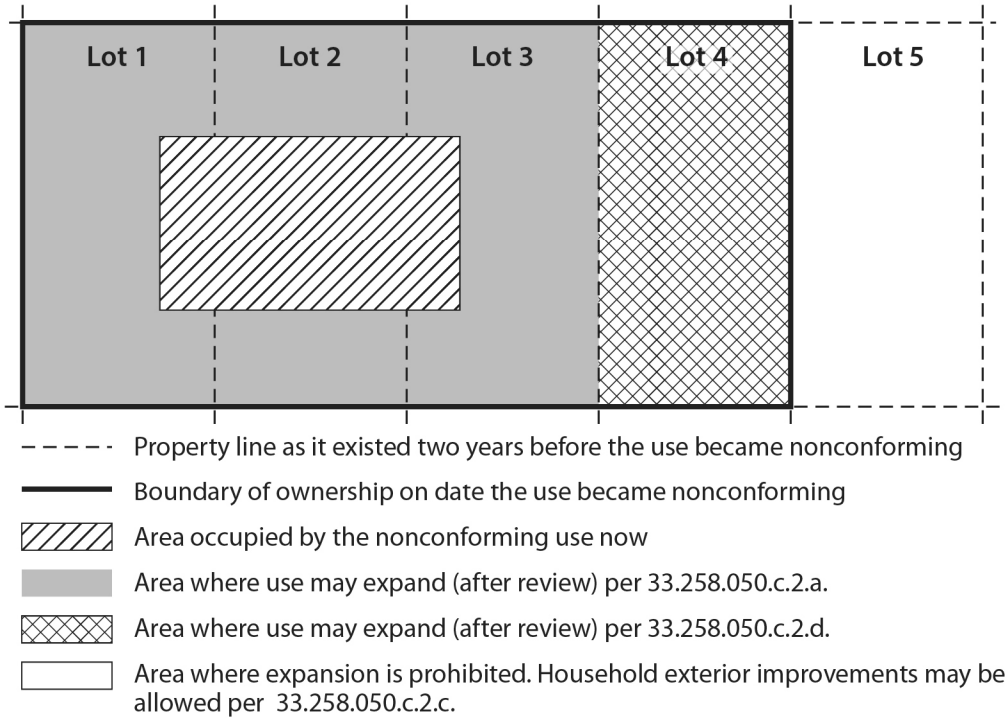


Figure 258-2
Area of Possible Expansion - C, E, and I Zones



2. C, E, I, and CI zones. The standards stated below apply to all nonconforming uses in C, E, I, and CI zones.

   a. Except as allowed by Subparagraph C.2.b, below, expansions of gross building area or exterior improvements, when proposed within the property lines as they existed two years before the use became nonconforming, may be approved through a nonconforming situation review. The development standards of the base zone, overlay zone, and plan district must be met for the expansion.

   b. In EG1, EG2, and I zones, expansions of gross building area for nonconforming Household Living uses, when proposed within the property lines as they existed two years before the use became nonconforming, are allowed if all of the following are met:

      (1) The expansion will not increase the gross building area by more than 500 square feet over the floor area that existed when the use became nonconforming. Expansions that increase the gross building area by more than 500 square feet over the gross building area that existed when the use became nonconforming may be requested through a nonconforming situation review;

      (2) The expansion must comply with development standards of the base zone, overlay zone, and plan district; and

      (3) The addition of new dwelling units is prohibited.

c. In E and I zones, expansions of exterior improvements for nonconforming Household Living uses are allowed if they comply with the development standards of the base zone, overlay zone, and plan district.

d. Expansion of gross building area or exterior improvements, when proposed beyond the property lines as they existed two years before the use became nonconforming, is prohibited, except in the following situation:

(1) The property proposed for expansion is abutting at least one of the property lines of the nonconforming use as they existed two years before the use became nonconforming; and

(2) The property proposed for expansion was in the same ownership as the property holding the nonconforming use when it became nonconforming; and

(3) The zoning regulations on the property proposed for expansion would have allowed the use at the time the existing situation became nonconforming; and

(4) The expansion is approved through a nonconforming situation review.

E. Loss of nonconforming use status.

1. Discontinuance. If a nonconforming use is discontinued for 3 continuous years, the nonconforming use rights are lost. If a nonconforming use ceases operations, even if the structure or materials related to the use remain, the use has been discontinued. If a nonconforming use changes to another use without obtaining all building, land use, and development permits that would have been required at the time of the change, the legal nonconforming use has been discontinued. A nonconforming use that has been discontinued for more than 3 continuous years may request re-establishment through a nonconforming situation review. Re-establishment of a nonconforming use that has been discontinued for 5 or more continuous years is prohibited.

2. Accidental destruction. When a structure containing a nonconforming use is damaged by fire or other causes beyond the control of the owner, the re-establishment of the nonconforming use is prohibited if the repair cost of the structure is more than 75 percent of its assessed value.

3. Intentional destruction. When a structure containing a nonconforming use is intentionally damaged by fire or other causes within the control of the owner, the re-establishment of the nonconforming use is prohibited.

33.258.060 Nonconforming Residential Densities

A. Changes to dwellings.

1. Generally. Existing dwelling units may continue, may be removed or enlarged, and amenities may be added to the site.

a. Sites that exceed maximum residential density standard. On sites that exceed the maximum residential density standards, there may not be a net increase in the number of dwelling units and the building may not move further out of

compliance with the base zone development standards, except as allowed in Paragraph A.2, below.

b. Sites where the minimum residential density standard is not met. The following apply to sites where the minimum residential density standard is not met:

(1) In multi-dwelling zones, there may not be a net decrease in the number of dwelling units, and the site may not move further out of compliance with base zone development standards. Generally, when dwelling units are being added to a site that is nonconforming in minimum density, the site must be brought into conformance with the minimum density requirement. However, units may be added to the site without coming all the way into conformance with the minimum residential density standard in the following situations:

- An accessory dwelling unit is being added to an existing house, attached house, duplex, or manufactured home;
- Dwelling units are being added within an existing structure and the footprint of the existing structure is not being enlarged;
- Dwelling units are being added to a site in the RMP zone;
- The site is within a flood hazard area or potential landslide hazard area.

(2) In all other zones, changes may be made that bring the site closer into conformance with the minimum residential density standard. There may not be a net decrease in the number of dwelling units, and the building may not move further out of compliance with the base zone development standards.

2. In multi-dwelling zones. In multi-dwelling zones, sites with residential structures may move out of compliance or further out of compliance with the maximum density standards of Table 120-3 if all of the following are met:

a. The residential structure was constructed before December 31, 1980; and

b. The site is moving out of compliance or further out of compliance with the maximum density standards due to a separation of ownership as allowed by Subsection 33.120.205.C.

B. Discontinuance and damage.

1. Building unoccupied but standing. Nonconforming residential density rights continue even when a building has been unoccupied for any length of time.

2. Accidental damage or destruction.

a. More than one dwelling unit. When there is more than one dwelling unit on a site, and when the site is nonconforming for residential density, the following applies if a structure containing dwelling units is damaged or destroyed by fire or other causes beyond the control of the owner:

(1) If the structure is rebuilt within 5 years, nonconforming residential density rights are maintained;

(2) If the structure is not rebuilt within 5 years, the nonconforming residential density rights are lost, and the site is considered vacant;

(3) If the repair cost is more than 75 percent of the assessed value of the structure, the new structure must comply with one of the following, whichever is less restrictive:

- The development standards (except for density) that would apply to new development on the site; or
- The development standards (except for density) that would apply to new development in the RM1 zone.

b. One dwelling unit. When there is only one dwelling unit on a site, and when the site is nonconforming for residential density, the following applies if the structure containing the dwelling unit is damaged or destroyed by fire or other causes beyond the control of the owner:

(1) If the repair cost is 75 percent or less of the assessed value of the structure, nonconforming residential density rights are maintained and the structure may be rebuilt;

(2) If the repair cost is more than 75 percent of the assessed value of the structure, the structure may be rebuilt within 5 years if it complies with the development standards (except for density) that would apply to new development on the site;

(3) If the repair cost is more than 75 percent of the assessed value of the structure, and the structure is not rebuilt within 5 years, the nonconforming residential density rights are lost, and the site is considered vacant.

3. Intentional damage, destruction or demolition. When a structure that is non-conforming for residential density is intentionally damaged, destroyed or demolished by fire or other causes within the control of the owner, the nonconforming residential density rights are lost, and the new development must meet all development standards for the site.

33.258.065 Nonconforming Lots, Lots of Record, and Lot Remnants in Single-Dwelling Zones

A. Changes to Dwellings. Existing dwelling units on nonconforming lots, lots of record, or lot remnants may continue, may be removed or enlarged, and amenities may be added to the site, but the building may not move further out of compliance with the base zone development standards.

B. Damage.

1. When a nonconforming lot, lot of record, or lot remnant contains a dwelling unit that is damaged or destroyed by fire or by other causes beyond the control of the owner, the structure may be rebuilt as specified in 33.258.070.E.

2. When a nonconforming lot, lot of record, or lot remnant contains a dwelling unit that is intentionally damaged or demolished, the structure may be rebuilt if it complies with the development standards that would apply to new development on the site.

33.258.070 Nonconforming Development

A. Purpose. This section is primarily aimed at upgrading nonconforming development elements that affect the appearance and impacts of a site. It is not intended to require extensive changes that would be extremely impractical such as moving or lowering buildings.

B. Continued operation. Nonconforming developments may continue unless specifically limited by Subsection D. below or other regulations in this Title.

C. Changes. Changes may be made to the site that are in conformance with the development standards of the base zone, overlay zone, plan district or other development standards that apply to the site. Changes that bring the site closer to conformance are allowed. Proposed changes that are not in conformance or do not move closer to conformance, are subject to the adjustment process unless prohibited.

D. Development that must be brought into conformance. The regulations of this subsection are divided into two types of situations, depending upon whether the use is also nonconforming or not. These regulations apply except where superseded by more specific regulations in the code.

1. Nonconforming development with a new nonconforming use or new non-conforming residential density. When there is a change to a different non-conforming use, or a change from a nonconforming nonresidential use to a non-conforming residential density, the following nonconforming development must be brought into compliance with the development standards that apply to the site (base, overlay, plan district, special use, tree density standards in Title 11):

   a. Landscaping and trees required for the following areas:
      - Exterior display, storage, and work activity areas;
      - Setbacks for surface parking and exterior development areas;
      - Interior parking lot landscaping;
      - Existing building setbacks;
      - Minimum landscaped areas (where land is not used for structures, parking, or exterior improvements); and
      - On-site tree density standards of Subsection 11.50.050.C.

   b. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the site;

   c. Bicycle parking by upgrading existing bicycle parking and providing additional spaces in order to comply with 33.266.200 and 33.266.210;

   d. Screening; and

   e. Paving of surface parking and exterior storage and display areas.

   f. Exception: Where landscaping in the following areas was conforming after March 16, 2001, and before July 8, 2005, it is exempt from the requirements of D.1.a, above, for the following:

      (1) Landscaped setbacks for surface parking and exterior development areas;

(2) Interior parking lot landscaping; and

(3) Landscaping in existing building setbacks.

(4) This exception expires December 31, 2015.

2. Nonconforming development with an existing nonconforming use, allowed use, limited use, or conditional use. Nonconforming development associated with an existing nonconforming use, an allowed use, a limited use, or a conditional use, must meet the requirements stated below. When alterations are made that are over the threshold of Subparagraph D.2.a., the site must be brought into conformance with the development standards listed in Subparagraph D.2.b. The value of the alterations is based on the entire project, not individual building permits.

a. Thresholds triggering compliance. The standards of Subparagraph D.2.b., below, must be met when the value of the proposed alterations on the site, as determined by BDS, is more than $300,000. The following alterations and improvements do not count toward the threshold:

(1) Replace a manufactured dwelling in a manufactured dwelling park;

(2) Alterations required by approved fire/life safety agreements;

(3) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;

(4) Alterations required by Chapter 24.85, Interim Seismic Design Requirements for Existing Buildings;

(5) Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual; and

(6) Improvements made to sites in order to comply with Chapter 21.35, Wellfield Protection Program, requirements.

(7) Energy efficiency or renewable energy improvements that meet the Public Purpose Administrator incentive criteria whether or not the project applies for and receives the incentive;

(8) Landscaping required by 33.475.220; and

(9) Removal or remediation of hazardous substances conducted under ORS 465.200-545 & 900.

b. Standards which must be met. Development not complying with the development standards listed below must be brought into conformance or receive an adjustment.

(1) Landscaping and trees required for the following areas:

- Exterior display, storage, and work activity areas;
- Setbacks for surface parking and exterior development areas;

- Interior parking lot landscaping;
- Existing building setbacks;
- Minimum landscaped areas (where land is not used for structures, parking, or exterior improvements); and
- On-site tree density standards of Subsection 11.50.050.C.

(2) Pedestrian circulation systems, as set out in the pedestrian standards that apply to the site;

(3) Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with 33.266.200, Bicycle Parking as follows:

- Major remodeling projects must meet the standards for all bicycle parking;
- Sites with accessory surface parking must meet the standards for all bicycle parking;
- In all other situations, the amounts and standards for short-term bicycle parking must be met.

(4) Screening; and

(5) Required paving of surface parking and exterior storage and display areas.

(6) Exception: Where landscaping in the following areas was conforming after March 16, 2001, and before July 8, 2005, it is exempt from the requirements of D.2.b.1, above, for the following:

- Landscaped setbacks for surface parking and exterior development areas;
- Interior parking lot landscaping; and
- Landscaping in existing building setbacks.
- This exception expires December 31, 2015.

c. Area of required improvements.

(1) Generally. Except as provided in D.2.c(2), below, required improvements must be made for the entire site.

(2) Exception for sites with ground leases. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease will be considered as a separate site for purposes of required improvements. The applicant must meet the following:

- The signed ground lease – or excerpts from the lease document – must be submitted to BDS. The portions of the lease must include the following:
  - The term of the lease. There must be at least one year remaining on the ground lease; and
  - A legal description of the boundaries of the lease.
- The boundaries of the ground lease must be shown on the site plan submitted with the building permit application;

- The area of the lease must include all existing and any proposed development that is required for, or is used exclusively by, uses within the area of the lease; and
- Screening is not required along the boundaries of ground leases that are interior to the site.

d. Timing and cost of required improvements. The applicant may choose one of the following options for making the required improvements:

(1) Option 1. Under Option 1, required improvements must be made as part of the alteration that triggers the required improvements. However, the cost of required improvements is limited to 10 percent of the value of the proposed alterations. It is the responsibility of the applicant to document the value of the required improvements. When all required improvements are not being made, the applicant may choose which of the improvements listed in Subparagraph D.2.b to make. If improvements to nonconforming development are also required by regulations in a plan district or overlay zone, those improvements must be made before those listed in Subparagraph D.2.b.

(2) Option 2. Under Option 2, the required improvements may be made over several years, based on the compliance period identified in Table 258-1. However, by the end of the compliance period, the site must be brought fully into compliance with the standards listed in Subparagraph D.2.b. When this option is chosen, the following applies:

- Before a building permit is issued, the applicant must submit the following to BDS:
  - Application. An application, including a Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in subparagraph D.2.b.
  - Covenant. The City-approved covenant, which is available in the Development Services Center, is required. The covenant identifies development on the site that does not meet the standards listed in subparagraph D.2.b, and requires the owner to bring that development fully into compliance with this Title. The covenant also specifies the date by which the owner will bring the nonconforming development into full compliance. The date must be within the compliance periods set out in Table 258-1. The covenant must be recorded as specified in Subsection 33.700.060.B.
- The nonconforming development identified in the Nonconforming Development Assessment must be brought into full conformance with the requirements of this Title that are in effect on the date when the permit application is submitted. The compliance period begins when a building permit is issued for alterations to the site of more than $300,000. The compliance periods are based on the size of the site. The compliance periods are identified in Table 258-1.
- By the end of the compliance period, the applicant or owner must request that the site be certified by BDS as in compliance with the

standards listed in Subparagraph D.2.b. on the date when the permit application was submitted. A permit documenting full conformance with these standards is required and must receive final inspection approval prior to BDS certification.

- If certification is requested by the end of the compliance period and BDS certifies the site as in compliance, a two-year grace period begins. The grace period begins at the end of the compliance period, even if BDS certifies the site before the end of the compliance period. During the grace period, no upgrades to nonconforming development are required.
- If certification is not requested, or if the site is not fully in conformance by the end of the compliance period, no additional building permits will be issued until the site is certified.
- If the regulations referred to by Subparagraph D.2.b, or in D.2.b itself, are amended after the Nonconforming Development Assessment is received by BDS, and those amendments result in development on the site that was not addressed by the Assessment becoming nonconforming, the applicant must, at the end of the grace period, address the new nonconforming development using Option 1 or Option 2. If the applicant chooses Option 2, a separate Nonconforming Development Assessment, covenant, and compliance period will be required for the new nonconforming development.
- For covenants that were in effect on March 8, 2020, the compliance period expires on the later of January 1, 2022 or the period in the recorded covenant.

Table 258-1
Compliance Periods for Option 2

Square footage of site	Compliance period
Less than 200,000 sq. ft.	2 years
200,000 sq. ft. or more, up to 500,000 sq. ft.	3 years
More than 500,000 sq. ft., up to 850,000 sq. ft.	4 years
More than 850,000 sq. ft.	5 years

E. Loss of nonconforming development status.

1. Discontinuance. If a nonconforming exterior development, such as an exterior storage area, is unused for 2 continuous years, the nonconforming rights are lost and a nonconforming exterior development may not be re-established. If the exterior development is unused for less than 2 continuous years, a nonconforming exterior development may be re-established, unless stated otherwise in Subsection D. above.

2. Destruction. When a structure or other development that has nonconforming elements is removed or intentionally destroyed, replacement structures and other development must comply with the development standards of the base zone, overlay zone and plan district. When a structure that has non-conforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the structure may be rebuilt using the same structure footprint. An adjustment is required to allow the replacement structure to be more out of compliance with the

development standards than the previous structure. However, detached garages in residential zones are subject to the provisions for accessory structures of 33.110.250 and 33.120.280 (Single-Dwelling and Multi-Dwelling chapters, respectively).

F. Sites that are nonconforming in parking spaces. When a site is nonconforming in the number of required or allowed parking spaces, this subsection applies:

1. Minimum required parking spaces. If changes to a use or building are made that increase the number of required parking spaces over the existing situation, only the number of spaces relating to the increase need to be provided.

2. Maximum allowed parking spaces. If changes to a use or building are made, existing parking spaces that are in excess of the maximum may be retained if none of the dimensions of the parking area increase. Within the existing parking area, the layout of the parking spaces may be redesigned and the parking area re-striped if all requirements for setbacks, landscaping, and parking space and aisle dimensions in Chapter 33.266, Parking and Loading, are met.

G. Nonconforming signs. The regulations for nonconforming signs are stated in Title 32, Signs and Related Regulations.

33.258.075 Determination of Legal Nonconforming Status Review

A. Purpose. This review will determine if a use or site has legal nonconforming situation rights. In addition, it will determine what the current legal use is, based on the use categories in Chapter 33.920.

B. When this review is required. Determination of Legal Nonconforming Status Review is required where a land use review or building permit is requested, and the applicant does not provide standard evidence or the Director of BDS does not find the evidence to be satisfactory. (See 33.258.038). This review also may be requested by an applicant when it is not required.

C. Procedure. Determination of Legal Nonconforming Status Reviews are processed through a Type II procedure.

D. Approval criteria.

1. The legal status of the nonconforming situation will be certified if the review body finds that:

   a. The nonconforming situation would have been allowed when established; and

   b. The nonconforming situation has been maintained over time.

2. The review body will determine, based on the evidence, what the current legal use is, using the definitions in Chapter 33.910 and the use categories in Chapter 33.920.

33.258.080 Nonconforming Situation Review

A. Procedure. A nonconforming situation review is processed through a Type II procedure.

B. Approval criteria. The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

1. With mitigation measures, there will be no net increase in overall detrimental impacts (over the impacts of the last legal use or development) on the surrounding area taking into account factors such as:

    a. The 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; and

    e. The amount, location, and nature of any outside displays, storage, or activities; and

2. If the nonconforming use is in an OS, R, or IR zone, and if any changes are proposed to the site, the appearance of the new use or development will not lessen the residential character of the OS, R, or IR zoned area. This is based on taking into account factors such as:

    a. Building 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 nonconforming use is in a C, E, I, or CI zone, and if any changes are proposed to the site, the appearance of the new use or development will not detract from the desired function and character of the zone.

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 166313, effective 4/9/93; Ord. No. 169324, effective 10/12/95; Ord. No. 170704, effective 1/1/97; Ord. No. 171081, effective 5/16/97; Ord. No. 171219, effective 7/1/97; Ord. No. 172882, effective 11/18/98; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177368, effective 5/17/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 179316, effective 7/8/05; Ord. No 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 183598, effective 4/24/10; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No 189000, effective 7/9/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190076, effective 8/10/20.)

33.262 Off-Site Impacts

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Sections

33.262.010 Purpose
33.262.020 Applying These Regulations
33.262.030 Exemptions
33.262.040 Relationship to Other Regulations
33.262.050 Noise
33.262.060 Vibration
33.262.070 Odor
33.262.080 Glare
33.262.090 Measurements
33.262.100 Documentation in Advance

33.262.010 Purpose

The regulations of this chapter are designed to protect all uses in the R, C, CI, IR, and OS zones from certain objectionable off-site impacts associated with nonresidential uses. These impacts include noise, vibration, odors, and glare. The standards ensure that uses provide adequate control measures or locate in areas where the community is protected from health hazards and nuisances. The use of objective standards provides a measurable means of determining specified off-site impacts. This method protects specific industries or firms from exclusion in a zone based solely on the general characteristics of similar industries in the past.

33.262.020 Applying These Regulations

Nonresidential uses in all zones which cause off-site impacts on uses in the R, C, CI, IR, and OS zones are required to meet the standards of this chapter. Exempted equipment and facilities are stated in 33.262.030 below.

33.262.030 Exemptions

The off-site impact standards do not apply to machinery, equipment, and facilities which were at the site and in compliance with existing regulations at the effective date of these regulations. Any new or additional machinery, equipment, and facilities must comply with the standards of this chapter. Documentation is the responsibility of the proprietor of the use if there is any question about when the equipment was brought to the site.

33.262.040 Relationship to Other Regulations

The off-site impact standards are in addition to all other regulations of the City Code. The standards do not replace or supersede regulations of the Department of Environmental Quality (DEQ), relevant county regulations, or standards such as the Uniform Fire Code.

33.262.050 Noise

The City noise standards are stated in Title 18, Noise Control. In addition, the Department of Environmental Quality has regulations which apply to firms adjacent to or near noise sensitive uses such as dwellings, religious institutions, schools, and hospitals.

33.262.060 Vibration

A. **Vibration standard.** Continuous, frequent, or repetitive vibrations which exceed 0.002g peak may not be produced. In general, this means that a person of normal sensitivities should not be able to feel any vibrations.

B. **Exceptions.** Vibrations from temporary construction and vehicles which leave the site (such as trucks, trains, airplanes and helicopters) are exempt. Vibrations lasting less than 5 minutes per day are also exempt. Vibrations from primarily on-site vehicles and equipment are not exempt.

C. **Measurement.** Seismic or electronic vibration measuring equipment may be used for measurements when there are doubts about the level of vibration.

33.262.070 Odor

A. **Odor standard.** Continuous, frequent, or repetitive odors may not be produced. The odor threshold is the point at which an odor may just be detected

B. **Exception.** An odor detected for less than 15 minutes per day is exempt.

33.262.080 Glare

A. **Glare standard.** Glare is illumination caused by all types of lighting and from high temperature processes such as welding or metallurgical refining. Glare may not directly, or indirectly from reflection, cause illumination on other properties in excess of a measurement of 0.5 foot candles of light.

B. **Strobe lights.** Strobe lights visible from another property are not allowed.

33.262.090 Measurements

A. Measurements for compliance with these standards are made from the property line or within the property of the affected site. Measurements may be made at ground level or at habitable levels of buildings.

B. If the City does not have the equipment or expertise to measure and evaluate a specific complaint, it may request assistance from another agency or may contract with an independent expert to perform such measurements. The City may accept measurements made by an independent expert hired by the controller or operator of the off-site impact source. If the City contracts to have measurements made and no violation is found, the City will bear the expense, if any, of the measurements. If a violation is found, City expenses will be charged to the violator. Nonpayment of the costs is a violation of the Code, and enforced through the provisions of Title 22.

33.262.100 Documentation in Advance

In situations where the Director of BDS is empowered to require documentation in advance that a proposed use will conform with these standards, all of the following additional information is required of the applicant prior to approving a building permit:

A. **Use description.** A description of the use or activity regarding processes, materials used, storage, waste disposal, types of machinery and other such items as it relates to off-site

impacts. However, the applicant is not required to reveal any trade secrets which would cause any secret manufacturing procedure, compound or product to become public knowledge and available to competitors;

B. **Abatement devices.** An explanation of any mechanisms or techniques which are proposed to restrict any hazardous or nuisance effects, including the type and location of any abatement devices and/or recording instruments to measure conformance with the required standard; and

C. **Expert evaluation.** An evaluation and explanation certified by a registered engineer or architect, as appropriate, that the proposed activity can achieve the off-site impact standard or standards in question.

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 174263, effective 4/15/00; Ord. No. 174743, effective 7/21/00; Ord. No. 176469, effective 7/1/02; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

33.266 Parking, Loading, And Transportation And Parking Demand Management

266

Sections:

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Motor Vehicle Parking
33.266.100 General Regulations
33.266.110 Minimum Required Parking Spaces
33.266.115 Maximum Allowed Parking Spaces
33.266.120 Development Standards for Houses, Duplexes, Triplexes, and Fourplexes
33.266.130 Development Standards for All Other Development
33.266.140 Stacked Parking Areas
33.266.150 Vehicles in Residential Zones
Bicycle Parking
33.266.200 Minimum Required Bicycle Parking
33.266.210 Bicycle Parking Development Standards
Loading
33.266.310 Loading Standards
Transportation and Parking Demand Management
33.266.410 Transportation and Parking Demand Management
33.266.420 Transportation Impact Review in the Campus Institutional Zones

33.266.010 Introduction

This chapter establishes the standards for the amount, location, and development of motor vehicle parking, standards for bicycle parking, and standards for on-site loading areas, and requirements for transportation demand management plans. Other titles of the City Code may regulate other aspects of parking and loading.

Motor Vehicle Parking

33.266.100 General Regulations

A. Where the regulations apply. The regulations of this chapter apply to all parking areas in all zones, whether required by this code or put in for the convenience of property owners or users. Parking areas include those accessory to a use, part of a Commercial Parking use, or for a park and ride facility in the Community Services use category.

B. Occupancy. All required parking areas must be completed and landscaped prior to occupancy of any structure except as provided in Chapter 33.248, Landscaping and Screening.

C. Calculations of amounts of required and allowed parking.

1. The number of parking spaces is computed based on the primary uses on the site except as stated in Paragraph C.2., below. When there are two or more separate

primary uses on a site, the required or allowed parking for the site is the sum of the required or allowed parking for the individual primary uses. When there are two or more instances of the same primary use on the site, the required or allowed parking is based on the total square footage of all those same uses added together. For joint use parking, see Paragraph 33.266.110.B., below.

2. When more than 20 percent of the net building area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 40,000 square foot building with a 30,000 square foot warehouse and a 10,000 square foot accessory office area. The required or allowed parking would be computed separately for the office and warehouse uses.

3. If the maximum number of spaces allowed is less than or equal to the minimum number required, then the maximum number is automatically increased to one more than the minimum.

4. If the maximum number of spaces allowed is less than one, then the maximum number is automatically increased to one.

D. Use of required parking spaces. Required parking spaces must be available for the use of residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for joint parking situations. See 33.266.110.B. Also, required parking spaces may not be used for the parking of equipment or storage of goods or inoperable vehicles.

E. Proximity of parking to use. Required parking spaces must be located on the site of the use or in parking areas whose closest point is within 500 feet of the site.

F. Stacked parking. Stacked or valet parking is allowed if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, some form of guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation. Automated stacked parking and tandem parking for individual dwelling units are exempt from the attendant and guarantee requirements. The requirements for minimum or maximum spaces and all parking area development standards continue to apply for stacked parking. See also 33.266.140.

G. Office of Transportation review. The Office of Transportation reviews the layout of parking areas for compliance with the curb cut and access restrictions of Section 17.28.110, Driveways – Permits and Conditions.

33.266.110 Minimum Required Parking Spaces

A. Purpose. The purpose of required parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Sites that are located in close proximity to transit, have good street connectivity, and good pedestrian facilities may need little or no off-street parking. Parking requirements should be balanced with an active pedestrian network to minimize pedestrian, bicycle and vehicle conflicts as much as possible. Transit-supportive plazas and bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long term

emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.

B. Minimum number of required parking spaces.

1. Minimum for sites located close to transit. For sites located 1500 feet or less from a transit station, or 500 feet or less from a transit street with 20-minute peak hour service the following minimum parking requirements apply. The Bureau of Transportation will publish a map annually, adopted through Administrative Rule, showing sites that meet these service thresholds. For sites not shown on the map, the applicant may provide current information demonstrating that the site meets the service thresholds:

   a. Household Living uses. The minimum number of required parking spaces for a site with a Household Living use is:

      (1) Where there are up to 30 dwelling units on the site, no parking is required;

      (2) Where there are 31 to 40 dwelling units on the site, the minimum number of required parking spaces is 0.20 spaces per dwelling unit;

      (3) Where there are 41 to 50 dwelling units on the site, the minimum number of required parking spaces is 0.25 spaces per dwelling unit; and

      (4) Where there are 51 or more dwelling units on the site, the minimum number of required parking spaces is 0.33 spaces per dwelling unit.

   b. All other uses. No parking is required for all other uses.

2. Minimum for sites located far from transit. For sites located more than 1500 feet from a transit station, or more than 500 feet from a transit street with 20-minute peak hour service, the minimum number of parking spaces required is stated in Table 266-1.

3. Joint use parking. Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed only if the uses and housing types to which the parking is accessory are allowed in the zone where the parking is located. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to BDS as part of a building or zoning permit application or land use review:

   a. The names and addresses of the uses and of the owners or tenants that are sharing the parking;

   b. The location and number of parking spaces that are being shared;

   c. An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and

   d. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.

C. Required carpool parking spaces. For office, industrial, and institutional uses where there are more than 20 parking spaces on the site, the following standards must be met:

1. Five spaces or five percent of the parking spaces on site, whichever is less, must be reserved for carpool use before 9:00 AM on weekdays. More spaces may be reserved, but they are not required.
2. The spaces must be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking and those signed for exclusive customer use.
3. Signs must be posted indicating these spaces are reserved for carpool use before 9:00 AM on weekdays.

D. Exceptions to the minimum number of parking spaces. The minimum number of required parking spaces may be reduced as follows:

1. Affordable housing exceptions. The minimum number of required parking spaces may be reduced to zero when the applicant demonstrates compliance with the on-site or off-site affordable dwelling unit requirements of Chapter 33.245, Inclusionary Housing, the on-site or off-site affordable dwelling unit requirements of an applicable voluntary inclusionary housing bonus, or the requirements of the deeper housing affordability bonus of Section 33.120.211. This exception does not apply if the applicant pays a fee-in-lieu of complying with the requirements of Chapter 33.245, Inclusionary Housing, or makes a payment into the Affordable Housing Fund in exchange for bonus density or FAR.
2. Other exceptions. The minimum number of required parking spaces may not be reduced by more than 50 percent through the exceptions of this Paragraph. The 50 percent limit applies cumulatively to all exceptions in this Paragraph:
   a. Exceptions for sites where trees are preserved. Minimum parking may be reduced by one parking space for each tree 12 inches in diameter and larger that is preserved. A maximum of 2 parking spaces or 10 percent of the total required may be reduced, whichever is greater. However, required parking may not be reduced below 4 parking spaces under this provision.
   b. Replacement of parking areas with non-required bicycle parking. Bicycle parking may substitute for up to 25 percent of required parking. For every 5 non-required bicycle parking spaces that meet the short or long-term bicycle parking standards, the motor vehicle parking requirement is reduced by one space. Existing parking may be converted to take advantage of this provision.
   c. Replacement of existing parking areas with required bicycle parking. Existing required parking spaces may be converted to bicycle parking to accommodate required bicycle parking minimums. The amount of parking spaces required is reduced by the amount needed to accommodate the minimum bicycle parking required.
   d. A transit-supportive plaza may substitute for up to 10 percent of the required parking on sites where at least 20 parking spaces are required, and where at least one street lot line abuts a transit street. Existing parking areas may be converted to take advantage of these provisions. The plaza must meet the following regulations. Adjustments to the regulations of this Subparagraph are prohibited:

(1) The plaza must be adjacent to and visible from the transit street. If there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop;

(2) The plaza must be at least 300 square feet in area and be shaped so that a 10 foot x 10 foot square will fit entirely in the plaza;

(3) The plaza must be open to the public. The owner must record a public access easement that allows public access to the plaza; and

(4) The plaza must include all of the following elements:

- A bench or other sitting area with at least 5 linear feet of seating;
- A shelter or other weather protection that covers at least 20 square feet. If the plaza is adjacent to the bus stop, TriMet must approve the shelter; and
- Landscaping. At least 10 percent, but not more than 25 percent of the transit-supportive plaza must be landscaped to the L1 standard of Chapter 33.248, Landscaping and Screening. This landscaping is in addition to any other landscaping or screening required for parking areas by the Zoning Code.

e. Motorcycle parking may substitute for up to 5 spaces or 5 percent of required automobile parking, whichever is less. For every 4 motorcycle parking spaces provided, the automobile parking requirement is reduced by one space. Each motorcycle space must be at least 4 feet wide and 8 feet deep. Existing parking may be converted to take advantage of this provision.

f. Car-sharing parking spaces may substitute for required parking if all of the following are met:

(1) For every car-sharing parking space that is provided, the motor vehicle parking requirement is reduced by 2 spaces, up to a maximum of 25 percent of the required parking spaces;

(2) The car-sharing parking spaces must be shown on the building plans; and

(3) A copy of the car-sharing agreement between the property owner and the car-sharing company must be submitted with the building permit.

g. City of Portland bike-sharing stations may substitute for required parking if all of the following are met:

(1) A City of Portland bike-sharing station providing 15 docks and 10 shared bicycles reduces the motor vehicle parking requirement by 3 spaces. The provision of each addition of 4 docks and 2 shared bicycles reduces the motor vehicle parking requirement by an additional space, up to a maximum of 25 percent of the required parking spaces;

(2) The bike-sharing station must be adjacent to, and visible from the street, and must be publicly accessible;

(3) The bike-sharing station must be shown on the building plans; and

(4) A copy of the signed agreement between the property owner and the Portland Bureau of Transportation must be submitted before the building permit is approved.

Table 266-1
Minimum Required and Maximum Allowed Parking Spaces By Zone [1], [2]

Zone	Requirement
OS, RF – R2.5, RMP, EG, I, IR	Minimum is Standard A in Table 266-2. Maximum is Standard B in Table 266-2.
RM1-RM4, CR, CM1, CM2, CM3, CE, CI	Minimum for sites that are 10,000 square feet or less in size: No minimum except for Household Living, which has the following minimums: 0 for 1 to 30 units; 0.20 per unit for 31-40 units; 0.25 per unit for 41-50 units; and 0.33 per unit for 51+ units. Minimum for all other sites is Standard A in Table 266-2 Maximum is Standard B in Table 266-2.
EX	No minimum except for Household Living, which has the following minimums: 0 for 1 to 3 units; 1 per 2 units for four+ units; and SROs are exempt. Maximum is Standard A in Table 266-2, except: 1) Retail, personal service, repair-oriented - Maximum is 1 per 200 sq. ft. of net building area. 2) Restaurants and bars - Maximum is 1 per 75 sq. ft. of net building area. 3) General office – Maximum is 1 per 400 sq. ft. of net building area. 4) Medical/Dental office – Maximum is 1 per 330 sq. ft. of net building area.
RX, CX	No minimum except for Household Living, which has the following minimums: 0 for 1 to 30 units; 0.2 per unit for 31-40 units; 0.25 per unit for 41-50 units; and 0.33 per unit for 51+ units. Maximum is Standard B in Table 266-2.

[1] Regulations in a plan district or overlay zone may supersede the standards of this table.
[2] Uses subject to a Conditional Use, Impact Mitigation Plan, or Transportation Impact review may establish different parking minimum and maximum requirements through the review.

Table 266-2
Parking Spaces by Use [2]
(Refer to Table 266-1 to determine which standard applies.)

Use Categories	Specific Uses	Standard A	Standard B
Residential Categories			
Household Living		1 per 2 units, except SROs exempt	None, except 1.35 per unit on sites that are both in a commercial/mixed use or multi-dwelling zone and close to transit (close to transit is described in 33.266.110.B.1.) Houses, attached houses and duplexes are exempt.
Group Living		1 per 4 residents	None
Commercial Categories			
Retail Sales And Service	Retail, personal service, repair oriented	1 per 500 sq. ft. of net building area	1 per 196 sq. ft. of net building area
	Restaurants and bars	1 per 250 sq. ft. of net building area	1 per 63 sq. ft. of net building area
	Health clubs, gyms, lodges, meeting rooms, and similar. Continuous entertainment such as arcades and bowling alleys	1 per 330 sq. ft. of net building area	1 per 185 sq. ft. of net building area
	Temporary lodging	1 per rentable room; for associated uses such as restaurants, see above	1.5 per rentable room; for associated uses such as restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area	1 per 2.7 seats or 1 per 4 feet of bench area
Commercial Categories			
Office	General office	1 per 500 sq. ft. of net building area	1 per 294 sq. ft. of net building area
	Medical/Dental office	1 per 500 sq. ft. of net building area	1 per 204 sq. ft. of net building area
Quick Vehicle Servicing		1 per 500 sq. ft. of net building area	1 per 196 sq. ft. of net building area
Vehicle Repair		1 per 750 sq. ft. of net building area [1]	1 per 500 sq. ft. of net building area
Commercial Parking		None	None
Self-Service Storage		1 per resident manager's facility, plus 3 per leasing office, plus 1 per 100 leasable storage spaces in multi-story buildings.	2 per resident manager's facility, plus 5 per leasing office, plus 1 per 67 leasable storage spaces in multi-story buildings.

Commercial Outdoor Recreation		20 per acre of site	30 per acre of site
Major Event Entertainment		1 per 8 seats	1 per 5 seats
Industrial Categories			
Manufacturing And Production		1 per 750 sq. ft. of net building area [1]	1 per 500 sq. ft. of net building area
Warehouse And Freight Movement		1 per 750 sq. ft. of net building area for the first 3,000 sq. ft. of net building area and then 1 per 3,500 sq. ft. of net building area thereafter [1]	1 per 500 sq. ft. of net building area for the first 3,000 sq. ft. of net building area and then 1 per 2,500 sq. ft. of net building area thereafter
Wholesale Sales, Industrial Service, Railroad Yards		1 per 750 sq. ft. of net building area [1]	1 per 500 sq. ft. of net building area
Waste-Related		See note [2]	See note [2]
Institutional Categories			
Basic Utilities		None	None
Community Service		1 per 500 sq. ft. of net building area	1 per 196 sq. ft. of net building area
Parks And Open Areas		Per CU review for active areas	Per CU review for active areas
Schools	Grade, elementary, middle, junior high	1 per classroom	1.5 per classroom
	High school	7 per classroom	10.5 per classroom
Medical Centers		1 per 500 sq. ft. of net building area	1 per 204 sq. ft. of net building area

Table 266-2 Parking Spaces by Use [2] (Refer to Table 266-1 to determine which standard applies.)			
Use Categories	**Specific Uses**	**Standard A**	**Standard B**
Colleges		1 per 600 sq. ft. of net building area exclusive of dormitories, plus 1 per 4 dorm rooms	1 per 400 sq. ft. of net building area exclusive of dormitories, plus 1 per 2.6 dorm rooms
Religious Institutions		1 per 100 sq. ft. of main assembly area	1 per 67 sq. ft. of main assembly area
Daycare		1 per 500 sq. ft. of net building area	1 per 330 sq. ft. of net building area
Other Categories			
Agriculture		None	None
Aviation		See note [2]	See note [2]
Detention Facilities		See note [2]	See note [2]
Mining		See note [2]	See note [2]
Radio Frequency Transmission Facilities	Personal wireless service and other non-broadcast facilities	None	None
	Radio or television broadcast facilities	2 per site	None
Rail Lines & Utility Corridors		None	None

Notes:
[1] For uses in an EG or I zone, if the site size is 5,000 sq. ft. or less, no more than 4 spaces are required. Where the site size is between 5,001 and 10,000 sq. ft., no more than 7 spaces are required.
[2] Uses subject to a Conditional Use, Impact Mitigation Plan, or Transportation Impact review may establish parking minimum and maximum requirements through the review.

33.266.115 Maximum Allowed Parking Spaces

A. Purpose. Limiting the number of spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for better pedestrian movement, and protects air and water quality.

The maximum ratios in this section vary with the use the parking is accessory to and with the location of the use. These maximums will accommodate most auto trips to a site based on typical peak parking demand for each use. Areas that are zoned for more intense development or are easily reached by alternative modes of transportation have lower maximums than areas where less intense development is anticipated or where transit service is less frequent. In particular, higher maximums are appropriate in areas that are more than a 1/4 mile walk from a frequently served bus stop or more than a 1/2 mile walk from a frequently served Transit Station.

B. Maximum number of parking spaces allowed. Regulations in a plan district or overlay zone may supersede the regulations in this Subsection.

1. Surface parking. Where more than 25 percent of the parking accessory to a use is on surface parking lots, both the structured and surface parking are regulated as follows. Parking accessory to a use includes accessory parking that is on- and off-site:

   a. Generally. The maximum number of parking spaces allowed is stated in Tables 266-1 and 266-2, except as specified in Subparagraph B.1.b.;

   b. Exception for sites not well served by transit. For sites located more than 1/4 mile from a bus stop with 20-minute peak-hour service and more than 1/2 mile from a Transit Station with 20-minute peak-hour service, the maximum number of parking spaces allowed is 125 percent of the amount stated in Tables 266-1 and 266-2. The Bureau of Transportation will publish a map annually, adopted through Administrative Rule, showing sites that meet these service thresholds. For sites not shown on the map, the applicant may provide current information demonstrating that the site meets the service thresholds.

2. Structured parking. Where 75 percent or more of the parking accessory to a use is in structured parking, both the structured and surface parking are regulated as follows. Parking accessory to a use includes accessory parking that is on- and off-site:

   a. Generally. There is no maximum number of parking spaces, except as provided in Subparagraph B.2.;

   b. Parking accessory to Medical Centers and Colleges. The maximum parking allowed that is accessory to Medical Centers and Colleges is stated in Tables 266-1 and 266-2.

3. Exception in the EG and I zones. In the EG and I zones, there is no maximum number of accessory parking spaces for either structured or surface parking where both Subparagraphs B.3.a. and b. are met, and either Subparagraph B.3.c. or d. is met:

   a. The site is at least eight acres in area;

   b. The site is located more than 1/2 mile from a transit stop or station with 20-minute peak-hour light rail or streetcar service; and

   c. At least 700 of the accessory parking spaces are in a structure; or

   d. The structured parking is in a structure with at least three floors, and parking is on at least three floors of the structure.

33.266.120 Development Standards for Houses, Duplexes, Triplexes, and Fourplexes

A. Purpose. The size and placement of vehicle parking areas are regulated in order to enhance the appearance and pedestrian experience of neighborhoods.

B. Structures these regulations apply to. The regulations of this section apply to houses, attached houses, duplexes, attached duplexes, triplexes, fourplexes, manufactured homes, and houseboats. The regulations apply to all parking areas. The following are exceptions to this requirement:

1. Parking that is in a parking tract is subject to the standards of Section 33.266.130 instead of the standards of this section. However, perimeter landscaping is not

required where the parking tract abuts a lot line internal to the site served by the tract.

2. Parking for manufactured dwelling parks is regulated in Chapter 33.251.

C. Parking area locations.

1. Vehicle area. The following standards apply to the location of vehicle area:

   a. Vehicle area is prohibited between the primary structure and the street except as follows. This standard does not apply to houses on lots that are at least 32 feet wide:

      (1) Parking spaces located entirely behind the front and side street building lines of a primary structure are allowed; and

      (2) Driveways to parking spaces located entirely behind the front and side street building lines of a primary structure are allowed.

   b. No more than 40 percent of the land area between the front lot line and the front building line may be paved or used for vehicle areas. See Figure 266-2. On corner lots, no more than 20 percent of the land area between the side street lot line and the side street building line may be paved or used for vehicle areas. For attached houses, this standard applies to the combined lot lines of attached house lots. As an exception to the area limitations in this subparagraph, a flag lot with a pole that allows vehicle access is allowed at least a 12-foot wide vehicle area.

2. Parking spaces. The following standards apply to the location of parking spaces:

   a. Generally, parking spaces are not allowed within the first 10 feet from a front lot, and on corner lots, parking spaces are not allowed within the side street setback.

   b. Exceptions.

      (1) A parking space is allowed within the first 10 feet from a front lot line or within a side street setback when the parking space is in a driveway behind a parking space that is located outside of the first 10 feet from a front lot line or outside of the side street setback. See Figure 266-1.

      (2) On lots where the front lot line abuts a common green or shared court, parking spaces are allowed within 10 feet of the front lot line.

3. Parking in garages. Parking in garages is subject to the garage setback standards of the base zone, overlay zone or plan district.

D. Parking space sizes.

1. A parking space must be at least 9 feet by 18 feet.

2. The minimum driveway width on private property is 9 feet.

3. Shared driveways are allowed to extend across a property line onto abutting private properties if the following are met:

   a. The width of the shared driveway is at least 9 feet; and

b. There is a recorded easement guaranteeing reciprocal access and maintenance for all affected properties.

E. Paving.

1. Generally. All driveways and parking areas must be paved.

2. Exceptions.

a. Gravel surfaces may be approved by BDS when the abutting street or alley is not paved, and the applicant executes a covenant agreeing to pave the area if the street or alley is paved in the future.

b. Utility trailers and non-motorized accessory recreational vehicles may be stored on unpaved surfaces. A gravel surface is not required.

Figure 266-1
Parking Space Locations

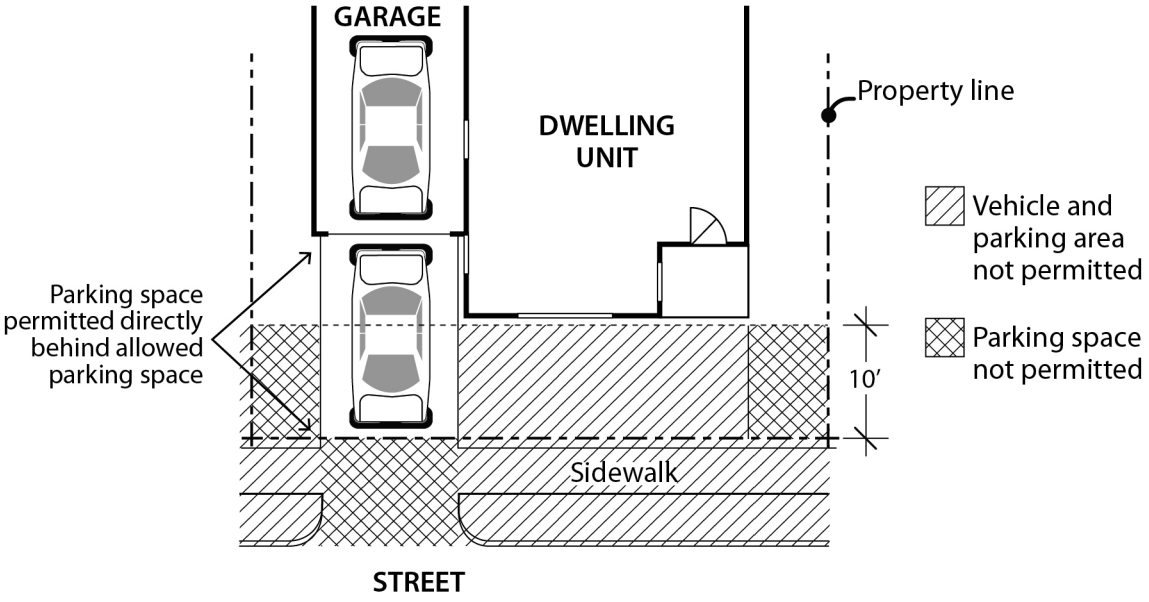
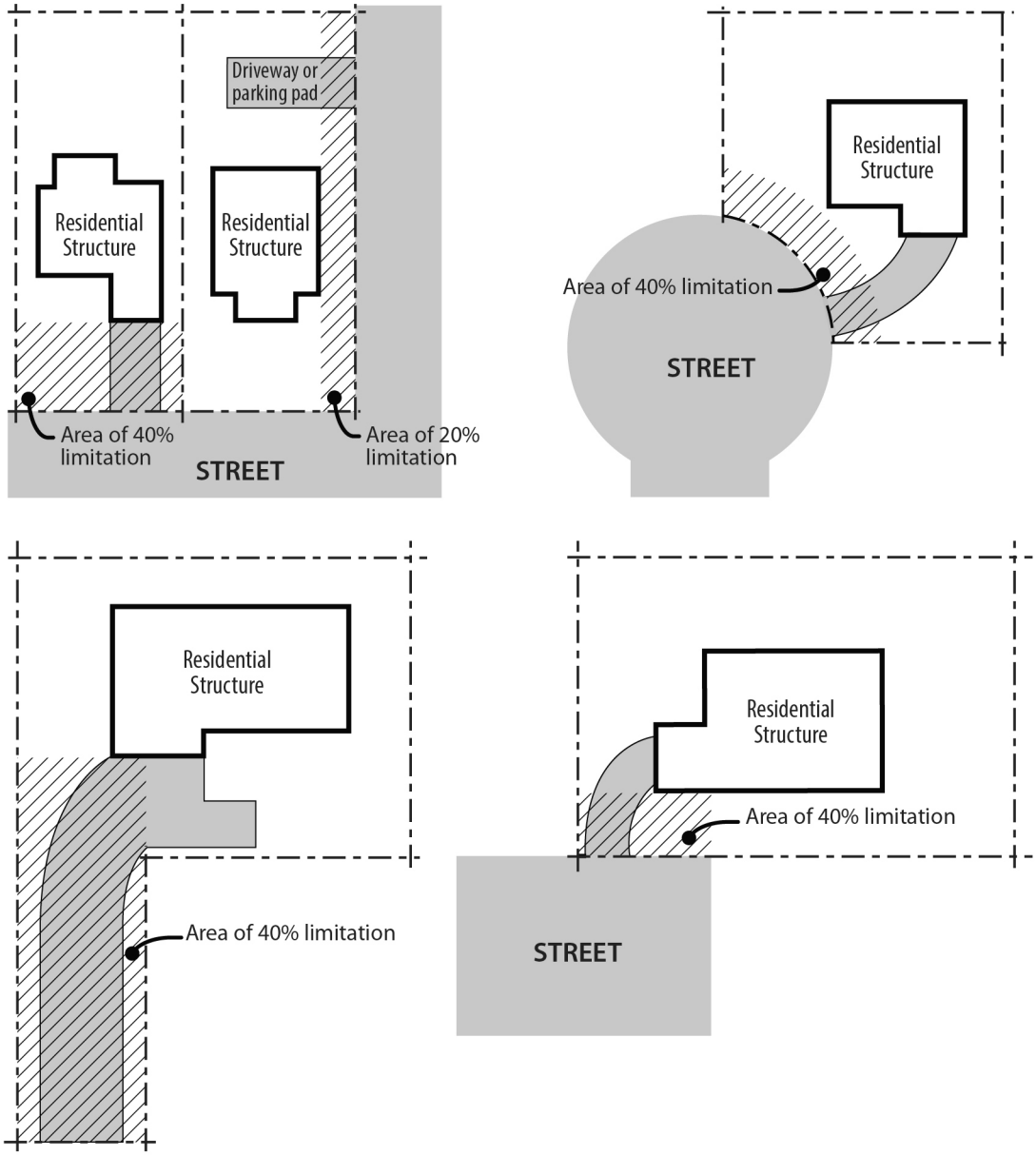


Figure 266-2
Parking Area Limitation



33.266.130 Development Standards for All Other Development

A. Purpose. The development standards promote vehicle areas that are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones.

Together with the transit street building setback standards in the base zone chapters, the vehicle area location regulations:

- Provide pedestrian access that is protected from auto traffic;
- Create an environment that is inviting to pedestrians and transit users, especially on transit streets and in Pedestrian Districts;
- Limit the prominence of vehicle areas along street frontages and create a strong relationship between buildings and the sidewalk;
- Create a sense of enclosure on transit and pedestrian street frontages; and
- Limit the size of paved parking area and the type of paving material allowed in order to limit increases in temperature associated with asphalt and reduce impacts from urban heat islands.

The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

B. Where these standards apply. The standards of this section apply to all vehicle areas whether required or excess parking, except for residential vehicle areas subject to the standards of 33.266.120.

C. On-site locations and size of vehicle areas.

1. Location of vehicle areas. The allowed on-site location of all vehicle areas is stated in Table 266-3. Additionally, on sites in multi-dwelling zones that abut an alley and are 10,000 square feet or less in total site area, vehicle area may only be accessed from the alley.

2. Building setbacks for structures that contain vehicle areas.

   a. Structures that contain vehicle areas are subject to the building setbacks of the base zone, where exiting in a forward motion is provided.

   b. Structured parking that does not allow exiting in a forward motion in R Zones is subject to the garage entrance setback standard of the base zone.

   c. Structured parking that does not allow exiting in a forward motion in C, E, I, CI, or IR zones must be set back 18 feet from the street lot line.

3. Frontage limitation.

   a. The standard of this Subparagraph applies outside the Central City plan district in the RM1, RM2, RM3, RM4, and RMP zones. No more than 40 percent of the frontage on a street may be used for vehicle areas. On sites with more than one

street frontage, this standard applies to the street with the highest transit designation. If two streets have the same highest transit classification, the applicant may choose on which street to meet the standard. Sites where there is less than 100 square feet of net building area are exempt from this standard.

b. The standard of this Paragraph applies outside the Central City plan district in the RX, CR, CM1, CM2, CM3, CE, CX, EG1, EX, CI, and IR zones. Where vehicle areas are adjacent to a transit street or a street in a Pedestrian District, no more than 50 percent of the frontage on the transit street or street in a Pedestrian District may be used for vehicle areas. Sites where there is less than 100 square feet of net building area are exempt from this standard.

4. Surface parking and driveway paving limitations. In the RM1 through RM4 zones, the following parking area and driveway size and paving material limitations apply:

a. No more than 30 percent of total site area may be paved or used for surface parking and driveways; and

b. Asphalt paving for surface parking and driveways may not cover more than 15 percent of total site area.

D. Improvements.

1. Paving. In order to control dust and mud, all vehicle areas must be paved. However, some portions of individual parking spaces may be landscaped per the standards of Paragraph F.4, below.

2. Striping. All parking areas, except for stacked parking, must be striped in conformance with the parking dimension standards of Subsection F. below.

3. Protective curbs around landscaping. All perimeter and interior landscaped areas must have protective curbs along the edges. Curbs separating landscaped areas from parking areas may allow stormwater runoff to pass through them. Tire stops, bollards, or other protective barriers may be used at the front ends of parking spaces. Curbs may be perforated or have gaps or breaks. Trees must have adequate protection from car doors as well as car bumpers.

Table 266-3 Location of Vehicle Areas [1], [2]			
Zone	**General Standard**	**Exception for Through Lots and Sites with Three Frontages**	**Exception for Full-Block Sites**
OS, RF-R5, R2.5, EG2, I	No restrictions.		
RMP, IR, CE, EG1, CI; sites in RM1, RM2, and RM3 that are more than 10,000 square feet in total area; sites in CM1, CM2, and CM3 that are more than 2 acres in total area	Vehicle areas not allowed between the portion of the building that complies with the maximum street setback and the transit street or streets in a Pedestrian District.	May have vehicle areas between the portion of the building that complies with the maximum street setback and one Local Service Transit Street.	May have vehicle areas between the portion of the building that complies with the maximum street setback and two Local Service Transit Streets.
RM4, RX, CX, CR, EX;, sites in RM1, RM2, and RM3 that are 10,000 square feet or less in total area; sites in CM1, CM2, and CM3 that are 2 acres or less in total area	Not allowed between a building and any street.	May have vehicle areas between the building and one Local Service Transit Street.	May have vehicle areas between the building and two Local Service Transit Streets.

Notes:
[1] Driveways that provide a straight-line connection between the street and a parking area inside a building are not subject to these regulations.
[2] Vehicle areas that are separated from a street by a building are not subject to these regulations.

E. Stormwater management. Stormwater runoff from parking lots is regulated by the Bureau of Environmental Services. See Chapter 17.38, Drainage and Water Quality, and the City's Stormwater Management Manual, which contain requirements for managing stormwater in parking lot landscaping.

F. Parking area layouts.

1. Access to parking spaces.

   a. All parking areas, except stacked parking areas, must be designed so that a vehicle may enter or exit without having to move another vehicle.

   b. All parking areas must be designed to allow vehicles to enter and exit the roadway in a forward motion, except:

      (1) Parking areas with one or two spaces whose only access is on a local service street;

      (2) Parking areas may be designed so that vehicles back out into an alley. However, there must be a maneuvering area of at least 20 feet between the end of each parking space and the opposite side of the alley. If the alley is less than 20 feet wide, some of this maneuvering area will be on-site.

2. Parking space and aisle dimensions. Parking spaces and aisles must meet the minimum dimensions contained in Table 266-4. For stacked parking areas, see Section 33.266.140 below.

3. Parking for disabled persons. The Bureau of Development Services regulates the following disabled person parking standards and access standards through the Oregon Structural Specialty Code.
   - Dimensions of disabled person parking spaces and access aisles;
   - The minimum number of disabled person parking spaces required;
   - Location of disabled person parking spaces and circulation routes,
   - Curb cuts and ramps including slope, width and location;
   - Signage and pavement markings.

4. A portion of a standard parking space may be landscaped instead of paved, as follows:
   a. As shown in Figure 266-3, up to 2 feet of the front of the space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped area;
   b. Landscaping must be ground cover plants; and
   c. The portion of the 2-foot wide area described in 4.a that is landscaped counts toward parking lot interior landscaping requirements and toward any overall site landscaping requirements. However, the landscaped area does not count toward perimeter landscaping requirements.

Table 266-4
Minimum Parking Space and Aisle Dimensions [1,2]

Angle (A)	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	8 ft.	22 ft. 6 in.	12 ft.	20 ft.	8 ft.
30°	8 ft. 6 in.	17 ft.	12 ft.	20 ft.	15 ft.
45°	8 ft. 6 in.	12 ft.	12 ft.	20 ft.	17 ft.
60°	8 ft. 6 in.	9 ft. 9 in.	16 ft.	20 ft.	17 ft. 6 in.
90°	8 ft. 6 in.	8 ft. 6 in.	20 ft.	20 ft.	16 ft.

Notes:
[1] See Figure 266-4.
[2] See Section 33.266.130.F.3 for information on parking spaces for the disabled.

Figure 266-3
Landscaped area at front of parking space.

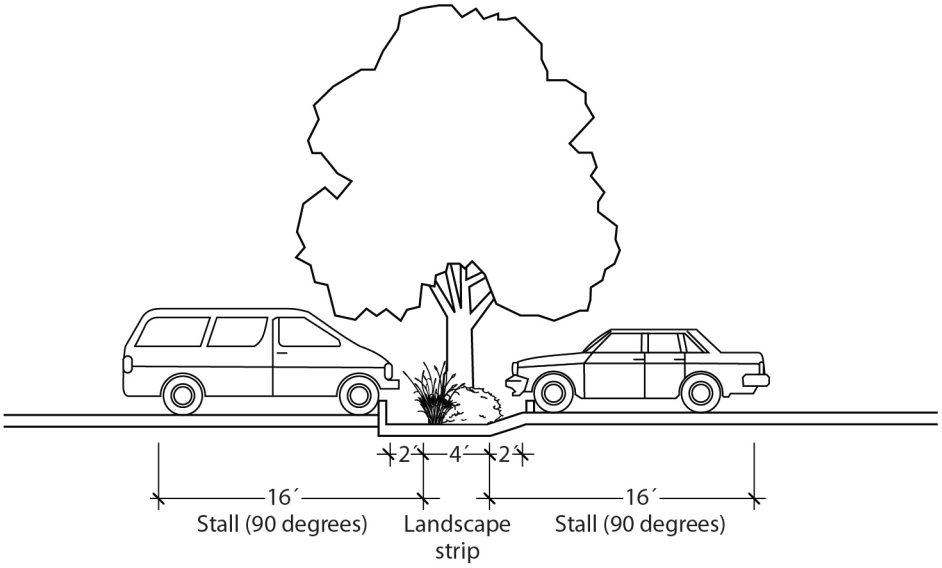
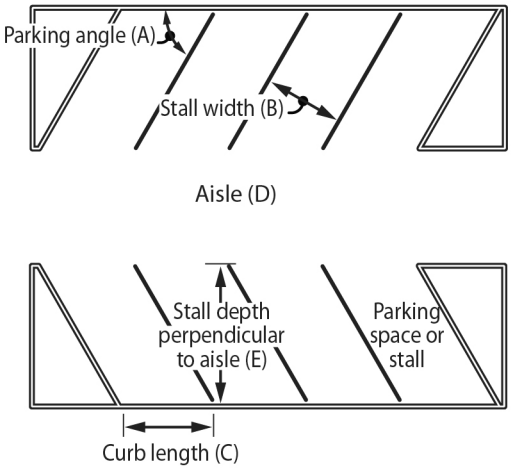


Figure 266-4
Parking Dimension Factors



5. Large parking areas in R, C, E, IR, and CI zones. In the R, C, E, IR, and CI zones, where a parking area on the site is more than 125,000 square feet, the parking area must contain the following elements. Parking areas in structures are not included in this total:

   a. Internal access ways must divide the parking area into smaller areas that are no greater than 55,000 square feet;

   b. These accessways must connect to the adjacent street at least every 250 feet; and

c. Each internal accessway must have at least one auto travel lane, curbs, and unobstructed sidewalks on both sides. One of the following must be met:
   - The sidewalks must be at least 10 feet wide and planted with trees. One large tree is required per 30 lineal feet of sidewalk, one medium tree per 22 lineal feet of sidewalk, or one small tree per 15 lineal feet of sidewalk. Trees of different sizes may be combined to meet the standard;
   - Trees must be planted in the center of unpaved tree wells that must be at least 18 square feet in area, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk; or
   - The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide. The planting strip must be between the curb and the sidewalk, and be landscaped to at least the L1 standard except that trees cannot be grouped.

d. The internal accessways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.

G. Parking area setbacks and landscaping.

1. All landscaping must comply with the standards of Chapter 33.248, Landscaping and Screening. Trees and shrubs must be fully protected from potential damage by vehicles.

2. Setbacks and perimeter landscaping.

   a. Where these regulations apply. The regulations of this paragraph apply to:

      (1) Surface parking areas abutting a lot line;

      (2) Any portion of structured parking areas where the parking area is within 4 feet of adjacent grade and there is no roof over it;

      (3) Driveways.

   b. Exceptions.

      (1) Shared driveways and parking aisles that straddle a lot line do not need to meet setback and perimeter landscaping requirements;

      (2) Sites containing 5 or fewer parking spaces and developed only with residential development may provide a 3-foot-high fence meeting the F2 standards as an alternative to the perimeter setback and landscaping requirements on any lot line not abutting a street;

      (3) Stacked parking areas must meet the requirements of Section 33.266.140, below.

   c. Setbacks. The minimum required setbacks for surface parking areas are stated in Table 266-5. Protective curbs, tire stops, bollards or other protective barriers are not allowed within the minimum required setbacks.

Table 266-5 Minimum Parking Area Setbacks and Landscaping		
Location	**All zones except EG2 and IG2**	**EG2, IG2**
Lot line abutting street	5 ft. of L2	10 ft. of L2
Lot line abutting a C, E, I, or CI zone lot line	5 ft. of L2	5 ft. of L2
Lot line abutting a OS, R, or IR zone lot line	5 ft. of L3	10 ft. of L3

d. Perimeter landscaping. The minimum setbacks and landscaping standards required are provided in Table 266-5.

(1) Surface parking abutting streets, and C, E, I, and CI zones. Where a surface parking area abuts a street lot line, or a C, E, I, or CI zone lot line, only the minimum required setbacks must be landscaped. The landscaping must meet the L2 standard of Chapter 33.248, and must be adjacent to the parking area and driveway. Where a setback is provided that is greater than the required minimum, the landscaping must be placed within 25 feet of the edge of the parking area and driveway. To provide connectivity between sites, a single driveway up to 20 feet wide may interrupt the landscaping that abuts a C, E, or I zone lot line.

(2) Surface parking abutting OS, R, and IR zones. Where a surface parking area abuts an OS, R, or IR zone lot line, only the minimum required setbacks must be landscaped. The landscaping must meet the L3 standard of Chapter 33.248, and must be adjacent to the parking area and driveway. Where a setback is provided that is greater than the required minimum, the landscaping must be placed within 25 feet of the edge of the parking area and driveway.

3. Interior landscaping. The regulations of this paragraph apply to all surface parking areas except stacked parking areas. For stacked parking areas, see Section 33.266.140 below.

a. Amount of interior landscaping required. In all zones, interior landscaping must be provided for sites where there are more than 10 parking spaces on the entire site. At least 45 square feet of interior landscaped area must be provided for each parking space.

b. The landscape materials must comply with the P1 standard of Chapter 33.248.

c. The landscaping must be dispersed throughout the parking area. All of the required landscape area may be in the parking area, or some may be in the loading area.

d. Perimeter landscaping may not substitute for interior landscaping. However, interior landscaping may join perimeter landscaping as long as it extends at least four feet into the parking area from the perimeter landscape line.

e. Exception for existing parking lots. Where compliance with Subparagraph G.3.a, above, would result in the loss of existing required parking spaces, the amount of

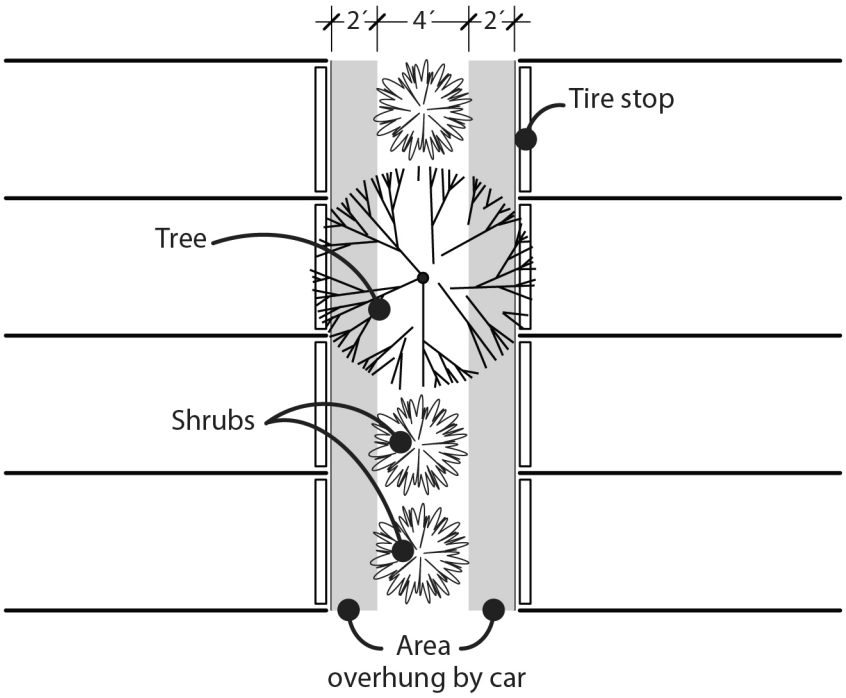
parking required is reduced by the amount needed to accommodate the minimum landscaping required.

f. Layout of interior landscaped areas. The layout of the interior landscaped areas must meet either one or a combination of the standards of this subparagraph:

(1) Option 1: Landscape strips. See Figure 266-5.

- Interior landscaping must be arranged in landscape strips at least four feet wide between rows of parking stalls.
- Where the front portions of parking stalls are landscaped as allowed by Paragraph F.4, the landscaped portion of the parking stall must be adjacent to the four-foot landscape strip.

Figure 266-5
Landscape Strips



(2) Option 2: Other landscape patterns. See Figure 266-6.

- Interior landscaping must be arranged in areas at the ends of rows of parking or between parking spaces within rows of parking.
- Interior landscaping may join perimeter landscaping as long as the interior landscape area extends at least 4 feet into the parking area from the perimeter landscape line.
- Landscaping that abuts, but does not extend into, the parking area may be included as interior landscaping if all of the following are met:
  - The abutting landscaped area must be in addition to required perimeter landscaping;

- Only the first 10 feet of the abutting landscaped area, measured from the edge of the parking area, may be included as interior landscaping; and
- The landscaped area is not abutting and parallel to required perimeter landscaping.

g. Individual tree-planting spaces. Where an individual tree is planted in a space surrounded by pavement, the planting area must have a minimum interior dimension of five feet. See Figure 266-7.

Figure 266-6
Other Landscape Patterns

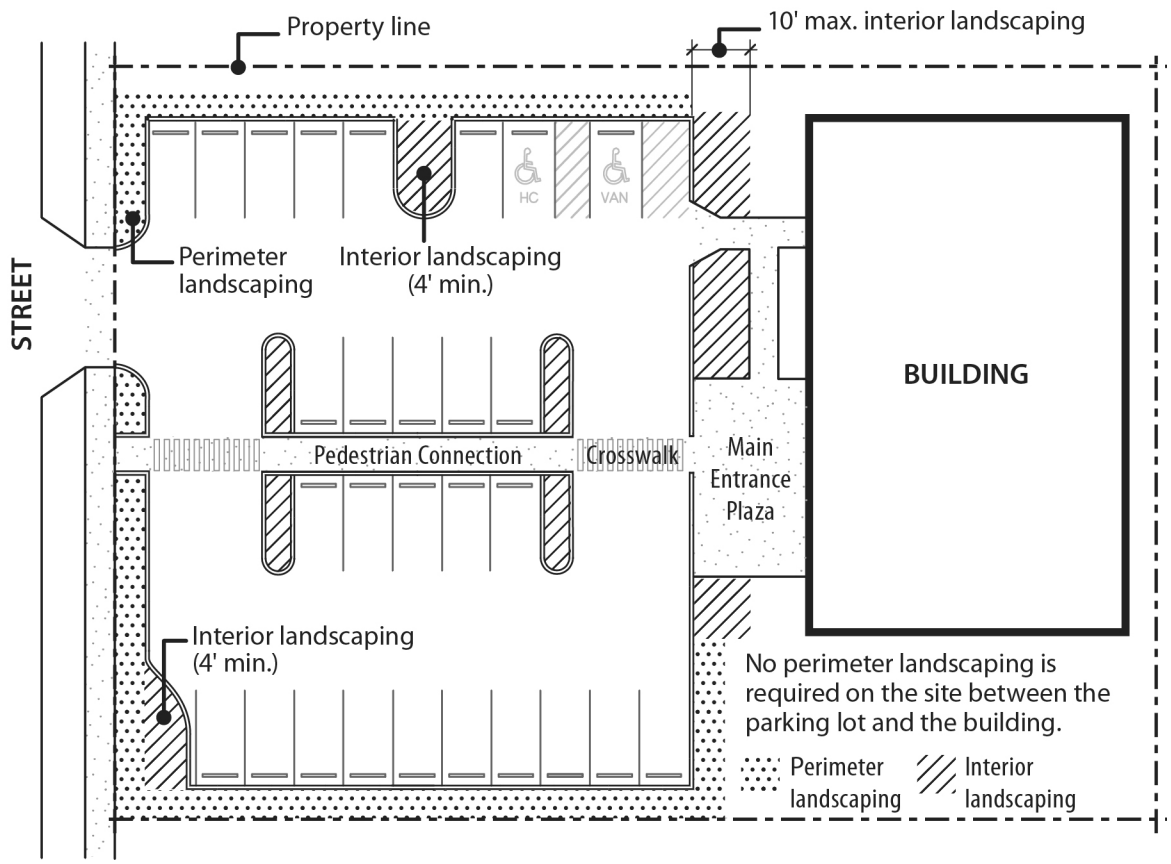
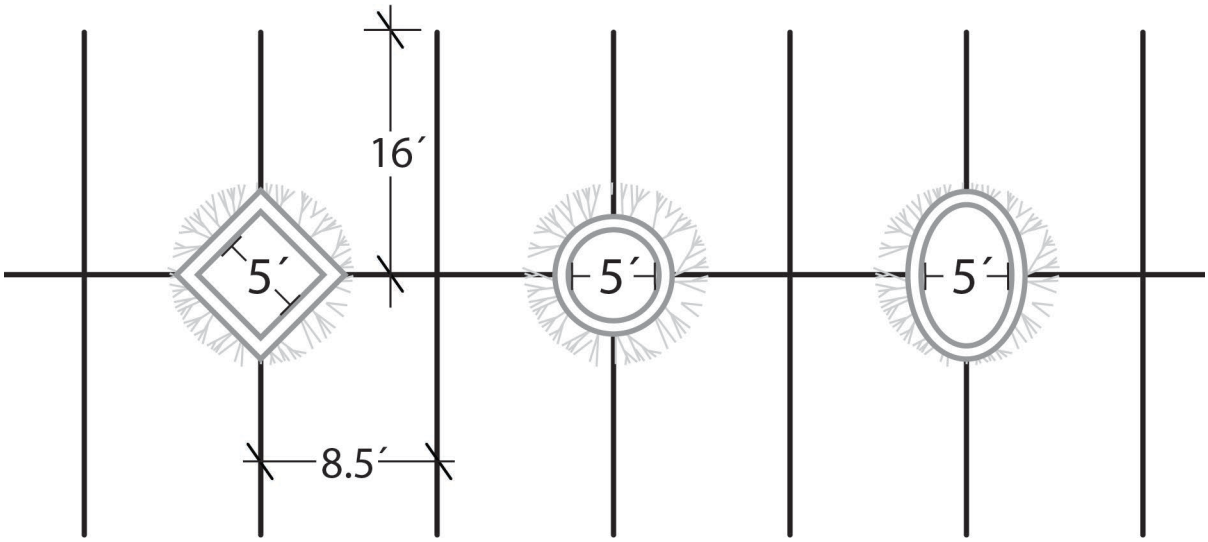


Figure 266-7
Individual Tree-Planting Spaces



33.266.140 Stacked Parking Areas

Stacked parking areas must comply with all of the development standards of Section 33.266.130 above, except for those standards superseded by this section.

A. **Perimeter setbacks and landscaping.** Parking areas must be set back from streets at least 4 feet and landscaped to at least the L2 level.

B. **Striping and layout.** Parking areas used exclusively for stacked parking need not be striped or meet the layout standards of Subsection F. above. Stacked parking areas which will allow parking at some times without attendants must be striped in conformance with the layout standards of Subsection F. above.

C. **Interior landscaping for surface parking areas.** The minimum interior landscaping requirement for surface parking areas is one tree per 5,000 square feet of parking area. If surrounded by cement, the tree planting area must have a minimum dimension of 4 ft. If surrounded by asphalt, the tree planting area must have a minimum dimension of 3 ft. Trees must be protected from potential damage by vehicles through the use of bollards, curbs, wheel stops, or other physical barriers.

33.266.150 Vehicles in Residential Zones

A. **Purpose.** The regulations of this section are intended to reinforce community standards and to promote an attractive residential appearance in the City's neighborhoods. The size, number, and location of parked and stored vehicles in residential zones are regulated in order to preserve the appearance of neighborhoods as predominantly residential in character. Since parking lots and outdoor storage are not intended to be primary activities in residential zones, these activities should constitute no more than a minimal intrusion on any residential area.

B. **Where these regulations apply.** These regulations apply to all residential uses in all R zones.

C. Parking of passenger vehicles and light trucks. Passenger vehicles and light trucks may be parked in any allowed parking area.

D. Parking of medium and heavy trucks.

1. The parking or storage of medium and heavy trucks and equipment is prohibited, except for motor homes and pickup trucks in the medium truck category.
2. Motor homes in medium truck category may be parked in allowed parking areas except they may not be parked between the front lot line and the building line.
3. Fire trucks and emergency vehicles are allowed if they are parked within a completely enclosed building.

E. Utility trailers and accessory recreational vehicles. Utility trailers and accessory recreational vehicles may not be parked or stored in required parking spaces. Utility trailers and accessory recreational vehicles may be parked in other allowed parking areas, except they may not be parked or stored between the front lot line and the building line.

F. Inoperable vehicles. The outdoor accumulation and storage of inoperable, neglected, or discarded vehicles is regulated by Section 29.20.010 of Title 29, Property and Maintenance Regulations.

G. Vehicle service and repair. Service and repair of vehicles not owned by and registered to a resident of the site is prohibited. Vehicles may be serviced and repaired if:

1. The vehicles are owned by and registered to residents of the site; and
2. The service and repair is minor. Minor service and repair includes tune-ups, replacement and servicing of oil and other fluids, and replacement and adjustment of minor parts such as tires, hoses, belts, filters, fuses, and similar items. It does not include: body and fender repair and replacement; painting; engine or transmission removal or replacement; or any work using welders, torches, or air-driven power tools.

OR

3. The vehicles are owned by and registered to a resident of the site; and
4. All work occurs within a completely enclosed building; and
5. The off-site impact standards of Chapter 33.262 are met.

Bicycle Parking

33.266.200 Minimum Required Bicycle Parking

A. Purpose. Bicycle parking is required for most use categories to encourage the use of bicycles by providing secure and convenient places to park bicycles. These regulations ensure adequate short and long-term bicycle parking based on the demand generated by different uses. Minimum bicycle parking facilities are based on the City's mode split goals, while acknowledging the usage rates for different uses. These regulations will help meet the City's goal that 25 percent of all trips be made by bicycle, while still acknowledging that to meet the citywide goal the bicycle mode split will vary by geographic area.

B. Number of spaces required.

1. The required minimum number of bicycle parking spaces for each use category is shown in Table 266-6. No bicycle parking is required for uses not listed. Minimum bicycle parking is calculated on a geographic hierarchy based on the current and future bicycle usage. Standard A in Table 266-6 applies to the areas shown as Standard A on Map 266-1. Standard B in Table 266-6 applies to all other areas of the city.

2. Until June 30, 2022, no bicycle parking is required for projects that are eligible to use the alternative bicycle parking standards specified in Ordinance 189785. To qualify for this exemption the applicant must provide a letter from the Portland Housing Bureau certifying that the project is eligible to use, and has met, the alternative bicycle parking standards specified in Ordinance 189785.

3. The required minimum number of bicycle parking spaces is based on the primary uses on a site. When there are two or more separate primary uses on a site, the required bicycle parking for the site is the sum of the required parking for each primary use.

Table 266-6
Minimum Required Bicycle Parking Spaces [1]

		Long-term Spaces		**Short-term Spaces**	
Uses	**Specific Uses**	**Standard A**	**Standard B**	**Standard A**	**Standard B**
Residential Categories					
Household Living	5 or more units on site	2, or 1.5 per unit	2, or 1.1 per unit	2, or 1 per 20 units	2, or 1 per 20 units
	Elderly and disabled housing	2, or 1 per 8 units	2, or 1 per 10 units	2, or 1 per 20 units	2, or 1 per 20 units
Group Living		2, or 1 per 4 bedrooms	2, or 1 per 4 bedrooms	2, or 1 per 20 bedrooms	2, or 1 per 20 bedrooms
	Units with restricted tenancy [2]	2, or 1 per 5 bedrooms	2, or 1 per 10 bedrooms	2, or 1 per 20 bedrooms	2, or 1 per 20 bedrooms
	Dormitory	2, or 1 per 4 bedrooms	2, or 1 per 4 bedrooms	4 spaces	4 spaces

Table 266-6
Minimum Required Bicycle Parking Spaces [1]

Commercial Categories					
Retail Sales and Services		2, or 1 per 3,800 sq. ft. of net building area	2, or 1 per 7,500 sq. ft. of net building area	2, or 1 per 2,700 sq. ft. of net building area	2, or 1 per 4,400 sq. ft. of net building area
	Temporary lodging	2, or 1 per 20 rentable rooms	2, or 1 per 20 rentable rooms	2, or 1 per 40 rentable rooms; and 1 per 5,000 sq. ft. of conference, meeting room	2, or 1 per 40 rentable rooms; and 1 per 10,000 sq. ft. of conference, meeting room
	Restaurant and Bar	2, or 1 per 2,300 sq. ft. of net building area	2, or 1 per 4,800 sq. ft. of net building area	2, or 1 per 1,000 sq. ft. of net building area	2, or 1 per 1,600 sq. ft. of net building area
Office		2, or 1 per 1,800 sq. ft. of net building area	2, or 1 per 3,500 sq. ft. of net building area	2, or 1 per 20,000 sq. ft. of net building area	2, or 1 per 33,000 sq. ft. of net building area
Commercial Parking [3]		10, or 1 per 10 auto spaces	10, or 1 per 10 auto spaces	None	None
Commercial Outdoor Recreation		2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 2 acres	2, or 1 per 3 acres
Major Event Entertainment		10, or 1 per 10,000 sq. ft. of net building area	10, or 1 per 20,000 sq. ft. or net building area	10, or 1 per 40 seats	10, or 1 per 40 seats
Self-Service Storage		2, or 1 per 100,000 sq. ft. of net building area	2, or 1 per 200,000 sq. ft. of net building area	2, or 1 per 26,000 sq. ft. of net building area	2, or 1 per 53,000 sq. ft. of net building area
Industrial Categories					
Manufacturing and Production		2, or 1 per 5,000 sq. ft. of net building area	2, or 1 per 9,000 sq. ft. of net building area	2, or 1 per 67,000 sq. ft. of net building area	2, or 1 per 111,000 sq. ft. of net building area
Warehouse and Freight Movement		2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 200,000 sq. ft. of net building area	2, or 1 per 333,000 sq. ft. of net building area
Wholesale Sales		2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 91,000 sq. ft. of net building area	2, or 1 per 152,000 sq. ft. of net building area

Table 266-6
Minimum Required Bicycle Parking Spaces [1]

		Long-term Spaces		**Short-term Spaces**	
Institutional Categories					
Basic Utilities	Transit centers	30 spaces	30 spaces	12 spaces	12 spaces
	Light rail stations	12 spaces	12 spaces	4 spaces	4 spaces
Community Service		2, or 1 per 6,700 sq. ft. of net building area	2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 6,300 sq. ft. of net building area	2, or 1 per 10,000 sq. ft. of net building area
	Libraries, community centers and museums	2, or 1 per 3,000 sq. ft. of net building area	2, or 1 per 5,900 sq. ft. of net building area	2, or 1 per 1,200 sq. ft. of net building area	2, or 1 per 2,000 sq. ft. of net building area
	Park and ride	12, or 5 per acre	12, or 5 per acre	6 spaces	6 spaces
Parks and Open Areas		None	None	Per CU Review	Per CU Review
Schools	Grades K through 8	6 per classroom	5 per classroom	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 100,000 sq. ft. of net building area
	Grades 9 through 12	5 per classroom	5 per classroom	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 100,000 sq. ft. of net building area
Colleges	Excluding dormitories (see group living, above)	2, or 1 per 10,000 sq. ft. of net building area	2, or 1 per 20,000 sq. ft. of net building area	2, or 1 per 10,000 sq. ft. of net building area	2, or 1 per 16,000 sq. ft. of net building area

Table 266-6 Minimum Required Bicycle Parking Spaces [1]					
		Long-term Spaces		**Short-term Spaces**	
Uses	**Specific Uses**	**Standard A**	**Standard B**	**Standard A**	**Standard B**
Medical Centers		2, or 1 per 2,700 sq. ft. of net building area	2, or 1 per 5,500 sq. ft. of net building area	2, or 1 per 50,000 sq. ft. of net building area	2, or 1 per 100,000 sq. ft. of net building area
Religious Institutions		2, or 1 per 11,000 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 14,000 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area
Daycare		2, or 1 per 3,000 sq. ft. of net building area	2, or 1 per 6,000 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 33,000 sq. ft. of net building area
Other Categories					
Aviation and Surface Passenger Terminals		2, or 1 per 4,500 sq. ft. of net building area	2, or 1 per 4,500 sq. ft. of net building area	None	None
Detention Facilities		2, or 1 per 5,000 sq. ft. of net building area	2, or 1 per 5,000 sq. ft. of net building area	None	None

Notes:
[1] Wherever this table indicates two numerical standards, such as "2, or 1 per 3,000 sq. ft. of net building area," the larger number applies.
[2] Group Living units with restricted tenancy are units that are regulated affordable housing per the Portland Housing Bureau requirements. The applicant must provide a letter from the Portland Housing Bureau certifying that the group living development meets any income restrictions and administrative requirements. The letter is required to be submitted before a building permit can be issued for the development but is not required in order to apply for a land use review. The applicant must also execute a covenant with the City that complies with the requirements of Section 33.700.600. The covenant must ensure that the group living use will remain limited to households meeting any income restrictions and administrative requirements of the Portland Housing Bureau.
[3] No long-term bicycle parking is required for a Commercial Parking facility with less than 10 vehicle parking spaces.

33.266.210 Bicycle Parking Development Standards

A. Purpose. These standards ensure that required bicycle parking is designed so people of all ages and abilities can access the bicycle parking and securely lock their bicycle without undue inconvenience. Bicycle parking is in areas that are reasonably safeguarded from theft and accidental damage. The standards allow for a variety of bicycle types, including but not limited to standard bicycles, tricycles, hand cycles, tandems, electric motor assisted cycles and cargo bicycles. Long-term bicycle parking is in secure, weather protected facilities and is intended for building and site occupants, and others who need bicycle parking for several hours or longer. Short-term bicycle parking is located in publicly accessible, highly visible locations that serve the main entrance of a building. Short-term bicycle parking is visible to pedestrians and bicyclists on the street and is intended for building and site visitors.

B. Where these standards apply. The standards of Subsection C and D apply to required long-term bicycle parking, and the standards of Subsection C and E apply to required short-term bicycle parking.

C. Standards for all bicycle parking. The Bureau of Transportation maintains a bicycle parking handbook that includes information on rack standards, siting guidelines and other standards of this code chapter. Long-term and short-term bicycle parking must be provided in lockers or racks that meet the following standards:

1. Bicycle parking area standards. The area devoted to bicycle parking must be hard surfaced.

2. Bicycle racks. Where bicycle parking is provided in racks, the racks must meet the following standards:

   a. The rack must be designed so that the bicycle frame and one wheel can be locked to a rigid portion of the rack with a U-shaped shackle lock, when both wheels are left on the bicycle;

   b. If the rack is a horizontal rack, it must support the bicycle at two points, including the frame; and

   c. The rack must be securely anchored with tamper-resistant hardware.

Table 266-7
Minimum Dimensions for Bicycle Parking Spaces [1]

		Bicycle Space Depth	Bicycle Space Width	Bicycle Space Height	Maneuvering Area Width	Clearance to rack from walls
Standard Spacing						
	Standard Bicycle Spacing	6 ft.	2 ft.	3 ft. 4 in.	5 ft.	2 ft. 6 in.
Alternative Spacing						
	Horizontal: Side by Side	6 ft.	1 ft. 6 in.	3 ft. 4 in.	5 ft.	2 ft. 6 in.
	Horizontal: Wall Attached	6 ft.	2 ft.	3 ft. 4 in.	5 ft.	1 ft.
	Horizontal: Diagonal (45-60 degree)	6 ft.	1 ft. 6 in.	3 ft. 4 in.	5 ft.	3 ft.
	Vertical Spaces [2]	3ft. 4 in.	1 ft. 5 in.	6 ft.	5 ft.	--
	Stacked Spaces [3]	--	1 ft. 5 in.	--	8 ft.	--
	Larger Bicycle Space	10 ft.	3 ft.	3 ft. 4 in.	5 ft.	3 ft.

Notes:

[1] See Figures 266-8 through 266-14.

[2] The alternative spacing allowed for vertical bicycle parking spaces requires a minimum vertical stagger of 8 inches between each space.

[3] The alternative spacing allowed for stacked bicycle parking spaces requires a vertical stagger to be included in the manufacturer design.

3. Bicycle Parking Space, Maneuvering Area, and Clearance Dimensions. Bicycle parking spaces, aisles and clearances must meet the minimum dimensions contained in Table 266-7.

   a. Standard Bicycle Parking Space Requirements.

      (1) The standard required bicycle space is 2 feet wide, 6 feet long and 3 feet 4 inches tall. See Figure 266-8;

      (2) There must be at least 5 feet behind all bicycle parking spaces to allow room for bicycle maneuvering. Where short-term bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way;

      (3) A wall clearance of 2 feet 6 inches must be provided. See Figure 266-9.

   b. Alternative Spacing Requirements. The following bicycle parking layouts may be provided as an exception to the standard spacing requirements in Subparagraph C.3.a. See Table 266-7 for the alternative spacing dimensions.

      (1) Horizontal bicycle parking spaces. Horizontal bicycle parking spaces secure the parked bicycle horizontal to the ground.

         - Horizontal: Side by Side. Horizontal bicycle parking that is placed side by side as shown in Figure 266-9 may meet the alternative side by side dimensions in Table 266-7.
         - Horizontal: Wall Attached. Horizontal bicycle parking that is attached to the wall as shown in Figure 266-10 may meet the alternative wall attached dimensions in Table 266-7.
         - Horizontal: Diagonal. Horizontal bicycle parking that is placed at a diagonal as shown in Figure 266-11 may meet the alternative diagonal, 45-60 degree dimensions in Table 266-7.

      (2) Vertical bicycle parking space. Vertical bicycle parking secures the parked bicycle perpendicular to the ground. Vertical bicycle parking that is placed as shown in Figure 266-12 may meet the alternative vertical dimensions in Table 266-7.

      (3) Stacked bicycle parking spaces. Stacked bicycle parking are racks that are stacked, one tier on top of another. Bicycles are horizontal when in the final stored position. Stacked bicycle parking that is placed as shown in Figure 266-13 may meet the alternative stacked dimensions in Table 266-7 and the following:

         - The rack must include a mechanically-assisted lifting mechanism to mount the bicycle on the top tier.

Figure 266-8
Standard Spacing Requirements

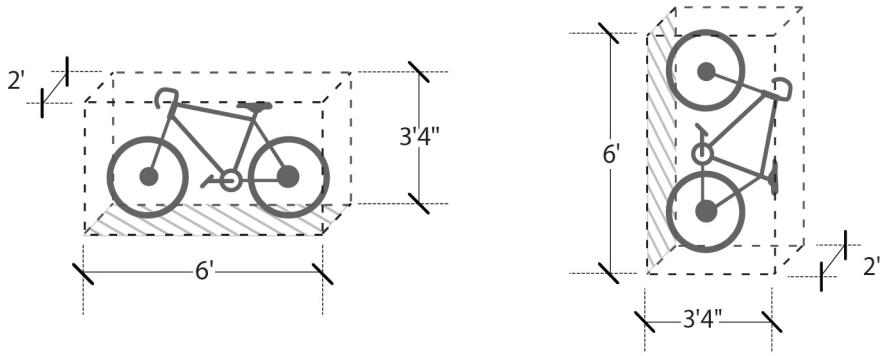


Figure 266-9
Horizontal Spaces: Side-by-Side

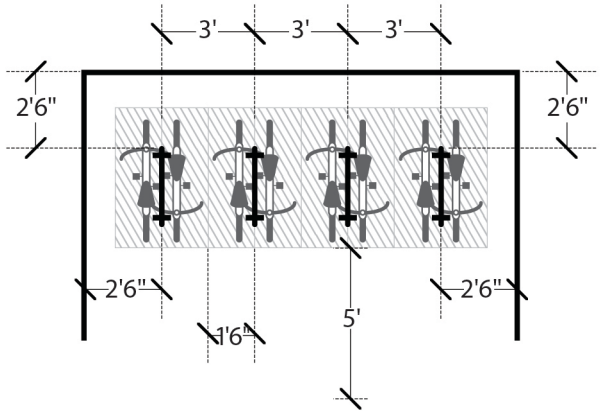


Figure 266-10
Horizontal Spaces: Wall Attached

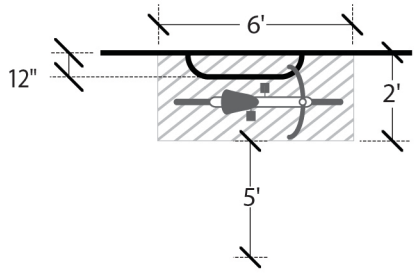


Figure 266-11
Horizontal Spaces: Diagonal (45-60 degree)

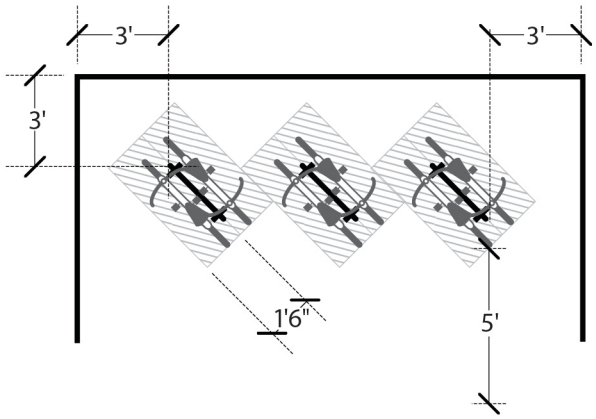


Figure 266-12
Vertical Spaces

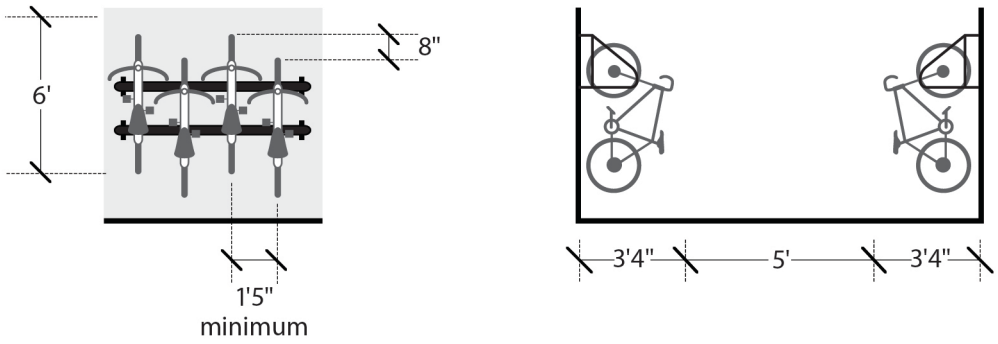


Figure 266-13
Stacked Spaces

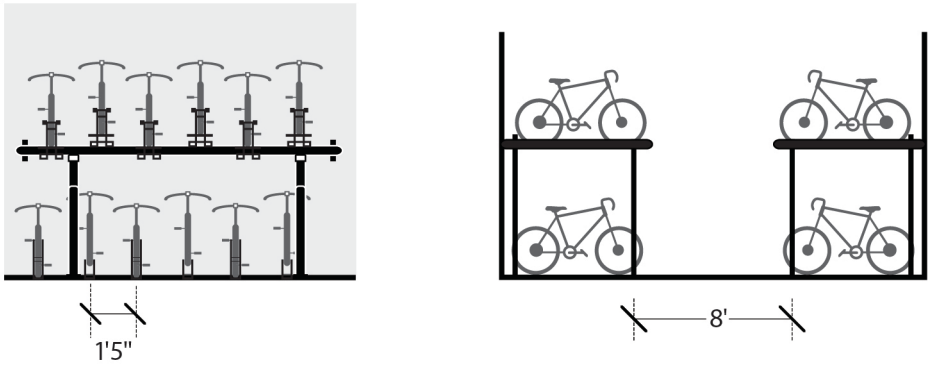
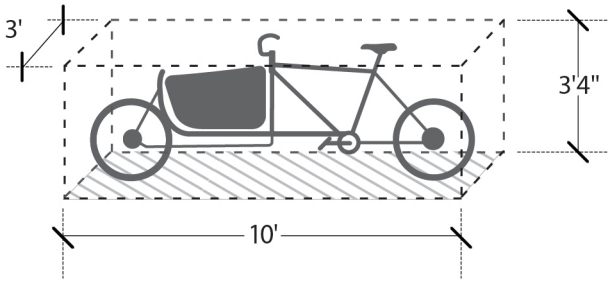


Figure 266-14
Large Bicycle Space



4. Bicycle lockers. Bicycle lockers are fully enclosed and secure bicycle parking spaces.
   a. The locker must be securely anchored to the ground.
   b. There must be an aisle at least 5 feet wide behind all bicycle lockers to allow room for bicycle maneuvering.
   c. Locker Dimensions. All bicycle lockers must meet one of these:
      (1) The locker space has a minimum depth of 6 feet, with an access door of 2 feet wide and a minimum height of 3 feet 11 inches.
      (2) A locker space provided in a triangle locker layout for two bicycle parking spaces must have a minimum depth of 6 feet 6 inches; and an access door with a minimum width of 2 feet 6 inches; and a minimum height of 3 feet 11 inches.
5. Signage
   a. Light rail stations and transit centers. If bicycle parking is not visible from the light rail station or transit center, a sign must be posted at the station or center indicating the location of the bicycle parking.
   b. Other uses. If bicycle parking is not visible from the streets or main building entrances, a sign must be permanently posted at the main entrance indicating the location of the bicycle parking.
6. Bicycle parking information in plans. The following information must be submitted with applications for a building permit or land-use review:
   a. Location, access route to long-term bicycle parking and number of bicycle parking spaces for short-term and long-term bicycle parking requirements;
   b. The model or design of the bicycle parking facilities to be installed;
   c. Dimensions of all aisles and maneuvering areas; and

d. If applicable, information adequate to illustrate the racks and spaces that satisfy the minimum horizontal requirement, and the racks and spaces that accommodate a larger bicycle footprint.

D. Standards for Long-Term Bicycle Parking.

1. Development Standards. Long-term bicycle parking must be provided in lockers or racks that meet the following standards. Long-term bicycle parking for Schools may choose between (1) or (5) or a combination of those two locations:

a. Location Standards. Long-term bicycle parking may be provided in one or more of the following locations:

(1) Within a building, including on the ground floor or on individual building floors;

(2) On-site, including in parking areas and structured parking;

(3) In an area where the closest point is within 300 feet of the site; or

(4) In a residential dwelling unit. Up to 50 percent of long-term bicycle parking spaces may be provided in a residential dwelling unit, if they meet the following. Long-term bicycle parking provided in a residential dwelling unit does not need to meet the requirements for Paragraph C.2. above. Adjustments and modifications to this Subsubparagraph are prohibited.

- The bicycle parking is located within 15 feet of the entrance to the dwelling unit.
- The bicycle parking is located in a closet or alcove of the dwelling unit that includes a rack that meets the standard bicycle parking spacing dimensions in Table 266-7.
- For buildings with no elevators, long-term bicycle parking must be located in the ground floor units.

(5) For Schools, long-term bicycle parking must be placed where the closest space is within 100 feet of a main entrance.

b. Exceptions. Sites containing residential development with 12 or fewer dwelling units may provide up to 100 percent of required long-term bicycle parking spaces in the dwelling units. All other in-unit standards in Subsubparagraph D.1.a.(4)., above must be met.

c. For sites with multiple primary uses, long-term bicycle parking must be provided in an area that can be accessed from each use. If bicycle parking is provided in a common area on the site, the area must be accessible for all tenants.

d. Covered bicycle parking. All long-term bicycle parking must be covered. Where covered bicycle parking is not within a building or locker, the cover must be:

(1) Permanent;

(2) Impervious; and

(3) The cover must project out a minimum of 2 feet beyond the bicycle parking spaces on the portion of the structure that is not enclosed by a wall.

2. Security Standards.

   a. Long-term bicycle parking must meet the following security standards:

      (1) Long-term bicycle parking for residential uses must be provided in one of the following:
      - A restricted access, lockable room or enclosure, designated primarily for bicycle parking;
      - A bicycle locker; or
      - In a residential dwelling unit meeting Subsubparagraph 1.a.(4), above.

      (2) Long-term bicycle parking for all other uses must be located in one of the following locations. For Schools, a minimum of 10 percent of bicycle parking must be located in the following:
      - A restricted access, lockable room or enclosure; or
      - A bicycle locker.

   b. All access routes and the bicycle parking spaces must be lighted to a level where the system can be used at night by the employees and residents.

3. Additional Development Standards. The following standards apply to sites with more than 20 long-term bicycle parking spaces:

   a. Minimum number of horizontal bicycle parking spaces. At least 30 percent of spaces must be in a horizontal rack, or on the lower level of a stacked bicycle parking rack. For Schools (K-8), all spaces located outside of the building must be in a horizontal rack.

   b. Parking for larger bicycle space. At least 5 percent of spaces must accommodate a larger bicycle space, placed in a horizontal rack. These spaces may be included to meet the requirement for Subparagraph D.3.a. See Figure 266-14.

   c. Electrical outlet requirement. At least 5 percent of spaces must have electrical sockets accessible to the spaces. Each electrical socket must be accessible to horizontal bicycle parking spaces.

E. Standards for Short-term Bicycle Parking

1. Development Standards. Short-term bicycle parking must meet the following standards:

   a. Location Standards. Short-term bicycle parking must meet the following location standards:

      (1) On-site, outside a building;

      (2) At the same grade as the sidewalk or at a location that can be reached by an accessible route; and

      (3) Within the following distances of the main entrance:
      - Building with one main entrance. For a building with one main entrance, the bicycle parking must be within 50 feet of the main entrance to the building as measured along the most direct pedestrian access route. (See Figure 266-15)

- Building with more than one main entrance. For a building with more than one main entrance, the bicycle parking must be along all façades with a main entrance, and within 50 feet of at least one main entrance on each façade that has a main entrance, as measured along the most direct pedestrian access route. (See Figure 266-16)
- Sites with more than one primary building. For sites that have more than one primary building, but are not an institutional campus, the bicycle parking must be within 50 feet of a main entrance as measured along the most direct pedestrian access route, and must be distributed to serve all primary buildings (See Figure 266-17);
- Institutional Campus. On an institutional campus with more than one building or main entrance, the bicycle parking must be either:
  - Within 50 feet of a main entrance as measured along the most direct pedestrian access route; or
  - If the short-term bicycle parking is more than 50 feet from a main entrance, it must be in a common bicycle parking location along a pedestrian access route.

b. Bicycle Parking Fund

(1) This option may be used if any of the required short-term bicycle parking cannot be provided on site in a way that complies with all of the standards in Subsection C and E. This option may not be used if:

- There are surface parking areas, plazas, exterior courtyards, or other open areas on the site, other than required landscaping;
- Those open areas are large enough, separately or in combination, to accommodate all short-term bicycle parking; and
- The open areas meet the location requirements of Subparagraph E.1.a., above.

(2) Fund use and administration. The Bicycle Parking Fund is collected and administered by the Bureau of Transportation. The funds collected will be used to install bicycle parking and associated improvements in the right-of-way.

Figure 266-15
Short-term bike parking – one building, one entrance

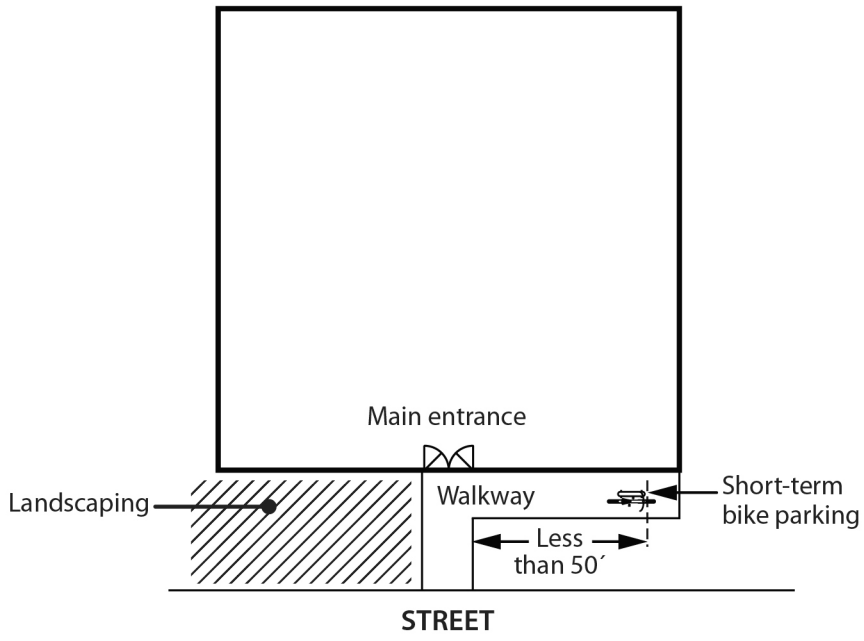


Figure 266-16
Short-term bike parking – one building, multiple entrances

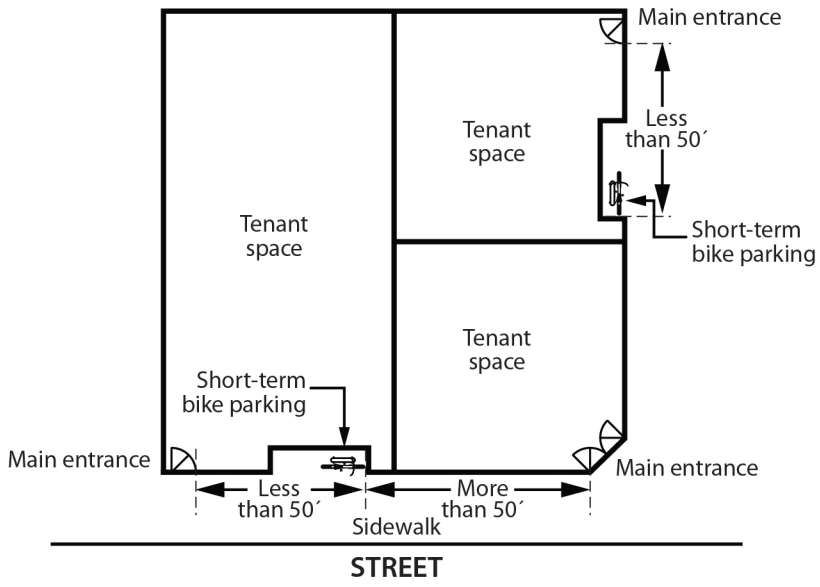
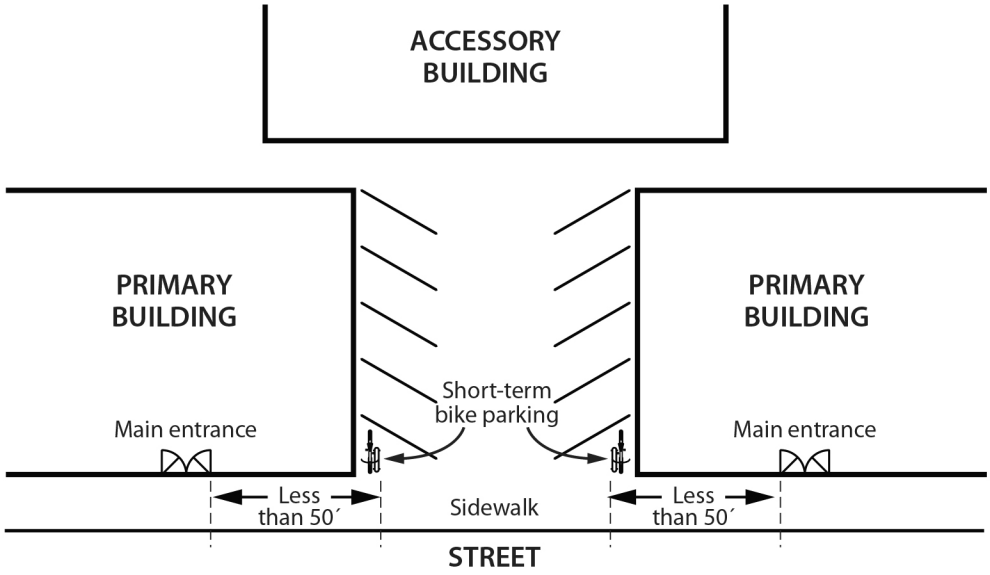


Figure 266-17
Short-term bike parking – multiple buildings, multiple entrances



Loading

33.266.310 Loading Standards

A. Purpose. A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

B. Where these regulations apply. The regulations of this section apply to all required and non-required loading areas.

C. Number of loading spaces.

1. Buildings where all of the floor area is in Household Living uses must meet the standards of this Paragraph.
   a. One loading space meeting Standard B is required where there are more than 40 dwelling units in the building and the site abuts a street that is not a streetcar alignment or light rail alignment.
   b. One loading space meeting Standard B is required where there are more than 20 dwelling units in a building located on a site whose only street frontage is on a streetcar alignment or light rail alignment.
   c. One loading space meeting Standard A or two loading spaces meeting Standard B are required when there are more than 100 dwelling units in the building.
2. Buildings where any of the floor area is in uses other than Household Living must meet the standards of this Paragraph.

a. Buildings with any amount of net building area in Household Living and with less than 20,000 square feet of floor area in uses other than Household Living are subject to the standards in C.1. above.

b. One loading space meeting Standard A is required for buildings with at least 20,000 and up to 50,000 square feet of net building area in uses other than Household Living.

c. Two loading spaces meeting Standard A are required for buildings with more than 50,000 square feet of net building area in uses other than Household Living.

D. Size of loading spaces. Required loading spaces must meet the standards of this subsection.

1. Standard A: the loading space must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet.

2. Standard B: The loading space must be at least 18 feet long, 9 feet wide, and have a clearance of 10 feet.

E. Placement, setbacks and landscaping. Loading areas must comply with the setback and perimeter landscaping standards stated in Table 266-8 below. When parking areas are prohibited or not allowed between a building and a street, loading areas are also prohibited or not allowed.

F. Forward motion.

1. Outside the Central City plan district. Outside the Central City plan district, loading facilities generally must be designed so that vehicles enter and exit the site in a forward motion. Standard B loading spaces that are accessed from a Local Service Traffic Street are exempt from this requirement

2. In the Central City plan district. In the Central City plan district, loading facilities that abut a light rail or streetcar alignment must be designed so that vehicles enter and exit the site in a forward motion.

G. Paving. In order to control dust and mud, all loading areas must be paved.

Table 266-8
Minimum Loading Area Setbacks And Perimeter Landscaping

Location	All zones except EG2 and IG2	EG2, IG2
Lot line abutting street	5 ft. / L2 or 10 ft. / L1	10 ft. / L2 or 15 ft. / L1
Lot line abutting a C, E, I, or CI zone lot line	5 ft. / L2 or 10 ft. / L1	5 ft. / L2 or 10 ft. / L1
Lot line abutting an OS zone lot line	5 ft. / L3	10 ft. / L3
Lot line abutting an R or IR zone lot line	5 ft. / L4	10 ft. / L4

Transportation and Parking Demand Management

33.266.410 Transportation and Parking Demand Management

A. **Purpose.** Transportation and parking demand management (TDM) encompasses a variety of strategies to encourage more efficient use of the existing transportation system, and reduce reliance on the personal automobile. This is achieved by encouraging people through education, outreach, financial incentives, and pricing to choose other modes, share rides, travel outside peak times, and telecommute, among other methods. Effective TDM also incorporates management of parking demand. Transportation and parking demand management strategies help reduce traffic congestion, reduce the amount of money that must be spent to expand transportation system capacity, improve air quality, and ensure road capacity is available for those who need it most.

B. Transportation and parking demand management in the commercial/mixed use and multi-dwelling zones. In the commercial/mixed use and multi-dwelling zones, a TDM plan is required when new development includes a building with more than 10 dwelling units, or an alteration to existing development includes the addition of more than 10 dwelling units within a building. Sites in the Central City plan district, and sites that are located far from transit, as described in Paragraph 33.266.110.B.2, are exempt from this requirement. To meet the TDM standard, the applicant must choose one of the following:

1. Go through the Transportation Impact review process set out in chapter 33.852; or
2. Meet the objective standards of Title 17.107 as verified by the Portland Bureau of Transportation.

33.266.420 Transportation Impact Review in the Campus Institutional Zones

Development on a site zoned CI with a College or Medical Center use must conform to an approved Transportation Impact review. Development that is not in conformance with an approved Transportation Impact review requires Transportation Impact review when the development:

A. Increases the net building area on the campus by more than 20,000 square feet; or

B. Increases the number of parking spaces on the campus by more than 4.

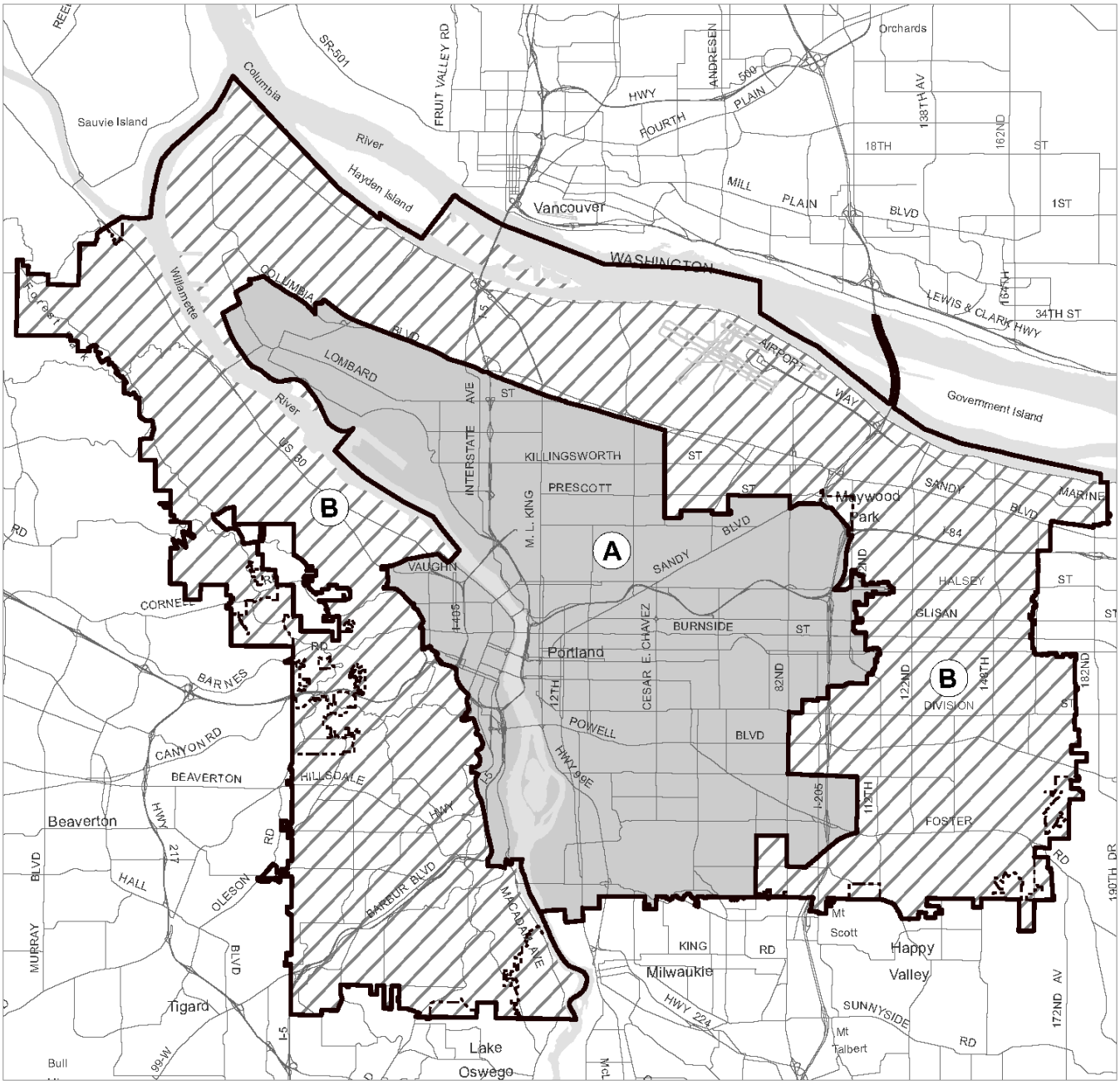
(Amended by: Ord. No. 164014, effective 3/27/91; Ord. No. 164899, effective 12/11/91; Ord. No. 165376, effective 5/29/92; Ord. No. 166313, effective 4/9/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169324, effective 10/12/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169699, effective 2/7/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 179316, effective 7/8/05; Ord. No. 179845, effective 1/20/06; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective

1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188162, effective 2/1/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No 189784, effective 3/1/20.)

Bicycle Parking Areas

Map 266-1

Map Revised March 1, 2020



City Boundary

Standard A area

Standard B area

NORTH

0 9,000 18,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.269 Planned Unit Developments

269

(Amended by: Ord. No. 166702, effective 7/30/93; Ord. No. 167386, effective 2/23/94; Ord. No. 174263, effective 4/15/00. Deleted by Ord. Nos. 175965 and 176333, effective 7/1/02.)

33.270 Planned Development

270

Sections:

33.270.010 Purpose
33.270.020 Relationship to Other Regulations
33.270.100 Additional Allowed Uses and Development in Single Dwelling Zones
33.270.110 Limitations on Residential Uses and Development
33.270.200 Additional Requirements for Planned Developments in Commercial/Mixed Use Zones

33.270.010 Purpose

The Planned Development regulations provide an opportunity for innovative and creative development. Planned Development provides a master planning mechanism for allowing additional housing types and uses, the transfer of density and floor area to different portions of a site, and across internal zoning boundaries, and bonus floor area and increased height on large sites in commercial/mixed use zones. In this case, the flexibility is allowed when the development includes features that provide public benefits.

These regulations allow flexibility, and in some cases increased intensity of development, beyond that allowed by other chapters of this Title, if the proposed development is well-designed and can be successfully integrated into the neighborhood and provides public benefits. Overall, a Planned Development is intended to promote:

- High quality design that is integrated into the broader urban fabric, and complements existing character within the site and adjacent to the site;
- Development that is pedestrian-oriented, with a strong orientation towards transit and multimodal transportation alternatives;
- Building bulk, height, and orientation that ensures that light and air is accessible within the public realm, and that public view corridors are protected;
- A safe and vibrant public realm, with buildings and uses that are oriented to activate key public gathering spaces, be they public open space, transit stations, or the Willamette River;
- Open space areas that include gathering spaces and passive and/or active recreation opportunities;
- Affordable housing; and
- Energy efficient development.

33.270.020 Relationship to Other Regulations

A. Flexibility. Approval of a Planned Development allows certain kinds of flexibility for development in residential zones and commercial/mixed use zones. Some of the flexibility allowed by Planned Developments may also be allowed under other provisions of this Title. Where such situations exist, the applicant may choose which provision to apply.

B. Density and FAR. Minimum residential density and minimum FAR requirements must be met in a Planned Development. Adjustments to minimum density or minimum FAR are prohibited. Where the density requirement is expressed as a number of lots, it can be met in the Planned Development by providing the same number of dwelling units. Maximum density requirements in Single-Dwelling zones are specified in 33.610.100 and 33.611.100. Maximum FAR requirements are specified in 33.130.205.

C. Land Divisions. A Planned Development may be the only land use review requested for a site, or may be part of a proposal for a Land Division. Certain site conditions or aspects of a proposal require a Land Division, including situations where a tract is required (such as when there is floodway on the site), or where rights-of-way are requested or required.

33.270.100 Additional Allowed Uses and Development

In addition to the housing types and uses allowed by other chapters of this Title, the following uses and development may be requested through Planned Development Review. More than one of these elements may be requested:

A. Attached houses. Attached houses may be requested in the RF through R5 zones;

B. Duplexes. Duplexes may be requested in the RF through R2.5 zones;

C. Attached duplexes. Attached duplexes may be requested in the RF through R2.5 zones;

D. Triplexes. Triplexes may be requested in the RF through R2.5 zones;

E. Fourplexes. Fourplexes may be requested in the RF through R2.5 zones;

F. Multi-dwelling structures. Multi-dwelling structures may be requested in the RF through R2.5 zones;

G. Multi-dwelling development. Proposals to allow multi-dwelling development on a lot may be requested in RF through R2.5 zones;

H. Modification of site-related development standards. Modification of site-related development standards that are not prohibited from being adjusted may be requested through a Planned Development.

I. Alternative residential dimensions. Proposals for lots that do not meet the minimum lot area, minimum lot depth, or minimum front lot line standards may be requested in RF through R2.5 zones. Proposals for lots that do not meet the minimum lot size dimensions may be requested in the RM1 through RM4 zones.

J. Commercial uses. Commercial uses that are allowed in the CM1 zone may be requested in the RF through RM2 zones;

K. Additional height and FAR. For sites in the CM2, CM3, CE, and CX zones outside of the Central City and Gateway plan districts that are greater than 2 acres in size, additional height and FAR may be requested through a Planned Development as specified in 33.130.212.E, Planned Development Bonus, and Table 130-3;

L. New dwelling units. New dwelling units may be requested on lots that are zoned multi-dwelling and are less than 90 feet wide;

M. Transfer of development within a site. Transfer of development rights across zoning lines within the site may be proposed as follows:

1. RF through R2.5 zones. If the site is located in more than one zone, and all the zones are RF through R2.5, the total number of units allowed on the site is calculated by adding up the number of units allowed by each zone. The dwelling units may be placed without regard to zone boundaries.

2. RM1 through RX zones. If the site is located in more than one zone, and the zones are RM1 through RX, the total amount of floor area allowed on the site is calculated by adding up the amount of floor area allowed by each zone. The floor area may be placed without regard to zone boundaries.

3. C, E, I, CI, and IR zones. If the site is located in more than one zone, and all the zones are C, E, I, CI, and IR zones, the total amount of floor area allowed on the site is calculated by adding up the amount of floor area allowed by each zone. The floor area may be placed without regard to zone boundaries.

4. All zones. If the site is located in more than one zone, and at least one of the zones is RF through R2.5, and at least one of the zones is RM1 through RX, C, or EX, then the total number of dwelling units allowed on the site is calculated as follows:

   a. The number of units allowed on the RF through R2.5 portion of the site is calculated in terms of dwelling units;

   b. The number of units allowed on the other portion of the site is calculated in terms of floor area; The floor area calculation is converted to dwelling units at the rate of 1 dwelling unit per 1,000 square feet of floor area;

   c. The two dwelling unit numbers are added together, and may be placed without regard to zone boundaries.

N. Transfer of development between sites. Sites that are eligible to transfer development rights to another site are designated in other chapters of this Title. Where such transfers require a Planned Development, both the sending and receiving sites must be part of a Planned Development.

33.270.110 Limitations on Residential Uses and Development

The following limitations apply to Planned Developments proposed in EG or I Zones:

A. Industrial zones. Residential uses and development are prohibited in industrial zones. Using floor area transferred from industrial zones for residential uses is prohibited in all zones.

B. EG1 and EG2 zones. Residential uses and development are prohibited in EG1 and EG2 zones. Using floor area transferred from EG1 or EG2 zones for residential uses is prohibited in all zones.

33.270.200 Additional Requirements for Planned Developments in the Commercial/Mixed Use Zones

Planned Developments in the CM2, CM3, and CE zones, and in the CX zone outside the Central City and Gateway plan districts, that are using the Planned Development bonus, must met all of the following requirements:

A. **Affordable housing.** The applicant must provide a letter from the Portland Housing Bureau certifying that the requirements of Paragraph 33.130.212.C.1. or C.2. have been met.

B. **Plaza or park.** At least 15 percent of the total Planned Development site area must be developed as a publicly accessible plaza or park. The proposed plaza or park must meet the following standards:

1. The plaza or park must be:
   a. Located outside on the site;
   b. Located adjacent to a public street; and
   c. Open and accessible to the public from 7am to 9pm. The property owner must record an easement for the plaza or park that provides for unrestricted public access from 7am to 9pm;
2. The plaza must have a minimum dimension of 50 feet by 50 feet;
3. Open space used to meet required residential outdoor area standards cannot be used to meet this requirement;
4. Building walls abutting the plaza or park must meet the ground floor window standard in 33.130.230.B.2.a, and there must be at least one building entrance facing the plaza or park; and
5. The property owner must execute a covenant with the City ensuring the preservation, maintenance, and continued operation of the plaza or park. The covenant must comply with the requirements of Section 33.700.060.

C. **Energy efficient buildings.** All buildings, except for accessory structures, within the Planned Development site, must meet the energy efficiency requirements of the Bureau of Planning and Sustainability.

D. **Design Review.** All development within the Planned Development site must be approved through Design Review or meet the Community Design Standards as follows. Development associated with a plaza or park required by Subsection B must go through Design Review and is not eligible to use the Community Design Standards:

1. The Community Design Standards provide an alternative process to design review for some proposals. Proposals that are within the maximum limits stated in Table 270-1 are allowed to use the objective standards of Chapter 33.218, Community Design Standards. The applicant may choose to go through the design review process set out in Chapter 33.825, Design Review, if more flexibility than provided by the standards is desired.

Table 270-1 Maximum Limits for Use of the Community Design Standards [1]	
	Maximum Limit
New Floor Area	20,000 sq. ft. of floor area
Exterior Alterations	• For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the façade. • For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the facade area.

Notes: [1] There are no maximum limits for proposals where any of the floor area is in residential use.

2. Proposals that are not allowed to use the Community Design Standards, or do not meet the Community Design Standards, must go through the design review process.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177422, effective 6/7/03; Ord. No. 183598, effective 4/24/10; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20.)

33.272 Major Public Trails

272

Sections:

33.272.010 Purpose
33.272.020 Where These Regulation Apply
33.272.030 Dedication of Public Right-Of-Way or Easement
33.272.040 Construction of the Trail
33.272.050 Trail Standards
33.272.060 Use of Trail
33.272.070 Hours of Use
33.272.080 Trespass
33.272.090 Trail Maintenance and Liability
33.272.100 Standards for City Acceptance of Deeded Land

33.272.010 Purpose

The major public trail requirements are intended to:

- Increase recreational opportunities within the City of Portland and connect these recreational opportunities with a regional recreational trail system;
- Support active modes of transportation and provide connections to other transportation systems;
- Increase public access to and along the Willamette River and to other significant natural resource areas;
- Provide emergency vehicle access;
- Provide access to increase public safety;
- Assist in flood protection and control;
- Assist in shoreline anchoring;
- Implement the City's Comprehensive Plan policies regarding public trails;
- Help create a pleasant, aesthetically pleasing urban environment; and
- Provide consistent standards for trail development.

33.272.020 Where These Regulations Apply

A. General. The regulations of this chapter apply to all sites that have the major public trail symbol designation shown on the Official Zoning Maps. The regulations of this chapter apply when a proposed development will increase the use of the trail system or will contribute to the need for additional trail facilities, and application of the regulations is determined to be roughly proportional to the impacts of the proposed development. The Bureau of Development Services is authorized to develop and maintain administrative rules establishing a clear and objective formula for rough proportionality. A determination that the regulations of this chapter do not apply does not preclude acquisition and construction of a public trail through other legal means.

B. Exception. The regulations of this chapter do not apply when the proposal is for the removal or remediation of hazardous substances and the actions are conducted in compliance with state law under ORS. Chapter 465.

C. Columbia South Shore Plan District. Sites in the Columbia South Shore Slough Trail area and Cross-Levee Trail area must also comply with the regulations of 33.515.260. These areas are shown on Map 515-4.

D. South Waterfront subdistrict of the Central City Plan District. Sites in the South Waterfront subdistrict of the Central City Plan District must also comply with the regulations of 33.510.253. The regulations of that section specify when major public trails must be constructed within the South Waterfront subdistrict.

33.272.030 Dedication of a Public Right-Of-Way or Easement

All applicants for a land use review or for building permits on lands designated with a major public trail symbol on the zoning map may be required to grant an easement for the trail. The easement must be recorded with the County Recorder/Auditor's Office as part of recording an approved land use review decision, and finalized prior to obtaining a final certificate of occupancy. The land may be donated to the City instead of granting an easement when the standards of Section 33.272.100 are met. Trails shown adjacent to public rights-of-way may be constructed in the public right-of-way, subject to approval from the Portland Bureau of Transportation.

33.272.040 Construction of Trails

A. Single-dwelling zones. The construction of the major public trail in single-dwelling residential zones is only required for land divisions and Planned Developments. Construction of the trail is not required as part of development on an existing single-dwelling lot.

B. All other zones. Construction of the major public trail is required on lands designated with a major public trail symbol on the zoning maps in any of the following situations:

1. When there is new development;
2. When exterior alterations to existing development are 35 percent or greater of the assessed improvement value of the total improvements on the site; or
3. When there is a land division or Planned Development.

C. Prior to certificate of occupancy. The trail must be constructed prior to the issuance of a certificate of occupancy, unless the site is eligible for the trust fund provisions of 33.515.260.B, or the special timing provisions of 33.510.253.D.4.

33.272.050 Trail standards.

A major public trail must comply with the standards of Portland Parks and Recreation for recreational trails or, where the trail is located in a public right-of-way, it must comply with the standards of the Portland Bureau of Transportation.

33.272.060 Use of Trail

Public use and conduct on the major public trail are subject to the regulations in Chapter 12, Prohibited Conduct, of Title 20, Parks and Recreation; and Chapter 50, Columbia South Shore Slough Trail of Title 20 except as otherwise limited by the terms of an easement between the applicant and the City.

33.272.070 Hours of Use
The major public trail and access paths must be open to the public between the hours of 5 a.m. and 10 p.m., except as otherwise specified by the terms of an easement between the applicant and the City.

33.272.080 Trespass
Nothing in this chapter is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired.

33.272.090 Trail Maintenance and Liability

A. **City maintenance.** The City will accept maintenance and liability, similar to its responsibilities for City-owned park property, for a major public trail segment if the City Engineer or the Director of Portland Parks and Recreation finds all of the following:

1. The applicant requests that the City assume the responsibilities;
2. The trail lies within an easement or right-of-way granted to the City for trail purposes;
3. The trail has been constructed to City standards;
4. The trail is physically continuous for at least 1/4-mile along the designated route. This requirement will be waived if the trail has not been made part of a physically continuous segment of at least 1/4-mile within 2 years after completion of the segment under consideration; and
5. If the applicant desires to use a private security force to patrol the trail area, the owner has signed an agreement holding the City harmless from all claims, suits, or actions of any nature, caused or arising out of the actions of the private security force, its subcontractors, agents, or employees.

B. **Applicant maintenance.** The applicant retains maintenance and liability responsibilities unless these responsibilities are accepted by the City. Where the applicant retains maintenance and liability responsibilities, the trail segment must be maintained at a level at least equal to those segments maintained by the City.

33.272.100 Standards for City Acceptance of Deeded Land.
The land may be donated to the City instead of granting an easement if the following standards are met:

A. The trail is constructed and meets the City's trail construction standards or the trust fund option described under Subsection 33.515.260.B. has been applied.

B. The property owner meets the hazardous substances standards in the City's standard trail easement agreement.

(Amended by: Ord. No. 166835, effective 5/23/95; Ord. No. 174263, effective 4/15/00; Ord. No. 177082, effective 1/20/03; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20.)

33.274 Radio Frequency Transmission Facilities

274

Sections:

33.274.010 Purpose
33.274.020 When the Regulations Apply
33.274.025 When a Conditional Use Review is Required
33.274.030 Facilities Exempt from This Chapter
33.274.035 Facilities Allowed Without a Conditional Use Review
33.274.040 Development Standards
33.274.050 Procedures for Conditional Use Review
33.274.060 Registration of Existing Facilities
33.274.070 Measurements
33.274.080 Review of Radio Frequency Transmission Facility Regulations

33.274.010 Purpose

Radio Frequency Transmission Facilities are regulated to:

- Ensure City zoning regulations are applied consistently with federal telecommunication legislation and rules;
- Reduce the potential need for additional towers that are built in or near residential and open space zones by encouraging that Radio Frequency Transmission Facilities be located on buildings, existing towers, or utility poles in public rights of way;
- Ensure that towers in or near residential or open space zones are only sited when alternative facility locations are not feasible;
- Preserve the quality of living in residential areas which are in close proximity to Radio Frequency Transmission Facilities;
- Preserve the opportunity for continued and growing service from the radio frequency transmission industries; and
- Support the goals of the City's Broadband Strategic Plan.

33.274.020 When the Regulations Apply

Except as exempted in 33.274.030 below, this chapter applies to all radio frequency transmission facilities and to all associated accessory structures and equipment, including transmitters, antennas, towers, masts, and poles. Facilities within the Healy Heights Plan District are also subject to the regulations of Chapter 33.533.

33.274.025 When a Conditional Use Review is Required

Unless exempted by 33.274.030 or allowed by 33.274.035, all new Radio Frequency Transmission Facilities require a conditional use review. Approval criteria for these reviews are stated in Chapter 33.815, Conditional Uses.

33.274.030 Facilities Exempt from this Chapter

All of the following are allowed without a conditional use and are exempt from the regulations of this chapter:

A. Emergency or routine repairs, reconstruction, or routine maintenance of previously approved facilities;

B. Industrial, scientific, and medical equipment operating at frequencies designated for that purpose by the Federal Communications Commission;

C. Military and civilian radars, operating within the regulated frequency ranges, for the purpose of defense or aircraft safety;

D. Point-to-point and multipoint microwave facilities, provided that:

1. Any new tower meets the height requirements of the base zone or is less than 50 feet in height, whichever is less; and
2. Any new tower is more than 2,000 feet from any other Radio Frequency Transmission Facility that is supported by a tower;

E. Amateur and citizen band transmitters and antennas;

F. Two-way communication transmitters used on a temporary basis by "911" emergency services, including fire, police, and emergency aid or ambulance service;

G. Radio transceivers normally hand-held or installed in moving vehicles, such as automobiles, watercraft, or aircraft. This includes cellular phones, smart tablets, navigation systems, laptop computers and consumer signal boosters;

H. Towers, masts, poles, or other supporting structures accessory to a residential use, with a transmitter output power of 1,500 watts or less;

I. Transmitters, when not used in conjunction with personal wireless service facilities, operating at a frequency less than 1 GHz and a transmitter output power of less than 7 watts, provided that any new tower, pole, or mast meets the height requirements of the base zone or is less than 50 feet in height, whichever is less; and

J. Radio frequency machines that:

1. Are designated and marketed as consumer products, such as microwave ovens and remote control toys; or
2. Are in storage, shipment, or on display for sale, provided such machines are not operated.

33.274.035 Facilities Allowed Without a Conditional Use Review

All of the following are allowed without a conditional use but are subject to the development standards in this chapter:

A. New and modified personal wireless service facilities in C, E, I, or CI zones mounted on an existing building or other non-broadcast structure provided that the entire facility is more than 50 feet from an R or IR zone.

B. New and modified personal wireless service facilities in C, E, I, or CI zones supported by a new tower provided that:

1. The tower is more than 50 feet from an R or IR zone;
2. The tower meets the height requirement for buildings in the base zone; and
3. The tower is more than 2,000 feet from other towers. This requirement does not apply to towers that are supporting a personal wireless service facility operating in the same licensed frequencies.

C. Other modifications of facilities that were originally approved through a conditional use, including the addition or replacement of antennas and accessory equipment, provided all modifications made over time:

1. Do not increase the footprint of equipment enclosures on the ground by more than 1,500 square feet;
2. Do not substantially change the physical dimensions of the tower, pursuant to 47 U.S.C. §1455, including changes to tower height when accompanied by substantial evidence that the requested height is the minimum necessary to avoid interference with existing antennas. Such changes are not limited by conditions of prior land use reviews; and
3. To the extent practicable, modifications must reasonably maintain the appearance of the original facility including, but not limited to, color, screening, landscaping, camouflage, concealment techniques, mounting configuration, or architectural treatment.

33.274.040 Development Standards

A. Purpose. The development standards:

- Ensure that Radio Frequency Transmission Facilities will be compatible with adjacent uses;
- Reduce the visual impact of towers and accessory equipment in residential and open space zones whenever possible; and
- Protect adjacent property from tower failure, falling ice, and other safety hazards.

B. When the standards apply.

1. Unless exempted by 33.274.030, above, the development standards of this section apply to all Radio Frequency Transmission Facilities.
2. Applications to modify existing facilities regulated by this chapter are required to meet the development standards and conditions of approval only for elements of the facility that are being modified. In addition, any elements of the original approval that have moved out of compliance with development standards that applied when the facility was approved, such as landscape materials, or applicable conditions of approval, must be brought back into compliance.

C. General requirements

1. Tower sharing. New facilities must co-locate on existing towers or other structures to avoid construction of new towers, unless precluded by structural limitations, inability

to obtain authorization by the owner of an alternative location, or where an alternative location will not meet the service coverage objectives of the applicant. Requests for a new tower must be accompanied by evidence that application was made to locate on existing towers or other structures, with no success; or that location on an existing tower or other structure is infeasible.

2. Grouping of towers. The grouping of towers that support radio or television broadcast facilities on a site is encouraged where technically feasible. Tower grouping may not result in radio frequency emission levels exceeding the standards stated in C.5, below.

3. Tower finish. For towers not regulated by the Oregon Aeronautics Division or Federal Aviation Administration, a finish (paint/surface) must be provided that reduces the visibility of the structure.

4. Tower illumination. Towers must not be illuminated except as required for the Oregon State Aeronautics Division or the Federal Aviation Administration.

5. Radio frequency emission levels and exposure limits. All Radio Frequency Transmission Facilities must operate within the radio frequency emissions levels and comply with the exposure limits established by the Federal Communications Commission (FCC). Applicants must certify that the proposed facility will be in compliance with FCC emissions standards with the permit application.

6. Antenna requirements. Antennas must be secured from public access, either by vertical or horizontal separation, fencing, locked access, or other measures as appropriate.

7. Setbacks.

    a. All towers must be set back at least a distance equal to 20 percent of the height of the tower or 15 feet, whichever is greater, from all abutting R and OS zoned property and public streets.

    b. Accessory equipment or structures must meet the base zone setback standards that apply to accessory structures.

    c. Tower guy anchors must meet the base zone setback standards that apply to buildings.

8. Landscaping and screening. The base of a tower and all accessory equipment or structures located at grade must be fully screened from the street and any abutting sites as follows:

    a. In C, E, I, or CI zones more than 50 feet from an R or IR zone. A tower and all accessory equipment or structures located in the C, E, I, or CI zones more than 50 feet from an R or IR zone must meet the following landscape standard:

        (1) Generally. Except as provided in (2), below, a landscaped area that is at least 5 feet deep and meets the L3 standard must be provided around the base of a tower and all accessory equipment or structures.

(2) Exception. If the base of the tower and any accessory equipment or structures are screened by an existing building or fence, then some or all of the required landscaping may be relocated subject to all of the following standards.

- The building or fence must be on the site;
- The fence must be at least six feet in height and be totally sight-obscuring;
- The relocated landscaping must meet the L2 standard. The relocated landscaping cannot substitute for any other landscaping required by this Title;
- The applicant must demonstrate that the lease includes provisions for planting and ongoing maintenance of the substitute landscaped area; and
- If any part of the base of the tower or accessory equipment is not screened by a building or fence, 5 feet of L3 landscaping must be provided.

b. In OS, R, or IR zones or within 50 feet of an R or IR zone. A tower and all accessory equipment or structures located in an OS, R, or IR zone or within 50 feet of an R or IR zoned site must meet the following landscape standards:

(1) Tower landscaping. A landscaped area that is at least 15 feet deep and meets the L3 standard must be provided around the base of the tower.

(2) Accessory equipment and structures. A landscaped area that is at least 10 feet deep and meets the L3 standard must be provided around the base of all accessory equipment or structures located at grade.

c. In all zones, equipment cabinets or shelters located on private property that are associated with Radio Transmission Facilities mounted in a right-of-way must be screened from the street and any adjacent properties by walls, fences or vegetation. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment.

9. Tower design.

a. For a tower accommodating a radio or television broadcast facility, the tower must be designed to support at least two additional radio or television broadcast transmitter/antenna systems and one microwave facility, and at least three two-way antennas for every 40 feet of tower over 200 feet of height above ground.

b. For any other tower, the design must accommodate at least three two-way antennas for every 40 feet of tower, or at least one two-way antenna for every 20 feet of tower and one microwave facility.

c. The requirements of Subparagraphs a. and b. above may be modified by the City to provide the maximum number of compatible users within the radio frequency emission levels.

10. Mounting device. The mounting device or mounting structure used to mount facilities to an existing building or other non-broadcast structure may exceed the height limit of the base zone but may not project more than 10 feet above the roof or parapet of the building or other non-broadcast structure.

11. Abandoned facilities. A tower or mounting device on a non-broadcast structure erected to support one or more Federal Communication Commission licensed Radio Frequency Transmission Facilities must be removed from a site if no facility on the tower or mounting device has been in use for more than six months.

D. Additional requirements.

1. Personal wireless service facilities located in OS, R, C, EX, CI, or IR zones, and personal wireless service facilities located in EG or I zones within 50 feet of an R or IR zone must meet all of the following standards:

   a. Antennas mounted on towers. Triangular "top hat" style antenna mounts are prohibited. Antennas must be mounted to a tower either on davit arms that are no longer than 5 feet, flush with the tower, within a unicell style top cylinder, or other similar mounting technique that minimizes visual impact.

   b. Lattice. Lattice towers are not allowed.

2. The minimum site area required for a tower in an R zone is 40,000 square feet.

3. Applications to locate or replace accessory equipment in or within 50 feet of an R or IR zone must be accompanied by a signed and stamped acoustical engineer's report demonstrating that noise levels from the equipment is in full compliance with Title 18 (Noise) regulations, or demonstrating that with appropriate sound proofing mitigation, that the equipment will comply with Title 18.

33.274.050 Procedures for Conditional Use Review

Unless exempted by 33.274.030 or allowed by 33.274.035, above, all Radio Frequency Transmission Facilities are reviewed through the procedures stated below.

A. Type Ix procedure. In all zones, requests for equipment cabinets or shelters located on private property associated with Radio Frequency Transmission Facilities mounted in a right-of-way are processed through a Type Ix procedure.

B. Type II procedure. Requests to locate personal wireless service facilities on an existing building or other non-broadcast structure when the facility is in an OS, R, or IR zone, or the facility is within 50 feet of an R or IR zone in C, E, I, or CI zones are reviewed through a Type II procedure.

C. Type III procedure. All other requests for Radio Frequency Transmission Facilities are reviewed through a Type III procedure.

33.274.060 Registration of Existing Facilities

All Radio Frequency Transmission Facilities subject to this chapter and existing as of September 19, 1987 must complete and submit the Radio Frequency Transmission Facility registration form available from the City.

33.274.070 Measurements

A. **Measurements by engineer.** All measurements required in this chapter must be made by a qualified licensed engineer with a Federal Communications Commission First Class or General Radio-Telephone License or under the supervision of a registered professional electrical engineer.

B. **Method of measurement.** Measurements are to be made in accord with the latest version of American National Standards Institute's (ANSI) Standard C95.3 Techniques and Instrumentation for the Measurement of Potentially Hazardous Electromagnetic Radiation at Microwave Frequencies, or by similar methods considered appropriate by the engineer.

C. **Instrument calibration.** For all measurements made to ensure compliance with this chapter, evidence must be submitted showing that the instrument or instruments used were calibrated within the manufacturer's suggested periodic calibration interval, and that the calibration is by methods traceable to the National Bureau of Standards. A letter must also be submitted stating that the measurements were made in accordance with good engineering practices and verifying the accuracy of the results of the measurements.

33.274.080 Review of Radio Frequency Transmission Facility Regulations

A. **New federal or state standards.** In the event that either the federal or state government adopts mandatory or advisory standards more stringent than those described in this chapter, the Planning staff will prepare a report and recommendation on any necessary revisions to the City's adopted standards. The Council will endeavor to bring the City standards into compliance with those standards within 30 days of the date the new standards become effective.

B. **Significant new information.** The Bureau of Planning and Sustainability, upon learning of significant new information regarding the relationship between non-ionizing radiation and human health, will prepare a report and recommendation to the Planning and Sustainability Commission, detailing any necessary revisions to the City's adopted standards.

(Amended by: Ord. No. 166920, effective 10/1/93; Ord. No. 165376, effective 5/29/92; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No.178480, effective 6/18/04; Ord. No 179980, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

33.277 Residential Flag Lots

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(Amended by: Ord. No. 171219, effective 7/1/97. Deleted by Ord. Nos. 175965 and 176333, effective 7/1/02.)

33.278 Permit-Ready Houses

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(Added by Ord. No. 179994, effective 4/22/06. Amended by: Ord. No. 182429, effective 1/16/09; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

33.279 Recreational Fields for Organized Sports

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Sections:

33.279.010 Purpose
33.279.020 Where These Regulations Apply
33.279.025 Conditional Use Review
33.279.030 Alterations Allowed Without Conditional Use Review
33.279.035 Conditional Use Review Procedure Types
33.279.040 Development Standards
33.279.060 Additional Regulations

33.279.010 Purpose

The recreational field requirements:

- Allow flexibility in the use and development of recreational fields;
- Recognize that recreational fields used for organized sports have a special relationship to the community and are an important resource;
- Recognize that demographics and program needs change over time, and that alterations and additions to recreational fields respond to those changes; and
- Maintain compatibility with and limit the negative impacts on surrounding residential areas.

33.279.020 Where These Regulations Apply

The regulations of this chapter apply if all the following are met:

A. The recreational field is used for organized sports;

B. The recreational field is in an OS, R, or IR zone; and

C. The recreational field is located on a school, school site, or in a park.

33.279.025 Conditional Use Review

Unless the proposal meets the thresholds of 33.279.030, development or alterations related to a recreational field for organized sports requires a conditional use review. Approval criteria for the review are stated in Chapter 33.815, Conditional Use Reviews.

33.279.030 Alterations Allowed Without Conditional Use Review

Alterations related to a recreational field for organized sports to the site that meet all of the following are allowed without a conditional use review provided the proposal meets all of the following thresholds.

A. Complies with all previous conditions of approval;

B. Complies with the development standards of this Title; or if the proposal does not comply with the development standards of this Title, the proposal has received approval through an adjustment or modification review;

C. Does not increase the net building 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, on-site pedestrian circulation systems, Community Gardens, Market Gardens, and increases allowed by Subsections F. through H. below are exempt from this limitation;

E. Will not result in a net gain or loss of site area;

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 F.1 or F.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.

G. Does not result in total spectator seating per field exceeding 210 lineal feet;

H. Does not add more than one new field for organized sports. Up to one new field may be added once per site, after June 4, 2010, without a conditional use review. The new field must:

1. Meet the development standards of Section 33.279.040;

2. Not include lighting, a voice amplification system, or spectator seating in excess of 210 lineal feet;

3. Be located within 300 feet of one or more existing on-site fields approved for organized sports; and

4. Be approved under a Building or Zoning Permit that identifies the existing development and the new field that is being added, per this paragraph.

I. Does not reestablish use of a recreational field that has not been used for organized sports for a period of less than 5 continuous years.

33.279.035 Conditional Use Review Procedure Types

Unless allowed by 33.279.030, all recreational fields for organized sports are reviewed through the review procedures stated below.

A. **Type II.** A Type II review is required for the following individual or cumulative alterations, provided the proposed alterations to the site do not violate any conditions of approval. The alterations in A.3 through A.7 are measured from the time the recreational field became a conditional use or from the last conditional use review of the use, whichever is most recent, to the present:

1. When a voice amplification system is being added to a recreational field that does not currently have an approved voice amplification system;
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 site 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 alterations will not increase the net building area on the site by more than 10 percent, up to a maximum of 25,000 square feet;
5. When the 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 33.279.030.F are exempt from this limitation;
6. When the alterations will not increase the net building 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 33.279.030.F are exempt from this limitation;
7. When the alterations will not increase the linear footage of spectator seating per field by more than 10 percent; or
8. When the proposal will reestablish use of a recreational field that has not been used for organized sports for more than 5 years, but less than 10 years.

B. Type III. A Type III review is required for the following proposals:

1. New recreational fields, except as allowed by 33.279.030.H above;
2. Lighting for recreational fields that currently do not have approved lighting;
3. All other alterations to development related to recreational fields used for organized sports on the site, that are not otherwise allowed or reviewed through a Type II procedure, as described above; or
4. Resuming use of a recreational field that has not been used for organized sports for 10 years or more.

33.279.040 Development Standards

A. Purpose. Ensure that recreational fields and accessory structures will be compatible with and minimize negative impacts on adjacent uses.

B. Standards. The standards of this subsection apply to new fields, alterations to existing fields, and accessory structures.

1. Recreational fields. Recreational fields must be set back at least 50 feet from adjacent R or IR zoned sites. Setbacks are measured from property lines to foul line for baseball and softball fields, and to the field end or side lines for all other sports.

2. Accessory structures. Spectator seating such as bleachers or benches must be set back at least 30 feet from adjacent R or IR zoned sites and at least 15 feet from all other lot lines. All other accessory structures including dugouts, concession stands, and restrooms must be set back at least 15 feet from all lot lines.

33.279.060 Additional Regulations

Other City regulations may apply to recreational fields used for organized sports. See Title 20, Parks and Recreation.

(Added by Ord. No. 183750, effective 6/4/10. Amended by: Ord. No. 185412, effective 6/13/12; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. _____, effective 5/24/18.)

33.281 Schools and School Sites

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Sections:

General
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33.281.020 Relationship to Base Zone and Conditional Use Regulations
Regulations in OS, R, and IR zones
33.281.030 Review Thresholds for School Uses
33.281.040 Review Thresholds for Other Uses
33.281.050 Review Thresholds for Development
33.281.055 Loss of Conditional Use Status on School Sites
Regulations in C and E zones
33.281.060 Use Regulations
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33.281.100 General Standards
33.281.110 Building Coverage and Floor Area Ratio
33.281.120 Special Event Parking
33.281.130 Bus Loading
33.281.140 Landscaping
33.281.150 Temporary Structures

33.281.010 Purpose

The City recognizes that schools have a special relationship to the community. This chapter provides regulations for schools and school sites located throughout the City's neighborhoods. The regulations acknowledge that school sites provide an important community resource and that traditionally a wide variety of activities take place at school sites. The regulations also reflect the fact that there is a constant change in uses, programs, and buildings as school districts respond to changing demographics and educational innovations. At the same time, the regulations protect surrounding uses from negative impacts by providing a forum for the review of major changes to uses or buildings.

33.281.020 Relationship to Base Zone and Conditional Use Regulations

The base zone chapters indicate whether school uses are allowed by right, are conditional uses, or are prohibited. In OS, R, and IR zones, schools are generally regulated as conditional uses. In C and E zones, schools are generally allowed by right. In I and CI zones, schools are prohibited. This chapter provides supplemental information and regulations specific to school uses and school sites. The requirements of the base zone apply unless superseded by the regulations in this chapter. In situations where the use is regulated as a conditional use, the regulations that apply are located in this chapter, except for the conditional use approval criteria, which are in 33.815.105. If a school site has previous conditions of approval, the specific conditions take precedence over the threshold levels of review in this chapter.

Regulations in OS, R, and IR zones

33.281.030 Review Thresholds for School Uses

This section states when a conditional use is required and the type of procedure used for changes to school uses in the OS, R, and IR zones.

A. New school use. The creation of a school use on a site that does not have a school use or is not a school site is reviewed through the Type III procedure.

B. Change of grade levels. Removing grades from any school is allowed. Adding grades is allowed or a conditional use, as specified in Table 281-1.

Table 281-1
Regulations for Adding Grades

If a school has the following grades:	Regulation for adding the following grades:	
	Allowed	CU required
Any grade K-8	Any grade K-8	Any grade 9-12 (Type III)
Any grade 9-12	Any grade 9-12	Any grade K-8 (Type II)
Any grade K-8 AND Any grade 9-12	Any grade K-12	—

C. Modifying an existing school use at the same school level. Program changes within the school use are allowed by right. This includes the addition of special education programs (such as remedial or talented and gifted (TAG) programs), latch key programs, early childhood education programs, or similar programs within the level of the school use. The addition of community school programs or evening programs is also allowed by right as long as the level of the school use does not change.

D. Changes in enrollment and staffing. Changes in the number of students enrolled and the number and classification of staff are allowed without review except where a conditional use review is required by Subsections 33.281.050.B or C.

33.281.040 Review Thresholds for Other Uses

This section states when a conditional use is required for changes to non-school uses on school sites in the OS, R, and IR zones, and the type of procedure used when a conditional use review is required.

A. Purpose. This section allows additional conditional uses on school sites over that normally allowed by the base zones. This is in recognition of the special nature of school sites and the necessity to allow interim uses to allow school districts to maintain sites for future school uses. The additional uses are limited to uses which provide a public service and which can be accommodated on the site with minimal disruption to the site and surrounding area. Offices which can be accommodated easily on the site if adequate off-street parking is provided are also allowed.

B. Other uses on school sites.

1. Daycare, Community Service, Community Gardens, Market Gardens, and nonprofit or social service Office uses are allowed at a school site. However, these uses must comply with the parking requirements in Chapter 33.266, Parking and Loading. In addition, any exterior recreation areas including playgrounds and fields must be maintained and open to the public at times when the use is not occupying the areas.

2. Parks and Open Area uses at school sites are subject to the use regulations of the base zone, plan district and overlay zone. Recreational fields used for organized sports are subject to the regulations of 33.279, Recreational Fields for Organized Sports.

3. Change to another conditional use or the addition of another conditional use in a different use category, except as allowed by Paragraph B.1. or B.2. above, are reviewed through a Type III procedure.

4. Office uses, other than nonprofit or social service offices allowed by Paragraph B.1., above, are reviewed though a Type III procedure.

5. Commercial or industrial uses other than those allowed in Paragraphs B.1. and B.4., above, are reviewed through a Type III procedure. The operators of the uses must be nonprofit, governmental, or social service agencies. The uses may only be in portions of buildings that are already designed to accommodate the proposed use. For example, a social service agency could request approval to run a vocational training program in the auto shop portion of a building on the site.

6. Adding an allowed use may or may not require a conditional use depending on the proposed changes to development on the site. See Section 33.281.050.

33.281.050 Review Thresholds for Development

This section states when development related to schools and on school sites in the OS, R, and IR zones is allowed, when a conditional use review is required, and the type of procedure used. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

A. Allowed. Alterations to the site that meet all of the following are allowed without a conditional use review.

1. The addition of new outdoor recreation areas, or changes to existing outdoor recreation areas;

2. The demolition and replacement of up to 25 percent of the existing net building area on the site;

3. The addition of up to 2,000 square feet of new net building area to the site;

4. Increases of exterior improvement areas up to 2,000 square feet. Fences, handicap access ramps, on-site pedestrian circulation systems, Community Gardens, Market Gardens, bicycle parking and increases allowed by Paragraphs A.6 and A.9 are exempt from this limitation;

5. Changes that do not result in a net gain or loss of site area;

6. The alteration will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:

   a. 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. Parking spaces removed to create accessible spaces as specified in the Oregon Structural Specialty Code are exempt from this limitation;

   b. 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

   c. Any cumulative loss or gain of parking allowed in A.6.a or A.6.b 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.

7. The alteration meets one of the following:

   a. Complies with the development standards of this Title; or

   b. 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;

8. The alteration complies with all previous conditions of approval;

9. The addition of roof-mounted solar panels that meet the requirements of the base zone, and ground mounted solar panels.

B. **Type II.** A Type II review is required when the following individual or cumulative alterations are proposed. The increases in paragraphs B.3 through B.6, are 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.

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;

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 alterations will not increase the net building area on the site by more than 25 percent, up to a maximum of 25,000 square feet;

5. When the alterations will not increase the exterior improvement area on the site by more than 25 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by B.3 are exempt from this limitation; or

6. When the alterations will not increase the net building area and the exterior improvement area on the site by more than 25 percent, up to a maximum of 25,000

square feet. Parking area increases that are allowed by B.3 are exempt from this limitation.

C. **Type III.** All other alterations to development on the site, including alterations not allowed by Subsections A. and B. are reviewed through a Type III procedure.

33.281.055 Loss of Conditional Use Status on School Sites.

If a school use is discontinued for more than 5 continuous years, a new conditional use is required. A school use has been discontinued if the use ceases operations, even if the structure or materials related to the use remain. Any school use proposing to locate at the site after more than 5 years of discontinued use must go through a new conditional use review. The new conditional use is reviewed as follows:

A. If the school use has been discontinued for less than 10 years, and the proposed new school use does not include any of the Type III changes listed in 33.281.030.B or 33.281.050.C, the conditional use is reviewed through a Type II procedure.

B. If the school use has been discontinued for less than 10 years, and the proposed new school use includes any of the Type III changes listed in 33.281.030.B or 33.281.050.C, the conditional use is reviewed through a Type III procedure.

C. If the school use has been discontinued for more than 10 years, the conditional use is reviewed through a Type III procedure.

Regulations in C and E zones

33.281.060 Use Regulations

In the C and E zones, new schools and changes to existing schools are allowed by right subject to the development standards of the base zone and this chapter. Other uses on school sites are subject to the regulations of the base zone.

Development Standards

33.281.100 General Standards

In the OS, R, and IR zones, the development standards for institutional uses apply except where superseded by the standards in this chapter. The institutional development standards are stated in 33.110.245 and 33.120.275. In C and E zones, the development standards of the base zone apply except where superseded by the standards in this chapter. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

33.281.110 Building Coverage and Floor Area Ratio

If the school site is contiguous with a public park, and the school has a signed joint use agreement with the Park Bureau, then the building coverage and FAR calculations are based on the combined site area.

33.281.120 Special Event Parking

Paved play areas may be used for special event parking. The area does not have to comply with landscaping requirements for parking areas. These areas may not be used for required parking for the uses on the site.

33.281.130 Bus Loading

A. Purpose. The purpose of bus loading requirements is to provide safe and efficient bus loading areas in a manner that has minimal negative impacts on the surrounding uses and on the traffic flow and access potential of the surrounding streets. Whenever possible bus loading should be done on-site.

B. New school sites. On-site bus loading is required for new school sites.

1. When there is a conditional use review, the size and design of the bus loading area is determined as part of the conditional use review.
2. When there is no conditional use review, the bus loading area must meet the standards of Section 33.266.310, Loading Standards, except for landscaped setbacks. Bus loading areas are required to comply with the landscaped setbacks for parking areas, not loading areas.

C. Existing school sites.

1. When there is a conditional use review, alterations to on-street and on-site bus loading are reviewed by BDS and Office of Transportation. The provision of on-site bus loading is encouraged whenever possible.
2. When alterations to bus loading are not part of a conditional use review, alterations to existing on-street bus loading are reviewed and approved by the Portland Bureau of Transportation.

33.281.140 Landscaping

This section states exceptions to the normal landscaping requirements.

A. Parking areas. In parking areas where L3 landscaping is normally required, a 20-foot deep area landscaped to the L2 standard may be substituted. Special event parking is addressed in 33.281.120.

B. Other landscaping. In situations where L3 landscaping is required by the base zone or other regulations, L1 or L2 landscaping may be substituted. However, the landscaping requirements for parking areas are stated in Subsection A. above.

33.281.150 Temporary Structures

Temporary, portable, or relocatable structures are treated as any other type of structure. Structures which are proposed to be placed temporarily on a site during construction, are reviewed as part of the conditional use review of the proposed construction.

(Amended by: Ord. No. 175837, effective 9/7/01; Ord. No. 176469, effective 7/1/02; Ord. No. 179092, effective 4/1/05; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07;

Ord. No. 183598, effective 4/24/10; Ord. No. 183750, effective 6/4/10; Ord. No. 184443, effective 4/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189784, effective 3/1/20; Ord. No. 190000, effective 6/18/20.)

33.284 Self-Service Storage

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Sections:

33.284.010 Purpose
33.284.020 Use Regulations
33.284.030 Development Standards
33.284.040 Design Review

33.284.010 Purpose

Self-Service Storage uses have some characteristics in common with both commercial use and industrial uses. This chapter provides regulations so that Self-Service Storage uses can be appropriately sited in either industrial zones or some commercial/mixed use zones, while maintaining the desired character and function of the specific zones. In general, Self-Service Storage uses are similar to other commercial uses in that they provide a service to residential and business uses. The character of their development is often more similar to industrial buildings. The supplemental use and design standards ensure that development of self-service storage facilities add to the vitality of commercial areas and transit-oriented locations.

33.284.020 Required Ground Floor Active Use

The following ground floor active use regulations apply outside of the Central City Plan District in the CM3, CE, CX, EG1, EG2 and EX zones on the following sites:

A. When ground floor active use is required. The ground floor active use standard applies when a Self-Service Storage use is located:

1. Within 100 feet of a neighborhood corridor, civic corridor or streetcar line; or
2. Within 100 feet of the longest street frontage on a site where any portion of the site is within 500 feet of a transit station.

B. Ground floor active use standard. At least 50 percent of the ground-level floor area located within 100 feet of the following must be in one or more of the ground floor active uses listed in Subsection C, where allowed by the base zone. Parking areas are not included in active floor area. Areas shared among the active uses listed below are included in active floor area. Areas shared by a use not listed below are not included in active floor area:

1. A neighborhood corridor, civic corridor or streetcar line.; or
2. The longest street frontage on a site where any portion of the site is within 500 feet of a transit station.

C. Ground floor active uses:

1. Retail Sales and Service;
2. Office;
3. Vehicle Repair;
4. Industrial Service;
5. Manufacturing and Production;

6. Wholesale Sales;
7. Daycare;
8. Community Service;
9. Religious Institutions.

33.284.030 Development Standards

The development standards of the base zone apply unless the standard is superseded by regulations in this section.

A. Purpose. The special development standards in the C and EX zones are intended to allow self-service storage facilities to locate on certain sites in these zones where they can be close to the residential and business uses that they serve. At the same time, the development standards direct their location to sites that do not have major frontage on commercial streets. This prevents large sections of the commercial streets from being developed with uses that have extremely low activity levels that detract from the vitality and desired interaction among commercial uses in the area. This also allows them to locate on odd-shaped or infill sites that are difficult to develop for many commercial uses.

B. Maximum site frontage. In the C and EX zones, the maximum site frontage along a street is 100 feet. This limitation applies only to sites for the construction of new buildings that are 30 feet or less in height.

C. Storage areas. The maximum size of individual storage areas in C and EX zones is 500 square feet.

D. Internal circulation. The internal circulation between buildings must be wide enough so that there is a 12-foot wide travel lane for emergency vehicles to pass while tenant's vehicles are parked at their storage areas.

E. Parking. For parking requirements see Chapter 33.266, Parking and Loading.

F. Ground floor active use standards. The ground level floor area that must be in active use as required by 33.284.020 must meet the following standards:

1. The distance from the finished floor to the bottom of the ceiling structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
2. The area must be at least 25 feet deep measured from the street-facing façade; and
3. The area must have at least one main entrance that faces the street.

33.284.040 Design Review

A. Purpose. Design review is required for new buildings in the C and EX zones to ensure that the development has a high design quality appropriate to the desired character of the zone and to avoid the monotonous look of many industrial-style buildings.

B. Design review required. In the C and EX zones, all Self-Service Storage uses to be located in newly constructed buildings must be approved through Design review.

C. **Procedure.** Design review for Self-Service Storage uses is processed through a Type II procedure. However, uses that require design review because of an overlay zone or plan district are processed as provided for in those regulations.

D. **Design review approval criteria.** A design review application will be approved if the review body finds that the applicant has shown that the Community Design Guidelines have been met. If the site is within a design district, the guidelines for that district apply instead of the Community Design Guidelines. Design districts are shown on maps 420-1 through 420-3 and 420-5 through 420-6. Where two of the design districts shown on those maps overlap, both sets of guidelines apply.

(Amended by: Ord. No. 188177, effective 5/24/18. Amended by: Ord. No. 188958, effective 5/24/18.)

33.285 Short Term Housing and Mass Shelters

285

Sections:

33.285.010 Purpose
33.285.020 Description
33.285.030 Where These Regulations Apply
33.285.040 Use Regulations
33.285.050 Standards

33.285.010 Purpose

This chapter provides regulations for Community Service uses that provide short term housing or mass shelter. These regulations recognize that it is in the public interest to provide short term housing and shelter to people who would otherwise not receive it, and to ensure that standards of public health and safety are maintained. The regulations are intended to reduce conflicts between these and other uses. These regulations recognize that short term housing and mass shelters have differing impacts, and encourages providers to locate in existing structures and work with neighbors. These regulations also focus on the land use impacts of these uses.

33.285.020 Description

Short term housing and mass shelters are defined in Chapter 33.910, Definitions. Both are Community Service uses, and are managed by public or non-profit agencies. They may be in a variety of structures, from conventional houses to large institutional buildings.

In zones where Retail Sales and Services uses are allowed, limited, or conditional uses, the applicant may choose to classify a short term housing facility as a hotel, which is included in the Retail Sales and Services category.

33.285.030 Where These Regulations Apply

The regulations of Sections 33.285.040 through 33.258.050 apply to short term housing and mass shelters in all zones.

33.285.040 Use Regulations

A. Short term housing.

1. R and IR zones. New short term housing, an expansion of net building area, or an increase in the number of occupants in existing short term housing in R and IR zones is subject to the following regulations:

   a. Allowed use. New short term housing and alterations to existing short term housing is allowed if it meets one of the following:

      (1) Short term housing for up to 15 beds is an allowed use in the RM1 – RMP and IR zones if it is provided on the site of an existing Institutional Use and meets the standards of 33.285.050.

(2) An alteration or expansion that does not increase net building area of the short term housing by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.

b. Conditional use. If the short term housing does not meet Subparagraph A.1.a, it is a conditional use and is reviewed through the following procedures. The approval criteria are in 33.815.107, Short Term Housing and Mass Shelters in R Zones. The short term housing must also meet the standards of 33.285.050:

(1) If the short term housing is provided in an existing structure, or is on the site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area in 5 years.

(2) All other short term housing proposals are reviewed through a Type III procedure.

2. C, E, and CI zones. Short term housing is allowed in C, E, and CI zones if it meets the standards in Section 33.285.050. Expansion of net building area or increase in the number of occupants in an existing short term housing facility is allowed if it meets the standards in Section 33.285.050.

3. OS and I zones. Short term housing is prohibited in OS and I zones.

4. Exemption. Short term housing that exclusively serves victims of sexual or domestic violence is allowed by right in R, C, E, CI, and IR zones if it meets the size limitations for Group Living uses.

B. Mass shelters.

1. RF through R2.5 zones. Generally, new mass shelters, expansions of net building area and increases in the number of occupants in existing mass shelters in RF through R2.5 zones are a conditional use and are, reviewed through the following procedures. Certain alterations to existing mass shelters may be allowed if they meet Subparagraph B.1.b. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.

a. New mass shelters. The following procedures apply to new mass shelters and alterations to mass shelters that do not meet subparagraph B.1.b. The approval criteria are in Section 33.815.107, Short Term Housing and Mass Shelters in R and IR Zones:

(1) If the mass shelter is provided in an existing structure or is on a site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area in 5 years.

(2) All other mass shelters are reviewed through a Type III procedure.

b. Existing mass shelters. An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.

2. RM1, RM2, RMP and IR zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in RM1, RM2, RMP and IR zones may choose to be an allowed use or a conditional use, as stated below.

a. Allowed use. A new mass shelter and alteration of an existing mass shelter is allowed if it meets one of the following:

(1) A mass shelter that meets the standards of Section 33. 285.050 is an allowed use.

(2) An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.

b. Conditional use. If the mass shelter does not meet Subparagraph B.2.a, it is a conditional use as follows. The approval criteria are in Section 33.815.107, Short Term Housing and Mass Shelters in R and IR Zones. The standards of Section 33.285.050 do not apply to a mass shelter reviewed as a conditional use.

(1) If the mass shelter is provided in an existing structure or is on a site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area in 5 years.

(2) All other mass shelters are reviewed through a Type III procedure.

3. RM3, RM4, and RX zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in RM3, RM4, and RX zones may choose to be an allowed use or a conditional use, as stated below.

a. Allowed use. A new mass shelter, or alteration of an existing mass shelter, is allowed if it meets one of the following:

(1) A mass shelter that meets the standards of Section 33. 285.050 is an allowed use.

(2) An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.

b. Conditional use. If the mass shelter does not meet Subparagraph B.3.a, it is a conditional use as follows. Approval criteria are in Section 33.815.107, Short

Term Housing and Mass Shelters in R and IR Zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.

(1) If the mass shelter is provided in an existing structure or is on a site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area in 5 years.

(2) All other mass shelters are reviewed through a Type III procedure.

4. C, EX, and CI zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in C, EX, and CI zones may choose to be an allowed use or a conditional use, as stated below.

a. Allowed use. A new mass shelter, or alteration of an existing mass shelter is allowed if it meets one of the following:

(1) A mass shelter~~s~~ that meets the standards of Section 33. 285.050 is an allowed use.

(2) An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.

b. Conditional use. If the mass shelter does not meet the standards of 33.285.050, it is a conditional use, as follows. Approval criteria are in Section 33.815.140, Mass Shelters and Specified Group Living Uses in the C, E and CI zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.

(1) If the mass shelter is provided within an existing structure, or on a site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area in 5 years.

(2) All other mass shelters are reviewed through a Type III procedure.

5. EG zones. Generally, mass shelters in EG zones are a conditional use, reviewed through the following procedures. Certain alterations to existing mass shelters may be allowed if they meet Subparagraph B.5.b. Approval criteria are in Section 33.815.140, Mass Shelters and Specified Group Living Uses in the C, EX, and CI zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.

a. The following procedures apply to new mass shelters and alterations of mass shelters that do not meet Subparagraph B.5.b:

(1) If the mass shelter is provided within an existing structure, or on a site of an existing Institutional Use, the conditional use is reviewed through a Type II

procedure. An existing structure is one that is at least 5 years old and has not had any increase in net building area in 5 years.

(2) All other mass shelters are reviewed through a Type III procedure.

b. Existing mass shelters. An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.

6. OS and I zones. Mass shelters in OS and I zones are prohibited.

7. Exemption. A mass shelter that exclusively serves victims of sexual or domestic violence is allowed by right in R, C, E, CI, and IR zones if it meets the size limitations for Group Living uses.

33.285.050 Standards

A. Short term housing. Adjustments to the standards of this subsection are processed as stated in Chapter 33.805, Adjustments.

1. Existing structures and additions to existing structures. Short term housing provided in an existing structure is subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection. Sites that do not meet the development standards at the time of application are subject to the regulations of Section 33.258.070, Nonconforming Development.

2. New structures. Short term housing provided in a new structure is subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection.

3. Density. The density standards for Group Living in Section 33.239.030.A must be met.

4. Hours of operation. The facility must be open 24 hours a day.

5. Reservation/referral. Lodging must be provided on a reservation or referral basis so that clients will not be required or allowed to queue for services.

6. Parking. No parking is required.

B. Mass shelters.

1. Maximum occupancy. Mass shelters may have up to one shelter bed per 35 square feet of floor area. Adjustments to this standard are prohibited.

2. Density. Table 285-1 sets out the maximum number of shelter beds allowed within a facility and within 600 feet of the facility. If the site has split zoning, the smaller number applies. Adjustments to this standard are prohibited.

Table 285-1 Maximum Number of Shelter Beds for Mass Shelters	
Zone of Site	**Maximum Number of Shelter Beds**
EX, CX, CM3, and CE	200
CM2 and CI2	75
CR, CM1, and CI1	25
RX, RM3, and RM4	50
RM1, RM2, RMP, IR [1]	15

Notes:

[1] The mass shelter must be operated on the site of an existing Institutional Use.

3. Outdoor activities. All functions associated with the shelter, except for children's play areas, outdoor recreation areas, parking, and outdoor waiting must take place within the building proposed to house the shelter. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients.

4. Hours of operation. To limit outdoor waiting, the facility must be open for at least 8 hours every day between 7:00 AM and 7:00 PM.

5. Supervision. On-site supervision must be provided at all times.

6. Toilets. At least one toilet must be provided for every 15 shelter beds.

7. Development standards. The development standards for residential development in the base zone, overlay zone, or plan district apply to mass shelters, unless superseded by standards in this subsection.

8. Parking. No parking is required.

(Added by Ord. No. 167189, effective 1/14/94. Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; 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. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20.)

33.286 Signs

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(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 167054, effective 10/25/93; Ord. No. 170248, effective 9/17/96; Ord. No. 171219, effective 7/1/97; Ord. No. 172882, effective 11/18/98; Ord. No. 173186, effective 4/23/99 Ord. No. 173528, effective 7/30/99; Ord. No. 174263, effective 4/15/00; deleted by Ord. No. 175204, effective 3/1/01. Regulations moved to Title 32, Signs and Related Regulations.)

33.288 Special Street Setbacks

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Sections:

33.288.010 Purpose
33.288.020 Requirements
33.288.030 Procedures

33.288.010 Purpose

Special street setbacks may be established on City streets to regulate the location of structures and for maintaining appropriate open areas, and for adequate separation from the street. These regulations:

- Increase visibility and safety for pedestrians and drivers;
- Provide a pleasant pedestrian environment and human scale;
- Improve the appearance of the corridor and reduce visual clutter;
- Maintain adequate space for the growth of large street trees; and
- Maintain adequate light and air.

33.288.020 Requirements

A. Where the regulations apply. Special street setbacks apply to all buildings, structures, signs, off-street parking areas, and exterior display, storage, and activities fronting a street with a special street setback designation on the Official Zoning Maps.

B. Projections into setback. Projections of up to 3 feet are allowed by right into the special street setbacks. Projections include items such as sign faces, eaves, overhangs, and building cornices.

C. Landscaping. Where landscaping is allowed or required, special street setbacks must be landscaped to at least the L1 standard, as stated in Chapter 33.248, Landscaping and Screening.

D. Base zone requirements. The base zone requirements apply in all areas with special street setbacks. In the event that the requirements of this chapter and the base zone differ, the more restrictive applies.

33.288.030 Procedures

A. Adding or removing special street setbacks. Adding or removing special street setbacks is processed through a Type III procedure, following the approval criteria stated in 33.855.060, Approval Criteria for Other Changes.

B. Adjustments to special street setbacks. Individual property owners may request an adjustment to a special street setback.

(Amended by: Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

33.291 Substandard Residential Lots

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(Amended by: Ord. No. 165417, effective 6/5/92; Ord. No. 166702, effective 7/30/93. Deleted by Ord. Nos. 175965 and 176333, effective 7/1/02.)

33.293 Superblocks

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Sections:

33.293.010 Purpose
33.293.020 Where the Superblock Regulations Apply
33.293.030 Requirements
33.293.040 Phased Development
33.293.050 Redevelopment of an Existing Superblock
33.293.060 Multiple Ownerships
33.293.070 Maintenance

33.293.010 Purpose

The Superblocks chapter regulates the amount and location of open areas and walkways on large commercial sites where streets have been vacated. The intent is to promote a pleasant and convenient walkway and open area system on the superblock that links to the adjacent buildings, to the public circulation system, and to any available public transit. The requirements also promote the maintenance of light, air and access that could be lost due to development on the vacated street.

33.293.020 Where the Superblock Regulations Apply

Superblocks are subject to the regulations of this chapter as stated below.

A. **Central City plan district.** The superblock regulations apply to all new development and major remodelings on sites that include 5,000 square feet or more of vacated street. The regulations apply in all subdistricts of the Central City plan district except the Downtown subdistrict. Sites within the boundaries of an approved Central City Master Plan and sites with a public school use are exempt from the regulations of this chapter.

B. **Gateway plan district.** The superblock regulations apply to all new development and the addition of 40,000 square feet on sites that include 5,000 square feet or more of vacated street.

C. **IR, C, EX, and CI zones outside of the Central City plan district.** The superblock regulations apply to all new development and major remodellings which include 50,000 square feet or more of vacated street in the IR, C, EX, and CI zones outside of the Central City plan district. For sites where part of the vacated street is in the Central City plan district, the whole site is subject to the 5,000 square foot threshold.

33.293.030 Requirements

Developments on superblocks must comply with the development standards listed below.

A. **Required walkways, landscaped areas, and plazas.** Developments on superblocks must provide walkways, landscaped areas, and public plazas or public atriums with glazed ceilings within the superblock as follows:

1. Amounts.

   a. At least one public plaza or public atrium must be provided within the superblock equal to 5 percent of the total land area of the superblock, including the area of vacated streets. However, 20,000 square feet is the maximum area that is required for this plaza or atrium. The ratio of the length of the plaza or atrium to the width may not exceed 3 to 1.

   b. The total area of walkways, landscaped areas, public plazas, and public atriums must be at least 50 percent of the total area of the vacated streets within the superblock. This is in addition to any required open area, landscaped area, or pedestrian connections of other chapters of Title 33, and cannot be applied towards meeting the requirements of any height or FAR bonus provision of this Title.

2. Materials.

   a. The walkways system must be hard-surfaced, at least 12 feet wide, and unobstructed.

   b. Where the walkway system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement.

   c. Where the walkway system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used the ends of the raised portions must be equipped with curb ramps.

3. Lighting. The on-site pedestrian and bicycle circulation system must be lighted to a level where the system can be used at night by the employees, residents, and customers.

4. Walkways must be accessible to bicycles, or an alternative connection for bicycles must be provided.

B. Location of walkways, landscaped areas, and plazas.

1. Landscaped areas and plazas or atriums may be located anywhere on the site.

2. Required plazas or atriums must be accessible from an improved walkway and /or public sidewalk.

3. Walkways must link all buildings to public sidewalks, adjacent superblocks, and nearby transit facilities. Where the site lies between two parallel streets which were formerly connected by a vacated street, a walkway connecting the two parallel streets must be provided as a substitute for the vacated streets. The connecting walkway does not need to be located within the alignment of the vacated streets, but must provide approximately the same connections for pedestrians. The owner must record a public access easement that allows public access to the walkways.

33.293.040 Phased Development

In cases where a development on a superblock is constructed or redeveloped in phases, the requirements stated below apply.

- **A. Amount of improvements.** Each phase must provide at least the amount of walkways, landscaped areas, and plazas based on that phase's percentage of the total superblock area. If all required improvements are developed in an earlier phase, subsequent phases are not required to provide additional improvements.
- **B. Long term plan.** The applicant must submit a site plan that shows the location of the walkways, landscaped areas, and plazas for each phase of the superblock project.

33.293.050 Redevelopment of an Existing Superblock

In cases where only a portion of an existing superblock is being redeveloped, the amount of improvements required is based on the portion's percentage of the total superblock area.

33.293.060 Multiple Ownerships

In cases where a superblock contains multiple ownerships and only one ownership is being developed, the requirements stated below apply.

- **A. Amount of improvements.** Each ownership will provide walkways, landscaped areas, and plazas based on that ownership's percentage of the total vacated street area.
- **B. Location.** The required walkways, landscaped areas, and plazas for each ownership must be integrated into the previously required walkways, landscaped areas, and plazas of the other ownerships in the superblock.
- **C. Notification.** The applicant must submit a signed letter stating that the other ownerships in the superblock were notified on the application, and informed of the location of the required walkways, landscaped areas, public plazas, and public atriums.

33.293.070 Maintenance

The maintenance, replacement, and repair of the required walkways, landscaped areas, and plazas are the ongoing responsibility of the property owner.

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 167054, effective 10/25/93; Ord. No. 170704, effective 1/1/97; Ord. No. 177028, effective 12/14/02; Ord. No. 178423, effective 6/18/04; Ord. No.182319, effective 12/5/08; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20.)

33.295 Supplemental Compatibility Standards

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(Added by Ord. No. 167054, effective 10/25/93. Amended by: Ord. No. 169987, effective 7/1/96. Replaced by Chapter 33.218, Community Design Standards, Ord. No. 171589, effective 11/1/97.)

33.296 Temporary Activities

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Sections:

33.296.010 Purpose
33.296.020 Description
33.296.030 Temporary Activities Allowed
33.296.040 General Regulations

33.296.010 Purpose

This chapter allows short-term and minor deviations from the requirements of the zoning code for uses that are truly temporary in nature, will not adversely impact the surrounding area and land uses, and which can be terminated and removed immediately. Temporary uses have no inherent rights within the zone in which they locate.

33.296.020 Description

Temporary activities are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary activities include: construction staging, garage sales, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales. Temporary activities that meet the regulations described in this chapter are not considered primary or accessory uses. There are two categories of temporary activities. First, there are those which are allowed by the zone but do not meet the development standards. Examples include Christmas tree sales and a parking lot sale in a commercial zone. Second, there are temporary activities which if permanent, would not be allowed by the base zone. Examples include church carnivals in residential zones and retail warehouse sales in industrial zones.

33.296.030 Temporary Activities Allowed

A. Residential sales offices. Sales offices for major subdivisions or planned unit developments are allowed in the IR, CI2, and RF through RM4 and RMP zones. Sales offices are allowed at the development site until all lots or houses are sold or for 10 years after the final plat is approved, whichever is less. Use of the sales office for sites outside of the project is prohibited.

B. Show of model homes. The viewing of model homes within a subdivision for a fee is allowed in the IR, CI2, and RF through RM4 and RMP zones for a period not to exceed one month. Only one showing is allowed per phase of a subdivision.

C. Incidental Sales. Incidental sales of items are allowed based on the zone in which the site is located:

1. Garage sales. Garage sales and other sales of items from the site may occur in the IR, CI1, and RF through RM4 and RMP zones for no more than 3 consecutive days on 2 different occasions during a calendar year. The sale of products brought to the site for the sale is not allowed.

2. Parking lot sales. Parking lot sales in the RX, C, E, I, and CI2 zones where outdoor display is not otherwise allowed, are allowed for up to 2 consecutive weeks at any one time. The time between parking lot sales events must be 4 times as long as the duration of the last event.

3. Warehouse sales. In Industrial zones, retail warehouse sales are allowed for up to 1 week at any one time. The time between warehouse sales events must be 4 times as long as the duration of the last event.

4. Seasonal outdoor sales.

   a. In the RX, C, E, I, and CI2 zones, sales events are allowed for up to 1 month at any one time. The time between seasonal outdoor sales events must be four times as long as the duration of the last event.

   b. In the IR, CI1, and RF through RM4 and RMP zones, seasonal outdoor sales of plants and produce are allowed twice a year for up to 5 consecutive weeks each time.

D. Farmers Markets. Farmers Markets are allowed on a site with an institutional use, and on sites in the IR, RM1 – RM4, RX, C, E, I, CI, and OS zones as follows:

1. The market may be open up to 70 days per calendar year.

2. Vendors. Calculations are based on the number of vendors, rather than linear or square footage. Those who do not sell any products or services, such as community groups and music areas, are not included in these calculations.

   - Category One: Agricultural Producers. At least 50 percent of vendors must be farmers, ranchers, and other agricultural producers who sell food, plants, flowers, and added-value products, such as jams and jellies, they have grown, raised, or produced from products they have grown or raised.
   - Category Two: Other Food. Up to 50 percent of market vendors may be those who sell food, but do not fit into the first category. This includes sales of wild-caught fish, freshly made food available for immediate consumption on site, cheesemakers who do not raise their own animals, and the like.
   - Category Three: All Other. Up to 20 percent of market vendors are not required to be related to agriculture or food.

     For example, a market may have 50 percent of vendors in Category One, 30 percent in Category Two, and 20 percent in Category Three. Another market may have 70 percent of vendors in Category One, 10 percent in Category Two, and 20 percent in Category Three. A third may have 60 percent of vendors in Category One, 35 percent in Category Two, and 5 percent in Category Three.

3. The market cannot obstruct a path that is part of a required pedestrian circulation system.

4. The market manager must retain organic certification information on site and must post a sign in a prominent location that reads "Questions about organic certification? Contact market manager," and that also includes a phone number for the market manager.

E. Fairs, carnivals, and other major public gatherings.

1. In the CI1 and RF through RM4 and RMP zones, fairs, carnivals and other major public gatherings are allowed for up to 9 consecutive days at a site with an existing institutional use. The 9 days does not include up to 5 total days to set up and breakdown the event. Two events are allowed per calendar year.

2. In the IR zone, fairs, carnivals and other major public gatherings are allowed for up to 9 consecutive days at a site with an existing institutional use. Temporary events must be listed in the institution's approved mission statement and impact mitigation plan. The 9 days does not include up to 5 total days to set up and breakdown the event. Two events are allowed per calendar year.

3. In the RX, C, E, I, and CI2 zones, fairs and carnivals and other major public gatherings are allowed for up to 2 consecutive weeks at any one time. The 2 weeks does not include up to 5 total days to set up and breakdown the event. The time between events must be 4 times as long as the duration of the last event.

4. In the OS zone, fairs, carnivals, and other major public gatherings are allowed by right. A permit is required from the Bureau of Parks when such activities occur in public parks and open spaces.

F. Construction activities

1. Use of existing house or manufactured dwelling. In the IR, CI1, and RF through RM4 and RMP zones, an existing house or a manufactured dwelling may be used temporarily for a residence while a permanent residence is being constructed. The existing house or manufactured dwelling may remain on the site until the completion of the construction, or for not more than 2 years, whichever time period is less. The existing house or manufactured dwelling must be removed within 1 month after approval of final occupancy for the new residence. A performance bond or other surety must be posted in conformance with 33.700.050, Performance Guarantees, to ensure removal of the existing house or manufactured dwelling.

2. Building relocation. In all zones except the OS zone, a site may be used once per year to store a building for up to 6 months while the building is awaiting permanent placement. Site development standards of this Title do not apply to the building while it is being stored; however other city requirements may still apply such as stormwater management and erosion control. A performance bond in conformance with 33.700.050, Performance Guarantees or other form acceptable to the Director of BDS must be posted to ensure removal of the building if is not permanently placed within 6 months.

3. Construction parking. In all zones, temporary parking areas are allowed only during construction on the site. They must be removed within 1 month of issuance of a certificate of occupancy for the construction. The land must be restored to the condition it was in before the development of the temporary parking area unless an alternative development has been approved for the location. A performance bond or other surety must be posted in conformance with 33.700.050, Performance Guarantees, to ensure removal.

4. Construction staging areas

   a. General construction projects. Staging areas for construction projects in the RX, C, E, and CI2 zones are allowed subject to subparagraph .030.F.4.c. The staging area must be located within 500 feet of the construction site, however in no case can the staging area be located within an OS or single-dwelling zone.

   b. Public utility projects. Staging areas for public utility improvement projects, such as the installation of sewer pipes, water pipes, and transportation improvements, are allowed in all zones and are subject to the regulations below.

   c. Staging area standards. Adjustments to the following standards are prohibited

      (1) Staging areas that last more than one year require that a community relations representative is designated for the project. The community relations representative must be available to respond to neighbors related to the operation of the staging area. The community relations representative must also be available to meet on at least a quarterly basis with the affected neighborhood association and business association until the staging area is removed.

      (2) Staging areas that last longer than 3 years are subject to the regulations for permanent uses, except for staging areas located within an Environmental or River Natural overlay zone, in which case the staging area is subject to the regulations for a permanent use regardless of the length of time the staging area will be in place.

      (3) Dust, mud and erosion control. During the construction project, erosion control measures must be maintained in order to reduce dust on the site and to reduce dust and mud on adjacent streets from vehicles entering and leaving the site. During the length of the project, the site must be enclosed or protected in a manner to prevent on-site erosion and to prevent sediment from leaving the site.

      (4) Final condition. When the construction project is final, the staging area must be prepared and seeded with a mixture of 100 percent perennial rye grass to create a low maintenance vegetative ground cover. This requirements does not apply to portions of the staging area that were paved before the project started. In the RX, C, E, I, and CI2 zones the staging area may be graveled instead of seeded; however gravel is not allowed within 5 feet of lot lines. Seeding is required within 5 feet of the lot lines.

(5) Building permit. Prior to the start of the construction project, a building permit must be obtained from the City. The application for the building permit must contain evidence that the project will comply with the staging area standards. For public utility projects, if the project will be implemented through a contract with the City, then the evidence of compliance may be shown as specifications in the contract. If the public utility project does not involve a contract with the City evidence of compliance must include performance guarantees for the requirements in c.(3), Dust, mud, and erosion control, and c.(4), Final condition. Performance guarantees must comply with the provisions of Section 33.700.050, Performance Guarantees.

G. **Natural disasters and emergencies.** Temporary activities and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency. Temporary activities include food, water, and equipment distribution centers, warming or cooling shelters, and triage stations.

H. **Radio Frequency Transmission Facilities.** Temporary facilities for personal wireless service facilities are allowed for up to 120 days in a calendar year. Meeting this regulation must be documented through a zoning permit.

I. **Commercial filming.** In all zones, commercial filming is allowed as a temporary activity. For all sites, except sites in the OS zone, the time between filming events must be four times as long as the duration of the last event.

33.296.040 General Regulations.

All temporary activities are subject to the regulations listed below.

A. New development or alterations to existing development are prohibited, unless consistent with the development standards for uses allowed by right in the underlying zone or required by applicable building, fire, health, or safety codes.

B. Temporary activities may not cause the elimination of required off-street parking, except for Farmers Markets. Required parking may be temporarily occupied by a Farmers Market, as follows:

1. The market may occupy up to 3 required spaces or 30 percent of the required spaces, whichever is more; or

2. If the market occurs at a time other than a peak time for the primary use on the site, the market may occupy all of the required spaces. If this option is used, the operator of the market must keep an analysis on file. The analysis must document when the peak times are for the primary use, and the hours of operation (including set-up and take-down) for the market.

C. Temporary activities that are maintained beyond the allowed time limits are subject to the applicable use and development standards of the zoning code.

D. Temporary activities on sites where the primary use is a conditional use may not violate the conditions of approval for the primary use, except as allowed by Subsection B.

E. These regulations do not exempt the operator from any other required permits such as sanitation facility permits or electrical permits.

(Amended by: Ord. No. 164264, effective 7/5/91; Ord. No. 167054, effective 10/25/93; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 182429, effective 1/16/09; Ord. No. 185412, effective 6/13/12; Ord. No. 186639, effective 7/11/14; Ord. No. 188077, effective 12/9/16; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 08/22/18; Ord. No. 189805, effective 3/1/20.)

33.299 Temporary Prohibition on the Disturbance of Forests

299

(Repealed by Ord. No. 168400, effective 11/6/91. Replaced by Chapter 453 - Interim Forest Review.)

33.299 Wind Turbines

299

Sections:

33.299.010 Purpose
33.299.100 Where These Regulations Apply
33.299.110 Rotor Swept Area
33.299.120 Setbacks and Height
33.299.130 Noise

33.299.010 Purpose

These regulations allow small, urban-scale wind turbines while limiting potential negative impacts. In concert with a variety of City, State, and Federal programs, allowing the turbines in more locations may encourage further development of wind turbines that are appropriate for urban settings.

33.299.100 Where These Regulations Apply

The regulations of this chapter apply to small wind turbines.

Large wind turbines and utility-scale wind turbines are regulated by the base zones, and are not subject to the regulations of this chapter.

33.299.110 Rotor Swept Area

The rotor swept area is the projected area as defined by the American Wind Energy Associated (AWEA). In Residential zones, the maximum rotor swept area is 50 square feet. In commercial/mixed use, and campus institutional zones, the maximum rotor swept area is 150 square feet. There is no maximum in the E and I zones.

33.299.120 Setbacks and Height

The height of a turbine is measured to the tip of the rotor blade at its highest point. For pole mounted turbines, height is measured from grade at the base of the pole. For building mounted turbines, height is measured from the base point of the building.

A. **View Corridors.** Although the regulations of this section allow wind turbines to exceed the height limits of the base zones, they are not allowed to extend into a view corridor designated by the *Scenic Resources Protection Plan* (1991) or the *Central City Scenic Resources Protection Plan (2018)*.

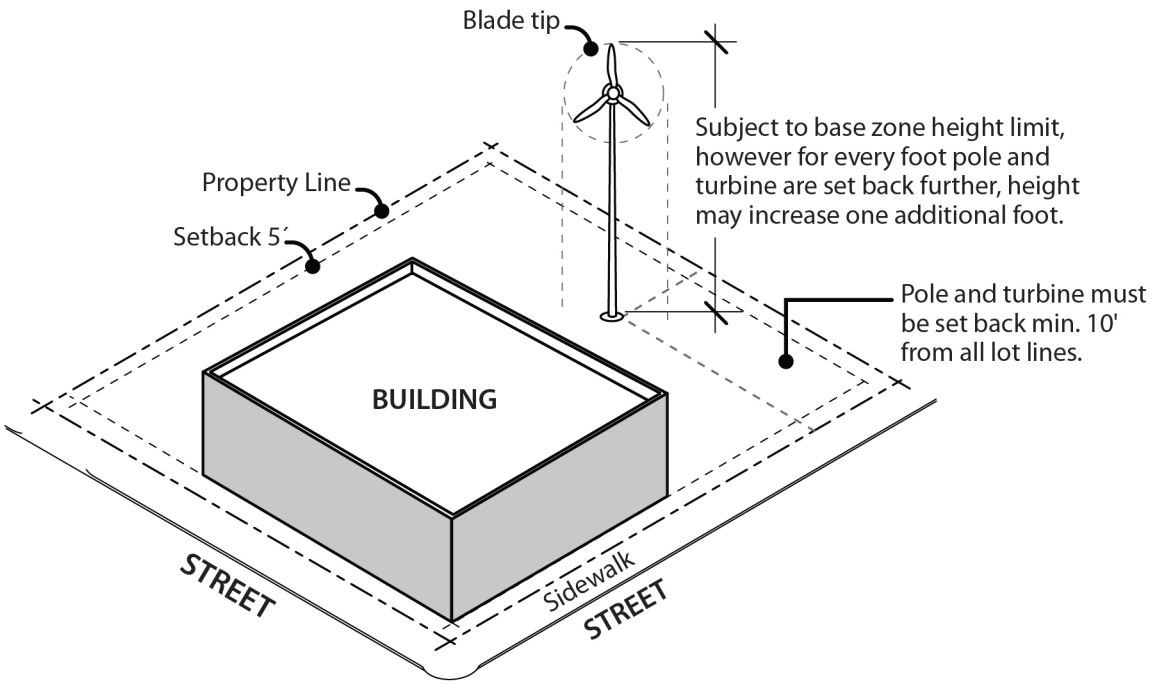
B. **Pole Mounted.** Pole mounted turbines must meet the following. Distances between lot lines and the pole and turbine are measured at the closest points:

1. Front and street setback. The pole and turbine are not allowed in a required front or street setback;

2. Setback from all lot lines. The pole and turbine must be set back at least 10 feet from all lot lines;

3. Height. The pole and turbine are subject to the base zone height limit. However, for every foot that the pole and turbine are set back farther than specified in B.1 and 2, the height of the turbine may increase one additional foot above the base zone height limit. Each additional foot of height is earned when the pole and turbine are set back from all property lines by an additional foot. The height may not increase more than 50 percent above the base zone height limit. See Figure 299-1.

Figure 299-1
Pole-Mounted Wind Turbine

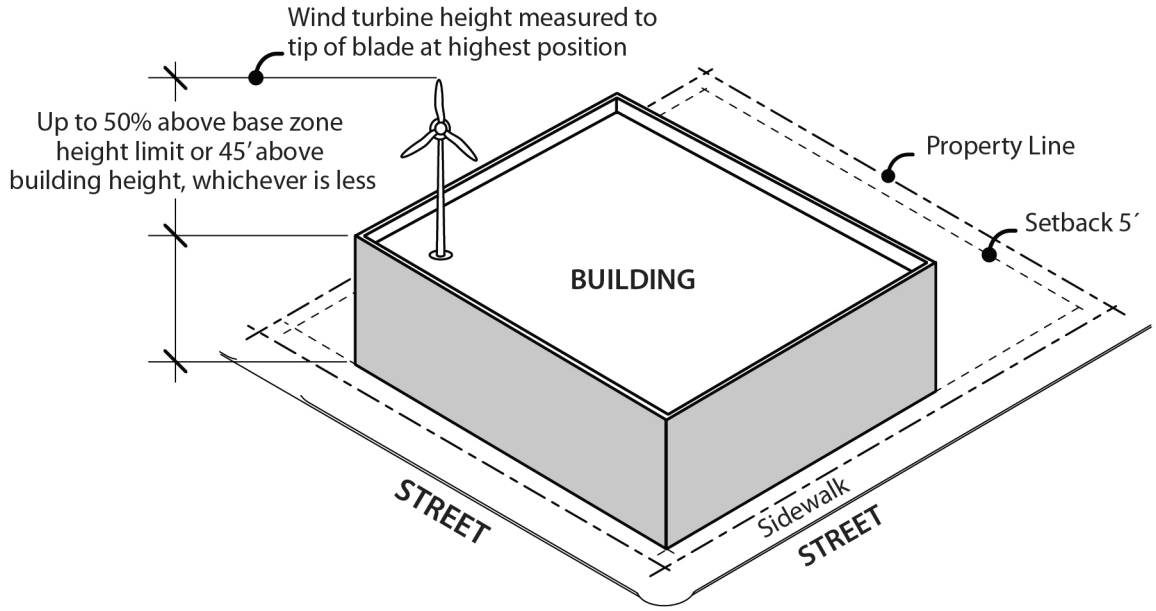


C. Building mounted.

1. Setbacks. Building mounted turbines are subject to the minimum building setbacks of the building they are mounted on.

2. Height. A turbine may be up to 50 percent above the base zone height limit, or 45 feet above the height of the building it is mounted on, whichever is less. See Figure 299-2.

Figure 299-2
Building-Mounted Wind Turbine



D. Exceptions.

1. RF zone. Turbines in the RF zone are subject to Subsections A and B. However, there is no height limit if the turbine is set back from all lot lines a distance equal to its height.

2. EG2, IG, and IH zones. In the EG2, IG, and IH zones, there is no setback or height limit except where lot lines abut R-zoned sites. Where the lot lines abut R-zoned sites:

   a. Pole-mounted turbines are subject to the following:

      (1) Setback. They must be set back at least 10 feet from lot lines that abut R-zoned sites.

      (2) Height. They are subject to the height regulations for pole-mounted turbines that apply to the adjacent R-zone. If the site abuts more than one R-zone, the most restrictive height regulation applies.

      For every foot that the pole and turbine are set back farther than 10 feet from the adjacent R zone, the height of the turbine may increase one additional foot above the adjacent R-zone base zone height limit. Using this provision, the height may not increase more than 50 percent above the adjacent R-zone base zone height limit.

      However, there is no height limit if the turbine is set back from all lot lines a distance equal to its height.

   b. Building-mounted turbines. Building-mounted turbines must meet the setbacks and height regulations that apply to building-mounted turbines in the adjacent R-

zone. If the site abuts more than one R-zone, the most restrictive regulations apply.

33.299.130 Noise.
In residential zones, turbines must have an AWEA-rated sound level of 45dBA or less. The City noise standards of Title 18 also apply in all zones.

(Added by Ord. No. 183598, effective 4/24/10; Amended by: Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20.)

400s

Overlay Zones

33.400 Aircraft Landing Zone – h

33.405 Alternative Design Density Overlay Zone – a

33.410 Buffer Zone – b

33.415 Centers Main Street Overlay Zone – m

33.420 Design Overlay Zone – d

33.430 Environmental Zone – c or p

33.435 Future Urban Zone – f

33.440 Greenway Zones – g, i, n, q, or r

33.445 Historic Resource Protection Overlay Zone

33.465 Pleasant Valley Natural Resources Overlay Zone – v

33.470 Portland International Airport Noise Impact Zone – x

33.471 Prime Industrial Overlay Zone – k

33.475 River Overlay Zones – g*, e

33.480 Scenic Resource Zone – s

A list of symbols that appear on the Official Zoning Maps and their corresponding Zoning Code chapters is contained in the front of the Zoning Code, following the Table of Contents, under “Index of Symbols on the Official Zoning Maps”.

33.400 Aircraft Landing Zone

400

Sections:

33.400.010 Purpose
33.400.020 Map Symbol
33.400.025 Relationship to Federal Regulations
33.400.030 Height Limits
33.400.040 Exceptions to Height Limits
Map 400-1 Aircraft Landing Overlay Zone Boundaries

33.400.010 Purpose

The Aircraft Landing Overlay Zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures, vegetation, and construction equipment.

33.400.020 Map Symbol

The Aircraft Landing zone is shown on the Official Zoning Maps with a letter "h" map symbol (for height).

33.400.025 Relationship to Federal Regulations

The Aircraft Landing overlay zone supplements, but is subordinate to, federal airspace regulations administered by the Federal Aviation Administration (FAA). Development and structures that meet the requirements of the Aircraft Landing Overlay Zone may still be subject to review by the FAA.

33.400.030 Height Limits

All structures, vegetation, and construction equipment within the Aircraft Landing Overlay Zone are subject to the height limits of this section. Map 400-1 shows the boundaries of the overlay zone. The Aircraft Landing Overlay Zone Map, available in the Development Services Center shows the height limits.

A. **E, I, CI2, and OS zones.** In the employment, industrial, CI2, and open space zones, the height limits are shown on the Aircraft Landing Overlay Zone Map. When the base zone height is more restrictive than the Aircraft Landing Overlay Zone height, the base zone height applies. The Aircraft Landing Overlay Zone Map is available at the Development Services Center.

B. **R, C, IR, and CI1 zones.** In the residential and commercial/mixed use, IR, and CI1 zones, structures are regulated by the base zone height limits rather than the height limits of this chapter.

C. **All zones.** In all zones, structures taller than the limits of Subsection A or B are subject to Section 33.400.040.

33.400.040 Exceptions to Height Limits

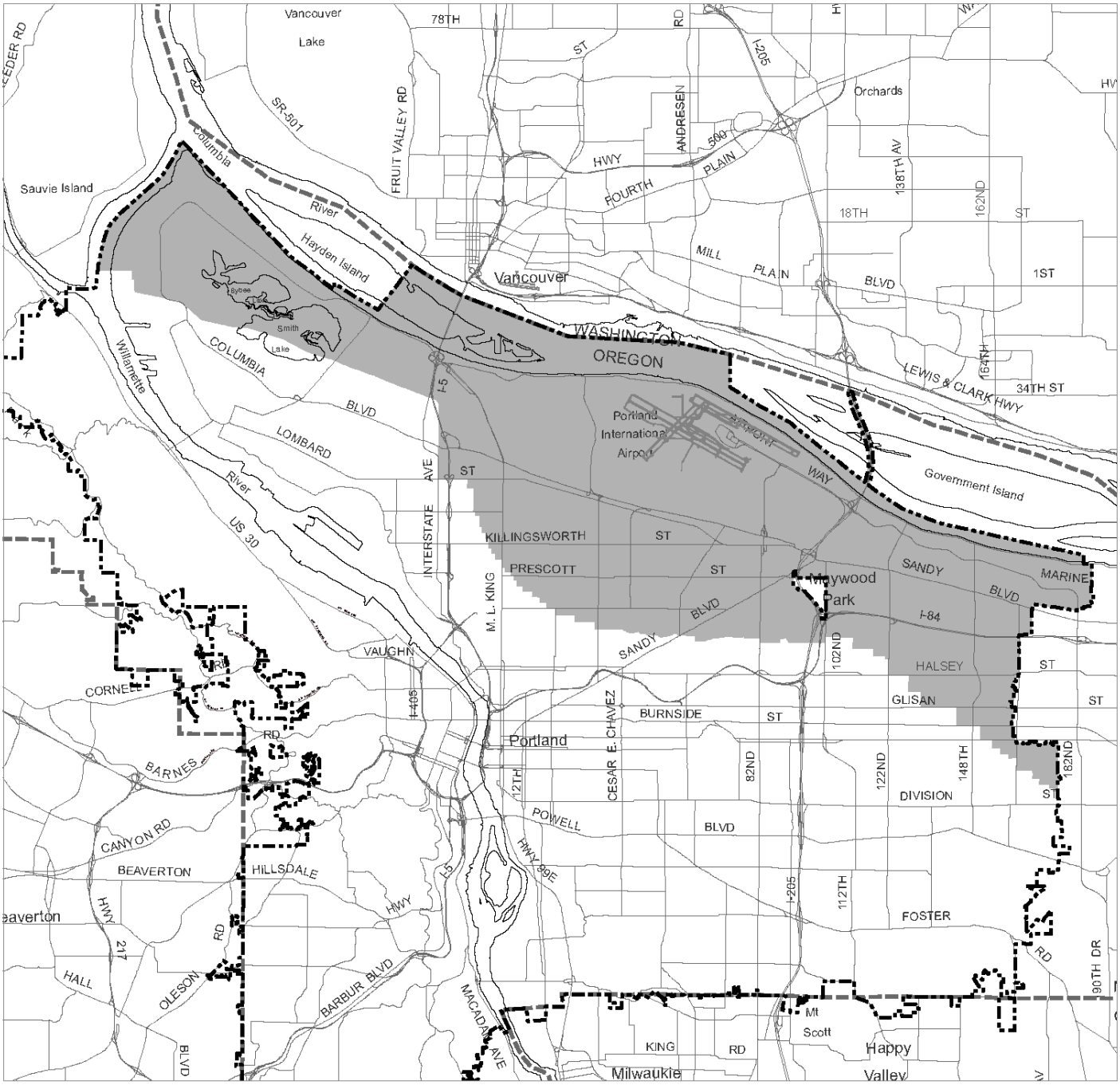
An application for a building permit or land use review for a structure that will exceed the height limits of Section 33.400.030 must be accompanied by an approval letter from the Federal Aviation Administration. The letter, called "determination of no hazard to air navigation," states that the proposal will not create safety problems. The application for FAA approval is available on the Federal Aviation Administration website or from the Aviation Department of the Port of Portland.

(Amended by: Ord. No. 176469, effective 7/1/02; Ord. No. 184521, effective 5/13/11; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

Aircraft Landing Overlay Zone Boundary

Map 400-1

Map Revised February 13, 2015



City Boundary

Aircraft Landing Zone

NORTH

0 9,000 18,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.405 Alternative Design Density Overlay Zone

405

Sections:

General
33.405.010 Purpose
33.405.020 Short Name and Map Symbol
33.405.030 Applying the Alternative Design Density Overlay Zone
Development Standards
33.405.060 Attached Houses on Vacant Lots in the R5 Zone
33.405.070 Alternative Development Options in the R2 and R2.5 Zones
33.405.080 Nonconforming Multi-Dwelling Housing
33.405.090 Design Review and Community Design Standards
33.405.100 Review for Timeliness

General

33.405.010 Purpose

The purpose of the Alternative Design Density Overlay Zone is to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

33.405.020 Short Name and Map Symbol

The Alternative Design Density Overlay Zone is referred to as the ADD zone, and is shown on the Official Zoning Maps with the letter “a” map symbol.

33.405.030 Applying the Alternative Design Density Overlay Zone

The Alternative Design Density Overlay Zone may be established or removed as the result of an area planning study, reviewed through the legislative procedure. Establishment or removal of the Alternative Design Density Zone through a quasi-judicial procedure is prohibited. The ADD zone has no effect on projects in multi-dwelling, IR, C, CI, E, or I zones. When property is rezoned to one of these zoning designations from a zone that is accompanied by the "a," the ADD zone will be deleted from the Official Zoning Map.

Development Standards

33.405.060 Attached Houses on Vacant Lots in the R5 Zone.

A. **Purpose.** The increased density permitted by this section encourages infill development in areas that are generally well served by existing public services. The increase allows the area to absorb additional growth without creating market pressure that might lead to the early removal of existing sound housing. The increased density will lower the cost of housing while increasing opportunities for owner-occupied housing. Required design review of new

development ensures that the new housing will make a positive contribution to the neighborhood's character.

B. Attached houses. Attached houses are allowed in the R5 zone if all of the following are met. Adjustments to this section are prohibited:

1. The proposed attached housing development will be on a lot or lot of record that was created at least five years ago;
2. There has not been a dwelling unit on the lot or lot of record for at least five years;
3. The density requirements of Chapter 33.611 must be met, and each attached house must be on a lot that meets the lot dimension standards of Chapter 33.611;
4. Attached houses must meet the following development standards:
   a. Height and front setback standards. Attached houses must meet the height and front setback standards of the R5 zone; and
   b. All other development standards. The attached house must meet all other development standards for attached housing projects in the R2.5 zone;
5. Design review required:
   a. Generally. Attached residential development must be approved through design review or meet the Community Design Standards in Chapter 33.218, as set out in Section 33.405.090, Design Review and Community Design Standards, below; and
   b. Exception. If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is subject to the regulations for historic resource review as set out in Chapter 33.445, Historic Resource Overlay Zone.
   c. Land Division. If the proposal requires, or the applicant requests, a land division, the application for the land division must show how the Community Design Standards are met. If the Community Design Standards cannot be met or the applicant chooses not to meet the Community Design Standards, design review is required. When design review is required, the design review process must be concurrent with the land division. The Community Design Standards must be met or design review must be approved in order for the land division to be approved.
   d. Changes to a design approved concurrently with a land division. If the design of the proposed development was reviewed concurrently with the land division through design review, changes to the design of the proposed development after final plat approval must be reviewed through design review. If the proposed development met the Community Design Standards concurrently with the land division, changes to the design of the proposal after final plat approval must continue to meet the Community Design Standards, or must be reviewed through design review. Concurrent land division review is not required to change the design of the proposed development after final plat approval.

33.405.070 Alternative Development Options in the R2.5 Zone

A. **Purpose.** The provisions of this section offer opportunities for enhancing the variety of housing types and building forms that are found in areas zoned for attached residential development. Such areas generally include a mixture of single-dwelling detached and small multi-dwelling development. A variety of types of housing in areas receiving infill development will improve continuity with the character of the existing buildings.

B. **Triplex.** Triplexes are allowed, if they meet all the following requirements:

1. The proposed development conforms with the maximum height, minimum setbacks, maximum building coverage, and required outdoor area requirements for attached housing projects in the R2.5 zone. The proposed development must meet all other development standards of the base zone, overlay zone, and plan district; and

2. The maximum density allowed under this provision is one dwelling unit for each 1,600 square feet of site area. However, no more than three dwelling units may be placed on a single lot.

C. **Flag lots averaging 2,500 square feet.** Lots in the R2.5 zone may be developed as flag lots with an average area of 2,500 square feet when the proposed development meets all of the following requirements:

1. Both attached and detached dwellings are allowed;

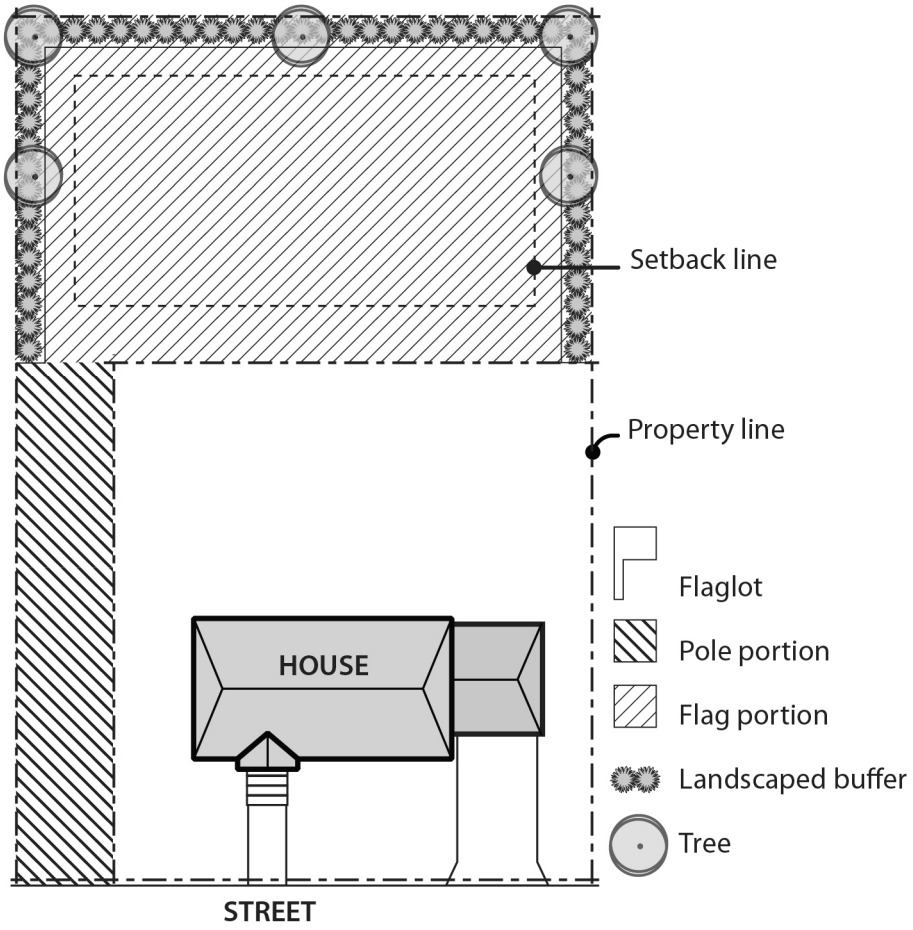
2. The average area of the lots created must be at least 2,500 square feet. Each must be at least 1,600 square feet;

3. The pole portion of the flag lot must be part of the flag lot, must connect to a street, and must be at least 12 feet wide for its entire length;

4. Detached structures on a flag lot are required to have an eight foot setback from all lot lines. Attached structures on flag lots are required to have an eight foot setback along those lot lines that abut a lot that is not a part of the flag lot development; and

5. Required setbacks must include a landscaped buffer area. The landscaped area must be at least 3 feet deep and be landscaped to at least the L3 standard. See Figure 405-1.

Figure 405-1
Flag Lot Description and Buffer



D. Design review required.

1. Generally. Proposals taking advantage of the provisions of this section must be approved through design review or meet the Community Design Standards in Chapter 33.218, as set out in Section 33.405.090, Design Review and Community Design Standards, below; and

2. Exception. If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is subject to the regulations for historic resource review as set out in Chapter 33.445, Historic Resource Overlay Zone.

3. Land Division. If the proposal requires, or the applicant requests, a land division, the application for the land division must show how the Community Design Standards are met. If the Community Design Standards cannot be met or the applicant chooses not to meet the Community Design Standards, design review is required. When design review is required, the design review process must be concurrent with the land

division. The Community Design Standards must be met or design review must be approved in order for the land division to be approved.

4. Changes to a design approved concurrently with a land division. If the design of the proposed development was reviewed concurrently with the land division through design review, changes to the design of the proposed development after final plat approval must be reviewed through design review. If the proposed development met the Community Design Standards concurrently with the land division, changes to the design of the proposal after final plat approval must continue to meet the Community Design Standards, or must be reviewed through design review. Concurrent land division review is not required to change the design of the proposed development after final plat approval.

33.405.080 Nonconforming Multi-Dwelling Housing

A. Purpose. These provisions are intended to foster the continuation of housing that is both affordable and compatible with its surroundings.

B. Damage or destruction. When a residential structure that contains nonconforming residential density is damaged or destroyed by fire or other causes beyond the control of the owner, the nonconforming residential density rights are maintained if the structure is rebuilt within 5 years. The structure may be rebuilt with the old number of units, and the development standards imposed by Section 33.258.060.B.2 Nonconforming Residential Densities, will not apply to the building's coverage, setbacks, length, number of parking spaces, location of parking, height, amount of landscaped area and amount and location of outdoor areas. If not rebuilt within 5 years, the lot is considered vacant and is subject to the base zone density and development standards.

C. Design review required.

1. Generally. Proposals taking advantage of the provisions of this section must be approved through design review or meet the Community Design Standards in Chapter 33.218, as set out in Section 33.405.090, Design Review and Community Design Standards, below; and

2. Exception. If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is subject to the regulations for historic resource review as set out in Chapter 33.445, Historic Resource Overlay Zone.

33.405.090 Design Review and Community Design Standards

A. Purpose. Design review is required for projects taking advantage of the provisions of the Alternative Design Density Overlay Zone. In some cases, the ADD zone permits densities and types of development that would otherwise not be allowed. Design review ensures that development is compatible with the positive qualities of the surrounding area.

B. Design review required. Development taking advantage of the provisions of this chapter is subject to design review.

C. Community Design Standards. The Community Design Standards in Chapter 33.218 provide an alternative process to design review for some proposals. Where a proposal is eligible to use the Community Design Standards, the applicant may choose to go through

the discretionary design review process set out in Chapter 33.825, Design Review, or to meet the objective Community Design Standards. If the proposal meets the Community Design Standards, no design review is required.

1. When Community Design Standards may be used. The Community Design Standards provide an alternative process to design review for some proposals. For some proposals, the applicant may choose to go through the design review process set out in Chapter 33.825, Design Review, or to meet the objective standards of Chapter 33.218, Community Design Standards. Proposals that do not meet the Community Design Standards—or where the applicant prefers more flexibility—must go through the design review process.

   Unless excluded by Paragraph C.2, below, proposals that are within the maximum limits of Table 405-1 may use the Community Design Standards as an alternative to design review.

Table 405-1
Maximum Limits for Use of the Community Design Standards

Zones	**Maximum Limit—New Dwelling Units or Floor Area**
Single Dwelling Zones	5 dwelling units
RM1	10 dwelling units
RM2, RM3, RM4, RX, C, CI, & E Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.
Zones	**Maximum Limit—Exterior Alterations**
All except IR	• For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the facade. • For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the facade area.
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.

2. When Community Design Standards may not be used. The Community Design Standards may not be used as an alternative to design review as follows:

   a. In the Central City plan district (See Map 510-1);

   b. For institutional uses in residential zones, unless specifically allowed by an approved Impact Mitigation Plan or Conditional Use Master Plan;

   c. For alterations to sites where there is a nonconforming use;

   d. For mixed-use or non-residential development in the RF through R1 zones; and

   e. If the proposal uses Section 33.405.050, Bonus Density for design review.

33.405.100 Review for Timeliness

The ADD zone must be reviewed for possible changes in both map application and content at or before the first update of the Albina Community Plan.

(Added by Ord. No. 167054, effective 10/25/93. Amended by: Ord. No. 169763, effective 3/25/96; Ord. No. 170916, effective 2/19/97; Ord. No. 171589, effective 11/1/97; Ord. No. 171879, effective 2/2/98; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 185915, effective 5/1/13; Ord. No 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20.)

33.410 Buffer Zone

410

Sections:

33.410.010 Purpose
33.410.020 Map Symbol
33.410.030 Applying the Buffer Zone
33.410.040 Development Standards
33.410.080 Off-Site Impacts

33.410.010 Purpose

The Buffer overlay zone requires additional buffering between nonresidential and residential zones. It is used when the base zone standards do not provide adequate separation between residential and nonresidential uses. The separation is achieved by restricting motor vehicle access, increasing setbacks, requiring additional landscaping, restricting signs, and in some cases by requiring additional information and proof of mitigation for uses that may cause off-site impacts and nuisances.

33.410.020 Map Symbol

The Buffer zone is shown on the Official Zoning Maps with a letter "b" map symbol.

33.410.030 Applying the Buffer Zone

The Buffer zone is to be applied primarily along the edge of a nonresidential zone abutting or located across a street from a residential zone. For industrial and employment zones, the street can be any classification of street, as classified by the Transportation Element of the Comprehensive Plan. For commercial zones, the street should be a Local Service Traffic Street.

33.410.040 Development Standards

The following standards must be met in the Buffer Overlay zone.

A. Setbacks and landscaping.

1. C-zones. In the C zones, a 10-foot setback landscaped to at least the L3 standard is required along all lot lines that:

   a. Are across a local service street or alley from R-zoned land; or

   b. Abut the rear lot line of an R-zoned lot. See Figure 410-1.

2. E and I zones. In the E and I zones, a 20 foot setback landscaped to at least the L3 standard is required along all lots lines within the Buffer Overlay Zone that abut or are across the street from a residential zone. The setback must be landscaped to at least the L3 standard. The setback may be reduced to 10 feet if the setback is landscaped to at least the L4 standard. See Figure 410-2.

3. Exceptions for sites entirely in residential uses:

   a. Landscaping. The landscape requirements of this subsection do not apply. However, landscaping requirements of the base zone, other overlay zone, and plan district must be met.

   b. Fences. Fences up to 3-1/2 feet high are allowed in the buffer setback abutting a street lot line, and up to 8 feet high in other buffer setback areas.

B. Structures and exterior activities.

1. Structures, exterior storage, and exterior display are prohibited in the setbacks required by Subsection A.

2. Exterior work activities are prohibited in the Buffer Overlay Zone.

C. Access.

1. Generally. Except as specified in Paragraphs C.2 and C.3, access through the setbacks required by Subsection A is prohibited.

2. Pedestrian and bicycle access. Pedestrian and bicycle access is allowed through the setbacks, but may not be more than 6 feet wide.

3. Vehicle access for residential. Sites where any of the floor area is in Residential uses may have vehicle access through the setbacks. The width of the access may be a maximum of 20 percent of the site frontage or 20 feet, whichever is less. As an exception, a vehicle access at least 9 feet wide is allowed. The vehicle access may serve only the residential uses; access through the setbacks to vehicle areas serving non-residential uses on the site is prohibited.

D. Radio Frequency Transmission Facilities. Towers to support Radio Frequency Transmission Facilities are prohibited in the Buffer zone.

Figure 410-1
Buffer for C Zones

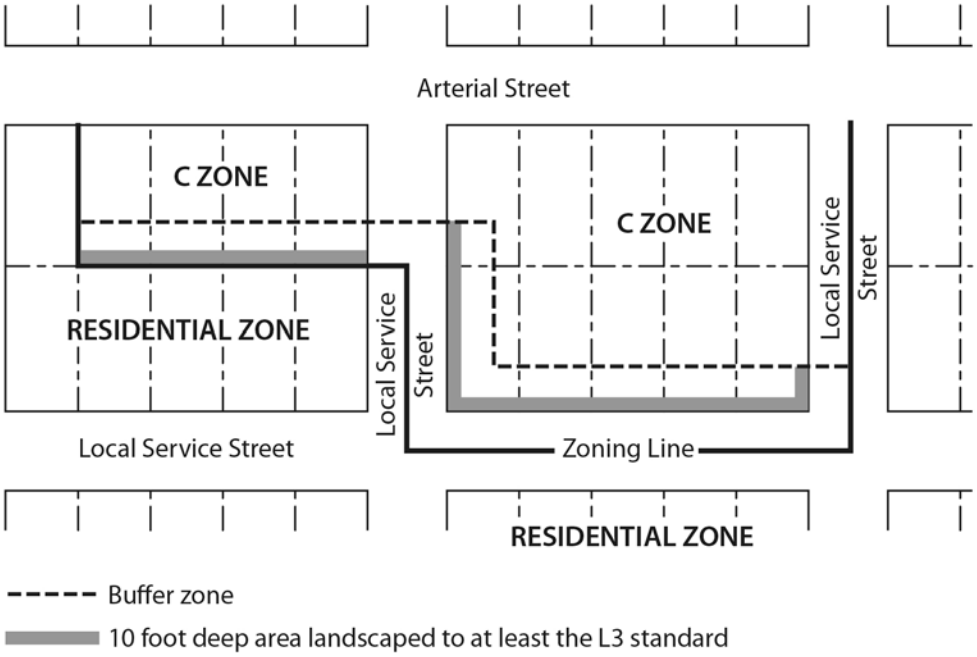
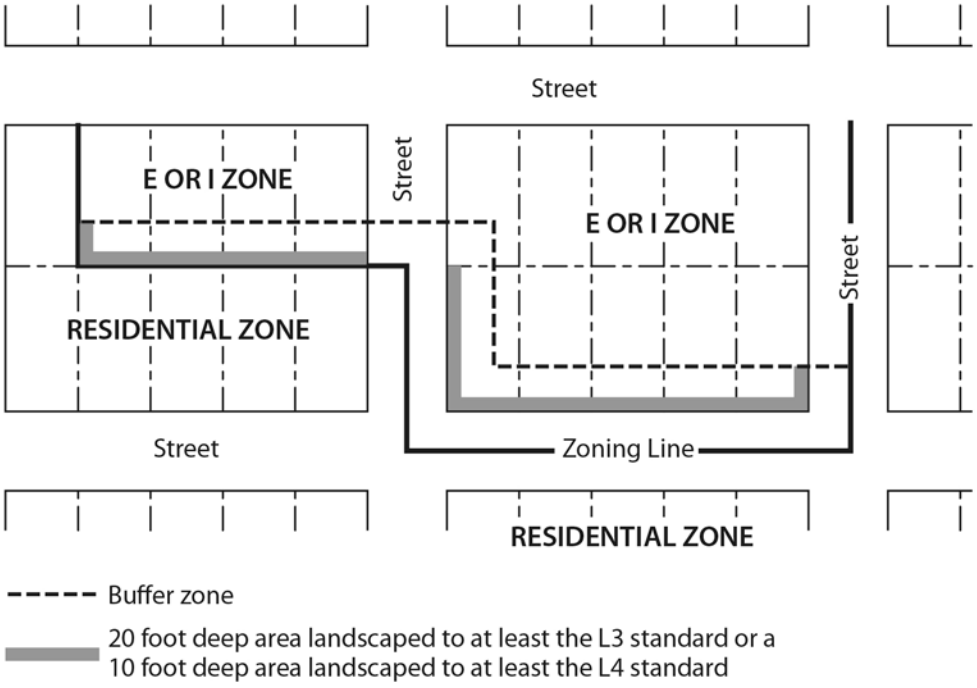


Figure 410-2
Buffer in the E and I Zones



33.410.080 Off-Site Impacts

All development in the Buffer zone is subject to the regulations of Chapter 33.262, Off-site Impacts. If the Director of BDS determines that the proposed use or development may not meet the off-site impact standards, the Director of BDS may require the applicant to document that the standards will be met, as stated in 33.262.100, Documentation in Advance.

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 170704, effective 1/1/97; Ord. No. 171589, effective 11/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 179980, effective 4/22/06; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

33.415 Centers Main Street Overlay Zone

415

Sections:

General
33.415.010 Purpose
33.415.020 Short Name and Map Symbol
33.415.030 Where These Regulations Apply
Use Regulations
33.415.100 Prohibited Uses
33.415.200 Required Ground Floor Active Use
Development Regulations
33.415.300 Prohibited Development
33.415.310 Minimum Floor Area Ratio
33.415.320 Maximum Building Setbacks
33.415.330 Location of Vehicle Areas
33.415.340 Ground Floor Windows
33.415.350 Entrances
33.415.410 Additional Use and Development Standards in the CM1 Zone

General

33.415.010 Purpose

The Centers Main Street overlay zone encourages a mix of commercial, residential and employment uses on the key main streets within town centers and neighborhood centers identified in the Comprehensive Plan. The regulations are intended to encourage a continuous area of shops and services, create a safe and pleasant pedestrian environment, minimize conflicts between vehicles and pedestrians, support hubs of community activity, and foster a dense, urban environment with development intensities that are supportive of transit.

33.415.020 Short Name and Map Symbol

The Centers Main Street overlay zone is shown on the Zoning Map with an "m" map symbol.

33.415.030 Where These Regulations Apply

The regulations of this chapter apply to sites in the Centers Main Street overlay zone.

Use Regulations

33.415.100 Prohibited Uses

The following uses are prohibited within 100 feet of a transit street:

A. Quick Vehicle Servicing; and

B. Self-Service Storage.

33.415.200 Required Ground Floor Active Use

Within 100 feet of a transit street, at least 25 percent of the ground level floor area must be in one of the following active uses. Only uses allowed in the base zone may be chosen:

A. Retail Sales and Service;

B. Office;

C. Industrial Service;

D. Manufacturing and Production;

E. Community Service;

F. Daycare;

G. Religious Institutions;

H. Schools;

I. Colleges. If a College use is provided to meet this regulation, the floor area must be in one or more of the following functions: lobby; library; food service; theatre; meeting area; or

J. Medical Centers. If a Medical Center use is provided to meet this regulation, the floor area must be in one or more of the following functions: lobby; waiting room; food service; out-patient clinic.

Development Regulations

33.415.300 Prohibited Development

The following development is prohibited within 100 feet of a transit street**:**

A. Drive-through facilities; and

B. Houses, attached houses, and duplexes.

33.415.310 Minimum Floor Area Ratio

A. In the Inner Pattern Area the minimum floor area ratio (FAR) for all new development is 0.5 to 1. Pattern areas are shown on Map 415-1.

B. In the Eastern and Western Pattern Area the minimum floor area ratio (FAR) for all new development is 0.25 to 1. Pattern areas are shown on Map 415-1.

33.415.320 Maximum Building Setback

In the Inner Pattern Area, at least 70 percent of the length of the ground level street-facing facade of the building must meet the maximum building setback standard of the base zone. If the site has three or more block frontages, this standard only applies to two frontages. In the case of sites with three or more block frontages, the two frontages subject to this standard are those with the highest transit street classifications. If multiple streets have the same highest transit street classification, the applicant may choose on which streets to meet the standard. Pattern areas are shown on Map 415-1.

33.415.330 Location of Vehicle Areas

A. Purpose. The vehicle area regulations help minimize conflicts between vehicles and pedestrians on transit streets, and create a pleasant, pedestrian-oriented environment by limiting the areas where parking and vehicular activity may be located on site.

B. Location of vehicle area. The following limitations apply on transit streets. Pattern areas are shown on Map 415-1:

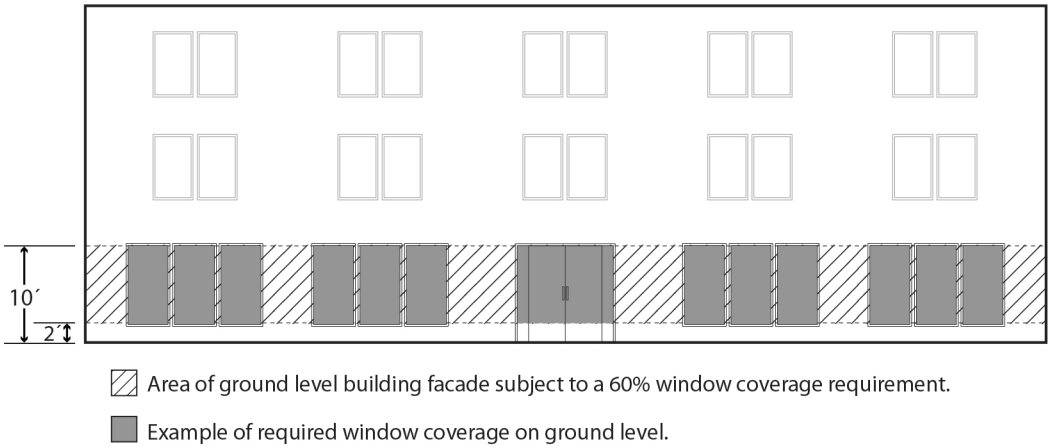
1. In the Inner Pattern area, no more than 30 percent of any transit street frontage may be used for vehicle areas; and
2. In the Eastern and Western Pattern areas, no more than 50 percent of any transit street frontage may be used for vehicle areas.

C. Exemption. Sites that meet all of the requirements of 33.130.215.E, Alternative maximum building setback for large retailers, are exempt from this standard.

33.415.340 Ground Floor Windows

The ground floor window standards of the base zones apply to all sites in the Centers Main Street overlay zone, however the percentage of ground floor window required by 33.130.230.B.2.a(1) is increased to 60 percent. See Figure 415-1.

Figure 415-1
Ground Floor Windows



33.415.350 Entrances

A. Purpose. Building entrances provide convenient pedestrian access between the use and public sidewalks and transit facilities. They help promote an environment that supports retail facilities and pedestrian activity.

B. Entrance frequency. On transit streets, at least one entrance is required for every 100 feet of building length for portions of buildings subject to the maximum street setback.

C. **Entrance Design.** Required entrances must be designed to meet the requirements of 33.130.242 Transit Street Main Entrance.

33.415.410 Additional Use and Development Standards in the CM1 Zone

A. **Purpose.** Some locations in the Centers Main Street overlay zone are zoned CM1 and contain areas of continuous, older low-rise commercial storefront buildings that typically feature a concentration of retail uses, no landscaping, and are one to three stories in height. These additional regulations work in conjunction with regulations in the base zone, and the other standards of this section to support and protect the low-rise storefront scale and development features of these areas.

B. **Where these regulations apply.** The regulations in this Section apply to sites zoned CM1.

C. **Retail Sales And Service and Office use limitations.** Each individual Retail Sales And Service or Office use is limited to 40,000 square feet of net building area.

D. **Industrial use.** Manufacturing and Production and Wholesale Sales uses are allowed but each individual use is limited to 15,000 square feet of net building area.

E. **Maximum floor area ratio.** The maximum floor area ratio is 2.5 to 1.

F. **Maximum building coverage.** The maximum building coverage allowed is 100 percent.

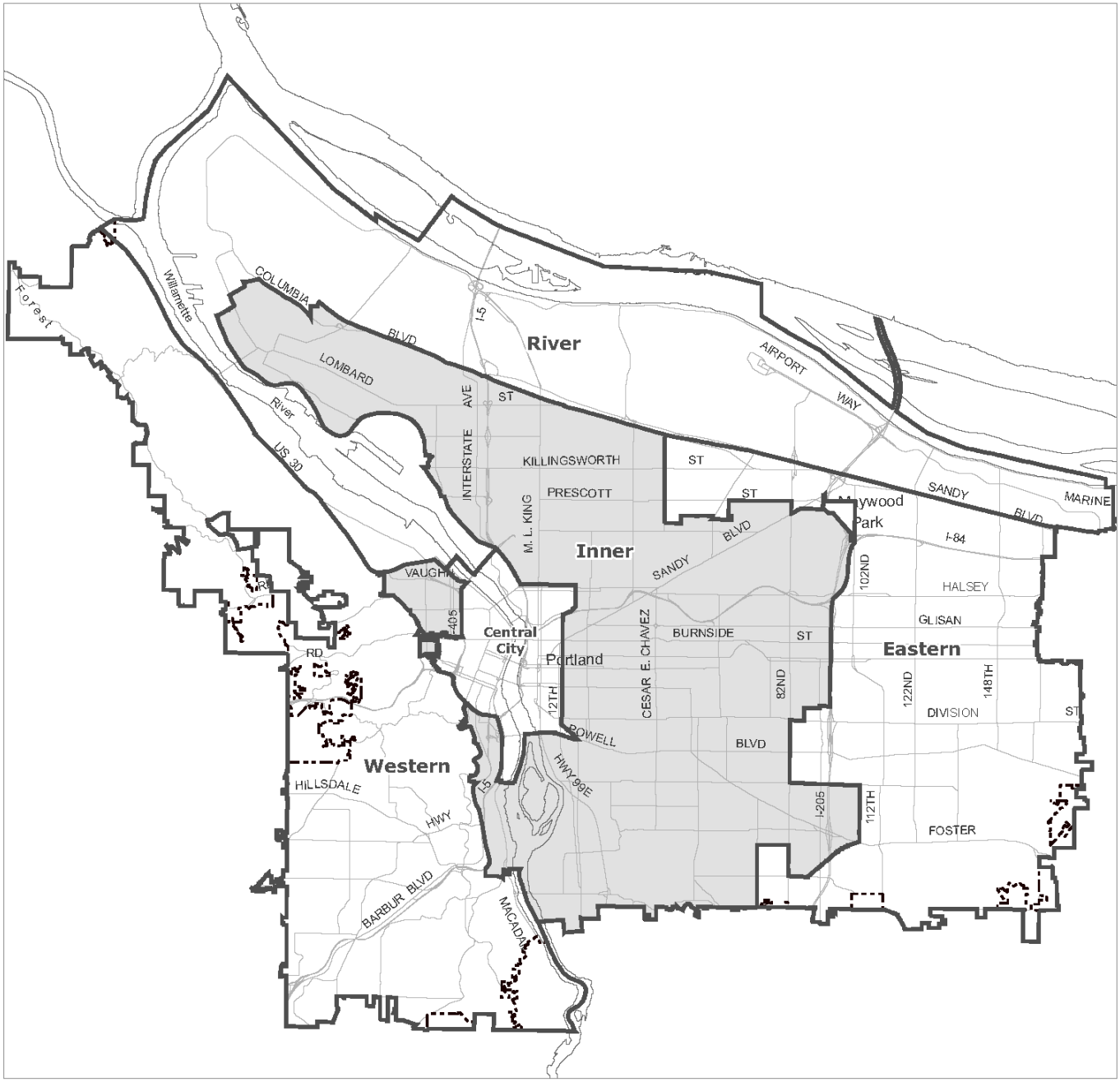
G. **Landscaping.** No landscaping is required.

(Added by Ord. No. 188177, effective 5/24/18. Amended by: Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20.)

Pattern Areas

Map 415-1

Map Revised March 1, 2020



City Boundary

Pattern Area Boundaries

NORTH

0 9,000 18,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

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

33.420.010 Purpose

The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

33.420.020 Map Symbol

The Design Overlay Zone is shown on the Official Zoning Maps with a letter "d" map symbol.

33.420.021 Applying the Design Overlay Zone

The Design Overlay Zone is applied to areas where design and neighborhood character are of special concern. Application of the Design Overlay Zone must be accompanied by adoption of design guidelines, or by specifying which guidelines will be used.

Many applications of the Design Overlay Zone shown on the Official Zoning Maps are referred to as design districts. A design district may be divided into subdistricts. Subdistricts are created when an area within a design district has unique characteristics that require special consideration and additional design guidelines. The location and name of each design district and subdistrict is shown on maps 420-1 through 420-6 at the end of this chapter.

Other applications of the Design Overlay Zone shown on the Official Zoning Maps are not specific design districts. Some are adopted as part of a community planning project, and some are applied automatically when zoning is changed to CX, CM3, EX, RX, or IR.

33.420.025 Where These Regulations Apply

The regulations of this chapter apply to all design overlay zones. Design review may also be a requirement of a plan district, other overlay zone, or as a condition of approval of a quasi-judicial decision.

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.

33.420.041 When Design Review is Required

Unless exempted by Section 33.420.045, Exempt From Design Review, design review is required for the following:

A. New development;

B. Exterior alterations to existing development, including changes to exterior color when the existing color was specifically required by a design review approval;

C. Nonstandard improvements in the public right-of-way such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive prior approval from the City Engineer prior to applying for design review. Improvements that meet the City Engineer's standards are exempt from design review;

D. Items identified in the Citywide Policy on Encroachments in the Public Right-of-Way or Title 17, Public Improvements, as requiring design review;

E. Removal of trees in the South Auditorium plan district;

F. Exterior signs larger than 32 square feet, except in the South Auditorium plan district, where all signs are subject to design review;

G. Where City Council requires design review of a proposal because it is considered to have major design significance to the City. In these instances, the City Council will provide design guidelines by which the proposal will be reviewed, and specify the review procedure;

H. Proposals using one of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080;

I. Floating structures, except individual houseboats; and

J. In the Marquam Hill plan district, proposals to develop or improve formal open area required by Chapter 33.555. This includes designating existing open areas as formal open areas.

33.420.045 Exempt From Design Review
The following items are exempt from design review:

A. If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is instead subject to the regulations for historic resource review as set out in Chapter 33.445, Historic Resource Overlay Zone;

B. Repair, maintenance, and replacement with comparable materials or the same color of paint;

C. Within the Terwilliger Design District, development that will not be visible from Terwilliger Boulevard;

D. Alterations to residential structures in RF through RM2 zones, where the alterations are valued at $10,000 or less;

E. Skylights;

F. Development associated with Rail Lines And Utility Corridors uses;

G. Exterior activities and development for Agriculture uses;

H. Modifications to a structure to meet the Americans With Disabilities Act's requirements in C, E, I, and CI zones;

I. Development associated with Parks and Open Areas uses that do not require a conditional use review;

J. Proposals where a building or sign permit is not required;

K. Development in the IR zone, including alterations, that is not located within the boundaries of an approved Impact Mitigation Plan;

L. Parking lot landscaping that meets the development standards of this Title;

M. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, that is added to the roof of an existing building if the following are met:

1. The area where the equipment will be installed must have a pitch of 1/12 or less;
2. No more than 8 mechanical units are allowed, including both proposed and existing units;
3. The proposed mechanical equipment must be set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment above the roof surface or top of parapet; and
4. The proposed equipment must have a matte finish or be painted to match the roof.

N. Rooftop vents installed on roofs if the vent and associated elements such as pipes, conduits and covers meet the following:

1. The area where the vent and associated elements will be installed must have a pitch of 1/12 or less;
2. The proposed vent and associated elements must not be more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
3. The proposed vent and associated elements must be set back at least 4 feet from the edge of the rooftop for every 1 foot of height above the roof surface or top of parapet; and
4. The proposed vent and associated elements must have a matte finish or be painted to match the roof.

O. Radio frequency transmission facilities for personal wireless services that meet the following:

1. The antennas are added to the facade of an existing penthouse that contains mechanical equipment provided the antennas are no higher than the top of the penthouse, are flush mounted, and are painted to match the facade of the penthouse; and
2. Rooftop accessory equipment that is:
   a. Located entirely within 5 feet of the facade of the existing penthouse, is no higher than the top of the penthouse, and is painted to match the facade of the penthouse; or
   b. Entirely screened behind walls extending one side of the penthouse, provided the walls:
      (1) Do not extend farther than 10 feet from the facade of the existing penthouse and are not closer than 15 feet to street facing roof edges;
      (2) Are no taller than the top of the penthouse; and
      (3) Are painted and textured to match the facade of the penthouse.

P. Exterior alterations to existing development and construction of detached accessory structures within the Sellwood-Moreland Design District;

Q. Houseboats;

R. Within the Marquam Hill Design District:

1. Additions of floor area less than 25,000 square feet;
2. Alterations that affect less than 50 percent of the area of a facade where the area affected is also less than 3,000 square feet;
3. Exterior improvements less than 5,000 square feet, except for exterior improvements affecting areas counting towards the formal open area requirements of Section 33.555.260; or

4. Landscaping not associated with formal open areas.

S. Awnings for each ground floor tenant, which meet the following requirements;

1. If existing awnings on the same building facade have been approved through design review, or have been placed under the provisions of this subsection, the proposed awnings must match the following elements of the existing awnings: the sectional profile, structure, degree of enclosure, and placement vertically on the building. The awning also must meet S.2.c through f, below;

2. If there are no existing awnings on the same building facade that have been approved through design review or placed using the provisions of this subsection, the proposed awnings must be a flat or shed configuration in sectional profile (see Figure 420-1), and meet the following:

   a. Awnings must project at least three feet from the building wall facade;

   b. The front valance of each awning may be no more than 12 inches high. See Figure 420-2;

   c. Illumination may not be incorporated into awnings or awning structures;

   d. One or more awnings may be proposed for each ground floor tenant, but the total area of awnings per ground floor tenant may not exceed 50 square feet, measured from the building elevation. See figure 420-2;

   e. Awning covers must be made of Sunbrella™, Dickson Awning Fabrics™, Para Tempotest™, or a material with equivalent characteristics in terms of: durability, texture, and no-gloss sheen; and

   f. Awnings must be at least 18 inches from all other awnings.

T. Within the St. Johns plan district, alterations to single-dwelling detached structures;

U. Public Art as defined in Chapter 5.74;

V. Within the North Interstate plan district, alterations to detached houses and accessory structures on sites not fronting on Interstate Avenue;

W. Permitted Original Art Murals as defined in Title 4; and

X. Louvers for mechanical ventilation placed within existing ground floor window mullions, which meet the following:

1. The maximum size of each louver is 8 square feet, and the maximum height of each louver is three feet. However, in no case may a louver have a dimension different from the size of the existing window mullion opening;

2. The window system containing the louver must not be higher than the bottom of the floor structure of the second story;

3. The bottom of the louvers must be at least 8 feet above adjacent grade;

4. The louvers may not project out further than the face of the window mullion;

5. The louvers must be painted to match the existing window mullion color/finish;

Y. Rooftop solar energy systems that meet the following requirements:

1. On a flat roof. The solar energy system must be mounted flush or on racks, with the system or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. Solar energy systems must also be screened from the street by:

   a. An existing parapet along the street facing facade that is as tall as the tallest part of the solar energy system; or

   b. Setting the solar energy system back from the street facing roof edges. For each foot of height that the portion of the system projects above the parapet, or roofline when there is no parapet, the system must be set back 4 feet.

2. On a pitched roof. The plane of the system must be parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline.

Z. Eco-roofs installed on existing buildings when the roof is flat or surrounded by a parapet that is at least 12 inches higher than the highest part of the eco-roof surface, and when no other exterior improvements subject to design review are proposed. Plants must be species that do not characteristically exceed 12-inches in height at mature growth.

AA. Anemometers, which measure wind speed; and

BB. Small wind energy turbines that do not extend into a view corridor designated by the Scenic Resources Protection Plan. Wind turbines are subject to the standards of Chapter 33.299, Wind Turbines.

CC. Manufactured dwelling parks.

33.420.051 Design Guidelines

Guidelines specific to a design district have been adopted for the areas shown on maps 420-1 through 420-3 and 420-5 through 420-6 at the end of this chapter. All other areas within the Design Overlay Zone use the Community Design Guidelines.

Figure 420-1
Exempt Awning Section Profile

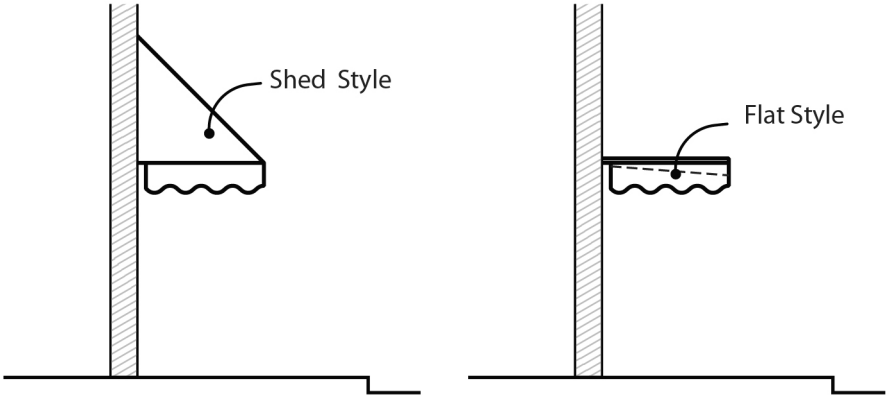
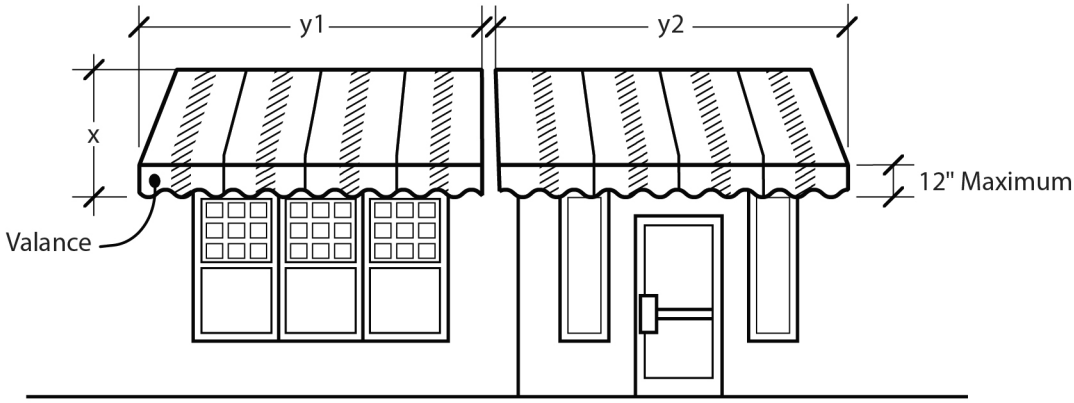


Figure 420-2
Exempt Awning Measurements



BUILDING ELEVATION
(x) [(y1)+(y2)+ . . .] ≤ 50 sq. ft.

33.420.055 When Community Design Standards May Be Used

The Community Design Standards provide an alternative process to design review for some proposals. For some proposals, the applicant may choose to go through the design review process set out in Chapter 33.825, Design Review, or to meet the objective standards of Chapter 33.218, Community Design Standards. The standards for signs are stated in Title 32, Signs and related Regulations. Proposals that do not meet the Community Design Standards — or where the applicant prefers more flexibility — must go through the design review process.

Unless excluded by 33.420.060, When Community Design Standards May Not Be Used, proposals that are within the maximum limits of Table 420-1 may use the Community Design Standards as an alternative to design review.

Table 420-1 Maximum Limits for Use of the Community Design Standards [1]	
Zones	**Maximum Limit—New Floor Area**
RM2, RM3, RM4, C, E, & CI Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.
Zones	**Maximum Limit—Exterior Alterations**
All except IR	• For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the façade. • For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the facade area.
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.

Notes:
[1] There are no maximum limits for proposals where any of the floor area is in residential use.

33.420.060 When Community Design Standards May Not Be Used

The Community Design Standards may not be used as an alternative to design review as follows:

A. In the Central City plan district. See Map 420-1;

B. In the Gateway plan district. See Map 420-6;

C. For proposals that do not include any residential uses in the following Design Overlay Zones:

1. The portion of the South Auditorium plan district outside the Central City plan district. See Map 420-1;
2. The Macadam design district. See Map 420-2; and
3. The Terwilliger design district. See Map 420-3; and
4. The Marquam Hill design district. See Map 420-5;

D. For institutional uses in residential zones, unless specifically allowed by an approved Impact Mitigation Plan or Conditional Use Master Plan;

E. For alterations to sites where there is a nonconforming use, unless the nonconforming use is a residential use;

F. For non-residential development in the RF through RM2 zones;

G. If the proposal uses Section 33.405.050, Bonus Density for Design Review;

H. In the CM3 zone within the St. Johns plan district, structures more than 45 feet in height;

I. For motor vehicle fuel sales in the 122nd Avenue subdistrict of the East Corridor plan district; and

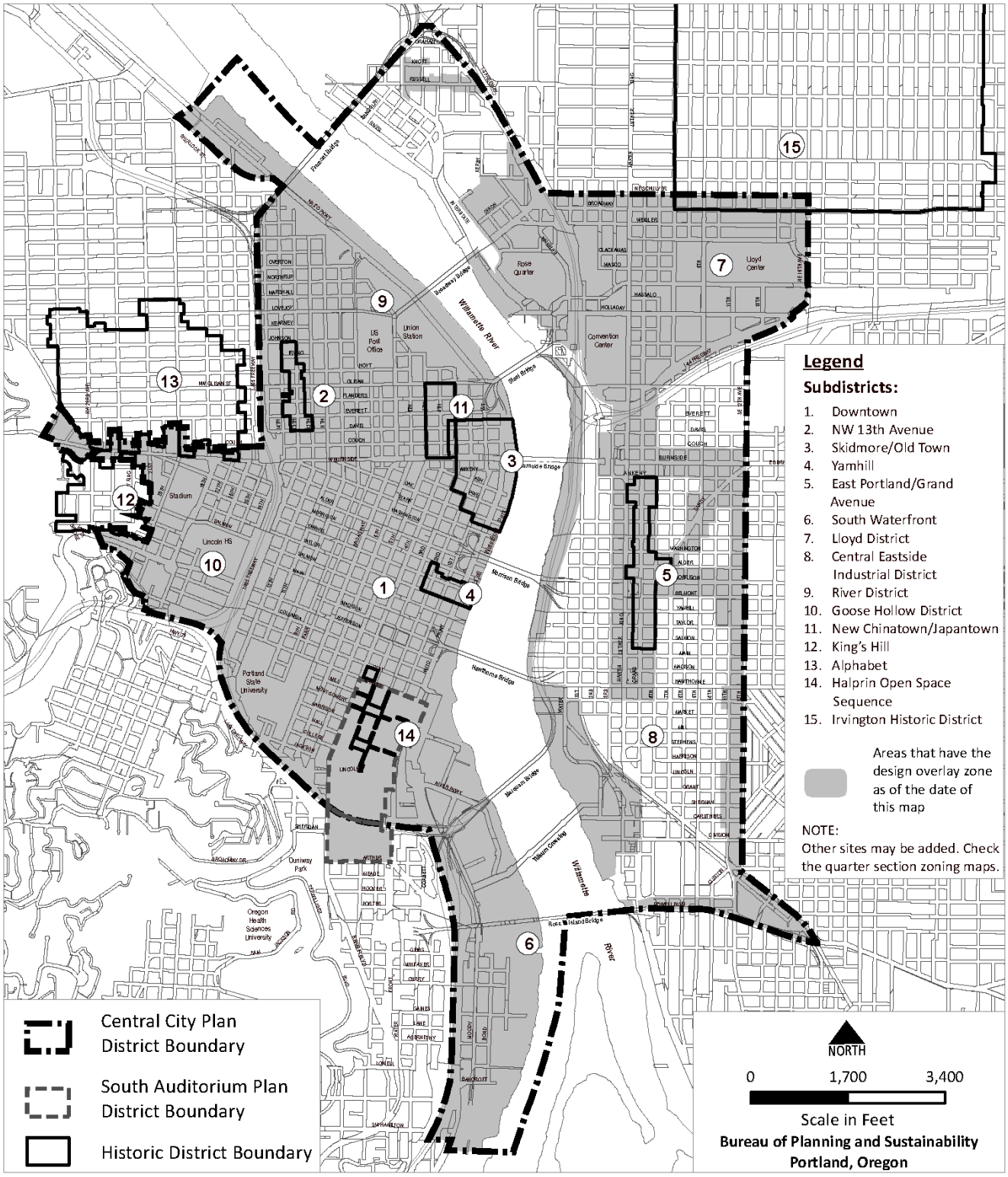
J. In the North Interstate plan district proposals taking advantage of the additional height allowed by 33.561.210.B.2.

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 167054, effective 10/25/93; Ord. No. 169987, effective 7/1/96; Ord. No. 171589, effective 11/1/97; Ord. No. 171849, effective 4/1/98; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 176587, effective 7/20/02; Ord. No.176742, effective 7/31/02; Ord. No. 177920, effective 11/8/03; Ord. No. 178172, effective 3/5/04; Ord. Nos. 178423 and 178480, effective 6/18/04; Ord. No. 178452, effective 7/10/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178946, effective 010705, Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180372, effective 9/30/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182072, effective 8/22/08; Ord. No. 182429, effective 1/16/09; Ord. No. 182962, effective 7/31/09; Ord. No. 183518 03/05/10; Ord. No. 183598, effective 4/24/10; Ord. No. 184842, effective 9/2/11; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, 7/9/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20.)

Design Districts and Subdistricts in the Central City and South Auditorium Plan Districts

Map 420-1

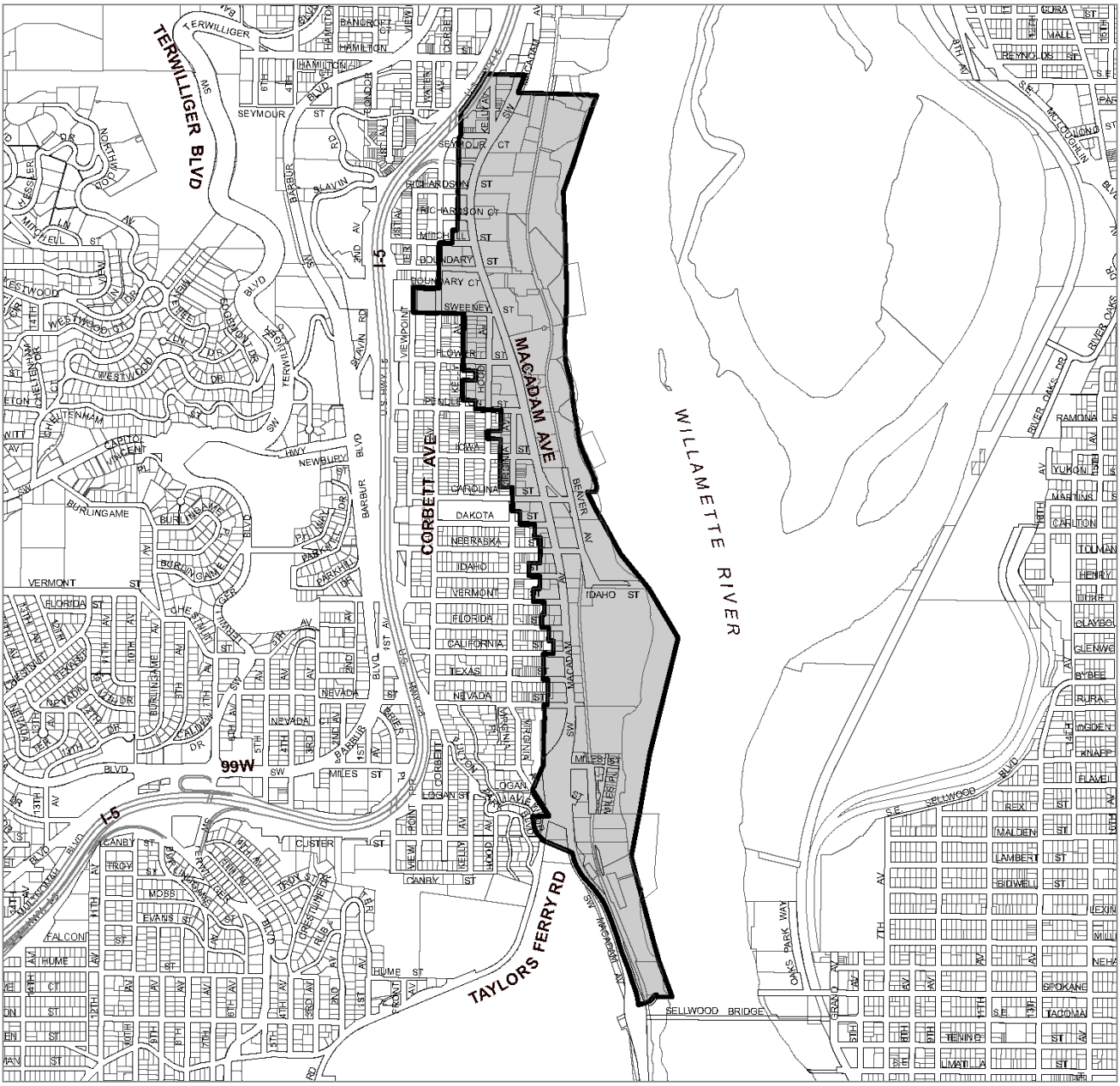
Map Revised August 10, 2020



Macadam Design District

Map 420-2

Map Revised July 24, 2015



Design District Boundary

NORTH

0 1,100 2,200

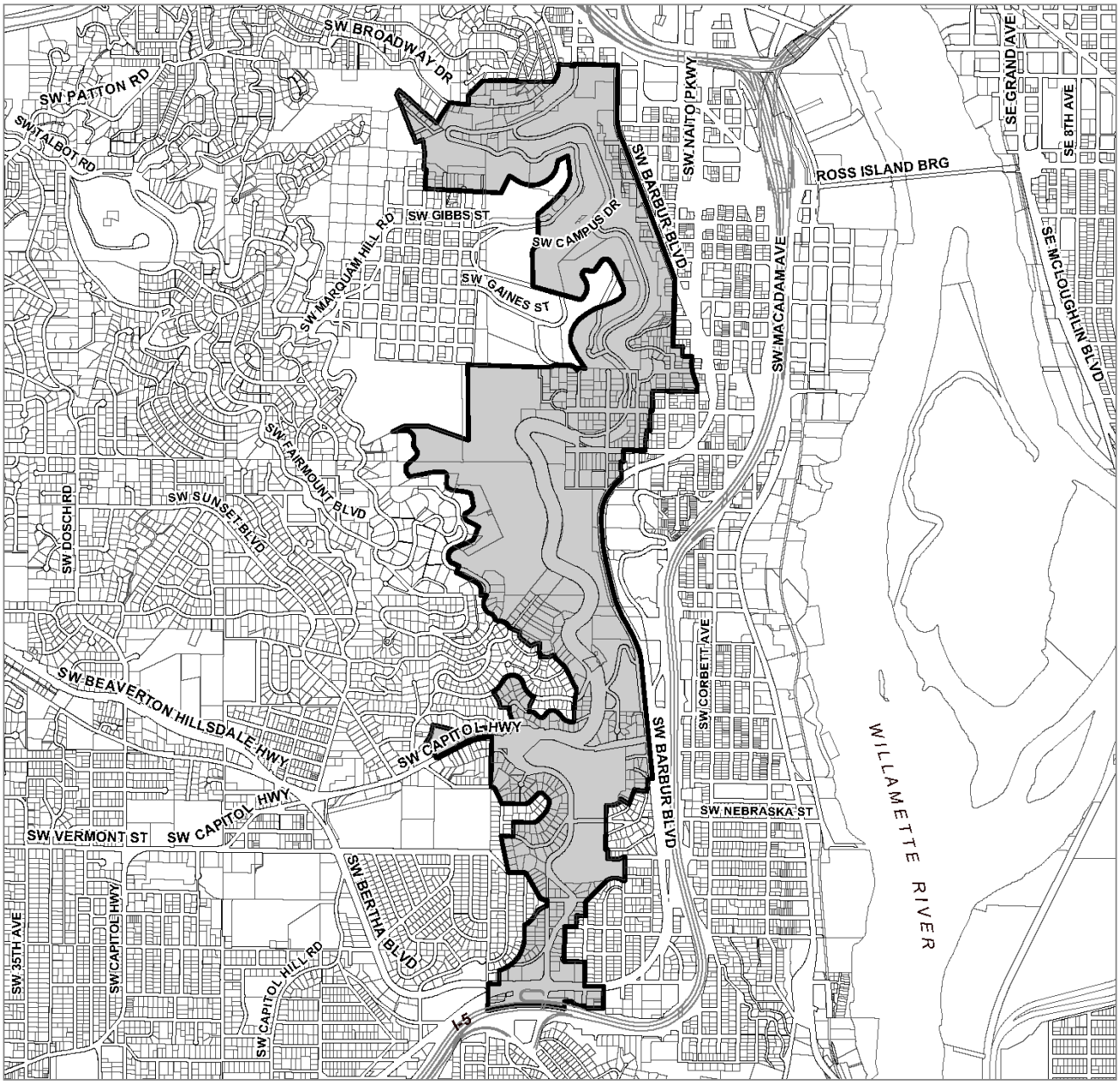
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Terwilliger Design District

Map 420-3

Map Revised July 24, 2015



Design District Boundary

NORTH

0 1,500 3,000

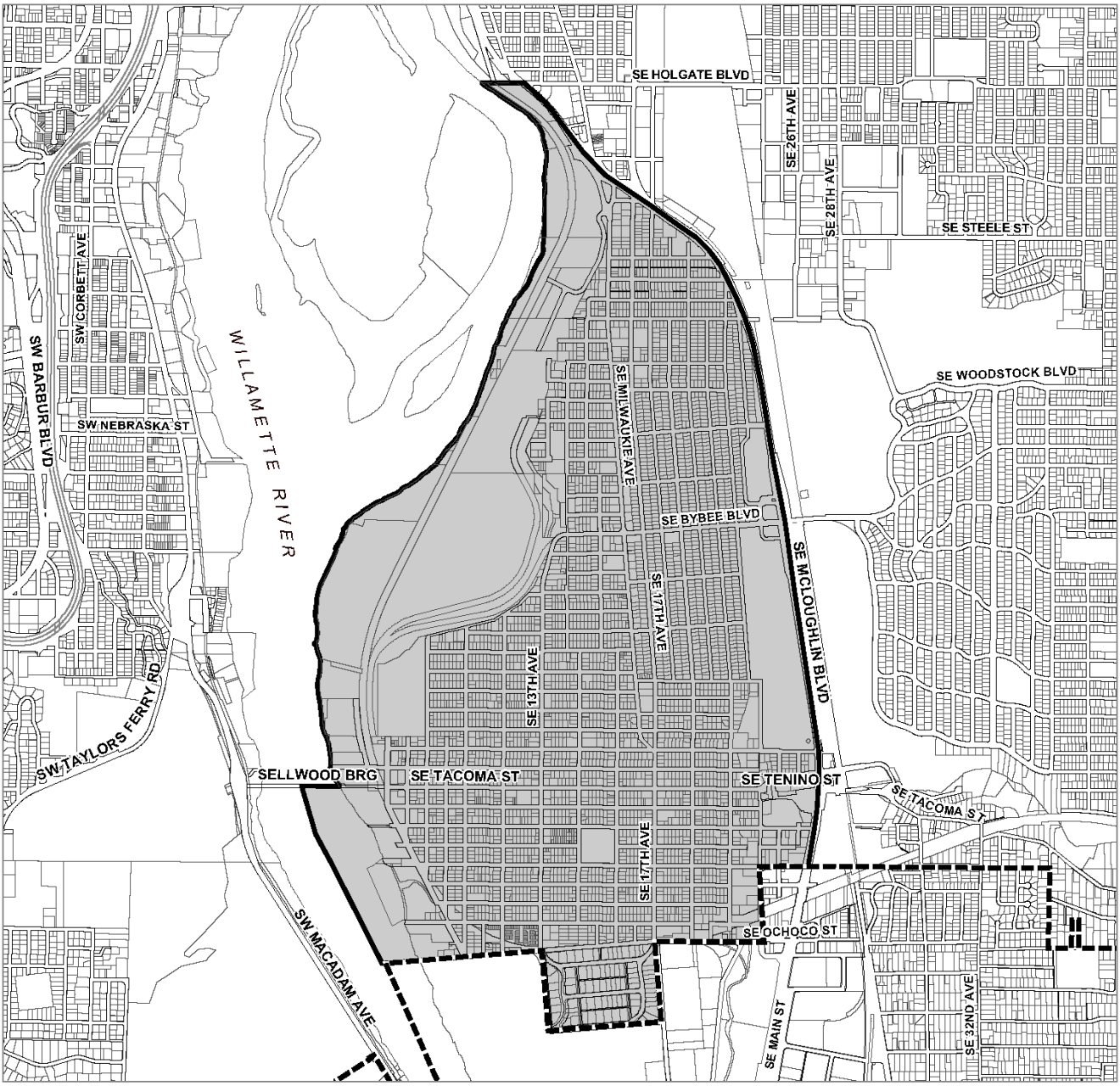
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Sellwood-Moreland Design District

Map 420-4

Map Revised July 24, 2015



City Boundary

Design District Boundary

NORTH

0 1,500 3,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Marquam Hill Design District

Map 420-5

Map Revised July 24, 2015

Design District Boundary

NORTH

0 375 750

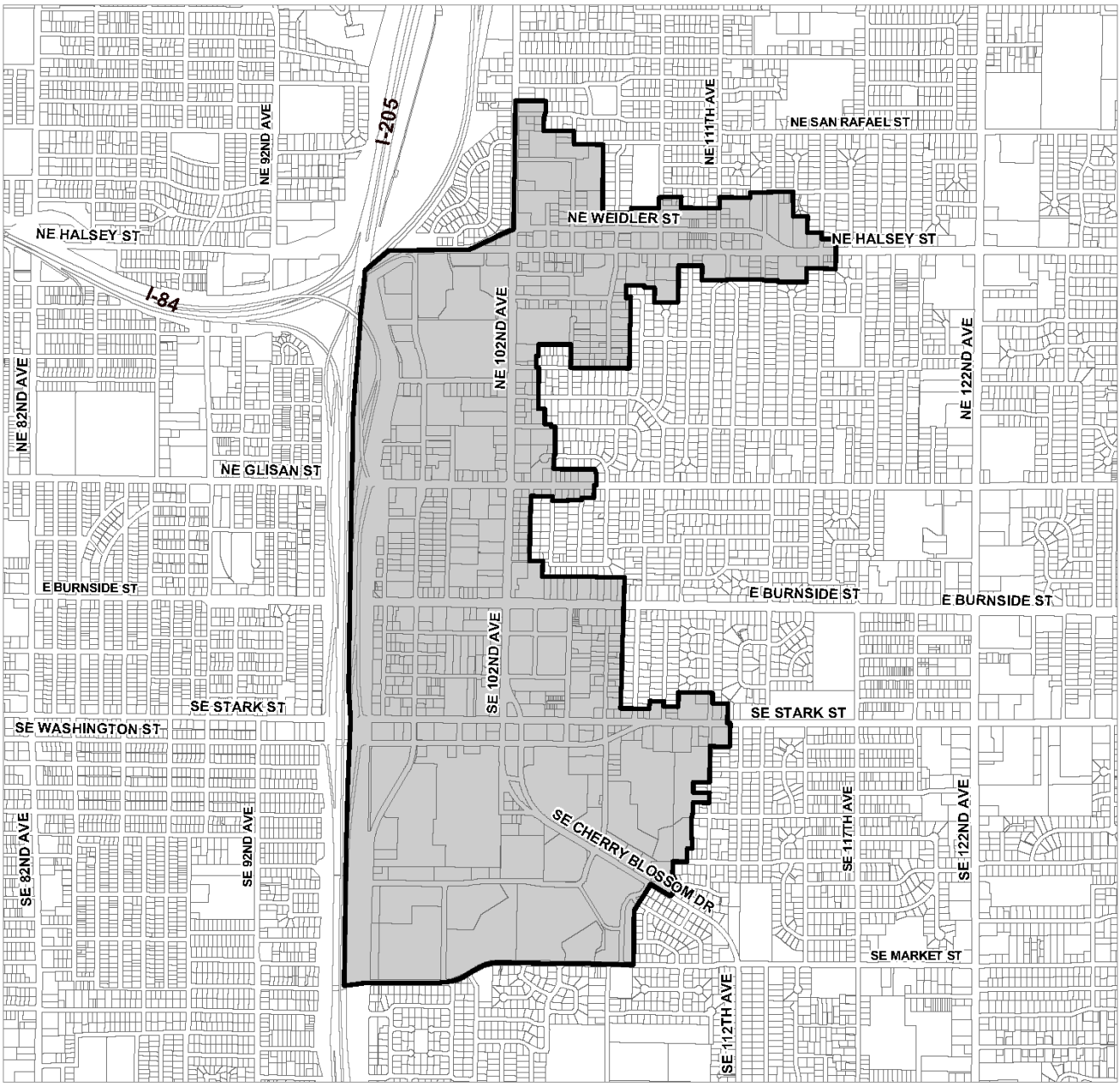
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Gateway Design District

Map 420-6

Map Revised May 24, 2018



Design District Boundary

NORTH

0 1,200 2,400

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.430 Environmental Zones

430

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General

33.430.010 Purpose

Environmental zones protect resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site's protected resources. These regulations also help meet other City goals, along with other regional, state, and federal goals and regulations. The environmental regulations also carry out Comprehensive Plan policies and objectives.

33.430.015 Purpose of the Environmental Protection Zone

The Environmental Protection zone provides the highest level of protection to the most important resources and functional values. These resources and functional values are identified and assigned value in the inventory and economic, social, environmental, and energy (ESEE) analysis for each specific study area. Development will be approved in the environmental protection zone only in rare and unusual circumstances.

33.430.017 Purpose of the Environmental Conservation Zone
The Environmental Conservation zone conserves important resources and functional values in areas where the resources and functional values can be protected while allowing environmentally sensitive urban development.

33.430.020 Environmental Reports
The application of the environmental zones is based on detailed studies that have been carried out within ten separate areas of the City. The City's policy objectives for these study areas are described in the reports. Each study report identifies the resources and describes the functional values of the resource sites. Functional values are the benefits provided by resources. The values for each resource site are described in the inventory section of these reports. The City has adopted the following ten environmental study reports:

- Balch Creek Watershed Protection Plan
- Columbia Corridor Industrial and Environmental Mapping Project
- East Buttes, Terraces and Wetlands Conservation Plan
- Fanno Creek and Tributaries Conservation Plan
- Johnson Creek Basin Protection Plan
- Northwest Hills Natural Areas Protection Plan
- Skyline West Conservation Plan
- Southwest Hills Resource Protection Plan
- ESEE Analysis and Recommendation for Natural, Scenic and Open Space Resources within Multnomah County Unincorporated Areas
- Middle Columbia Corridor/Airport Economic, Social, Environmental and Energy (ESEE) Analysis

33.430.030 Relationship To Other Environmental Regulations
Some of the eight study areas discussed under Section 33.430.020 impose additional environmental regulations in Plan Districts. These additional regulations either supplement or supersede the regulations of this Chapter. Paragraph 33.700.070.E describes the hierarchy of regulations within the Zoning Code.

Additionally, Natural Resource Management Plans may contain regulations that supersede or supplement the regulations of this chapter. Whenever natural resource management plan provisions conflict with other provisions of this chapter, the natural resource management plan provisions supersede. Non-conflicting provisions supplement the provisions of this chapter. Maps 430-9, 11 and 12 show Natural Resource Management Plan areas.

The following Plan Districts and Natural Resource Management Plans have additional regulations that may supersede or supplement the environmental regulations of Chapter 430:

- The Balch Creek Watershed (see Chapter 33.563, Northwest Hills Plan District)
- Cascade Station / Portland International Center Plan District (see Chapter 33.508, Cascade Station / Portland International Center [CS/PIC])
- The Columbia South Shore within the Columbia Corridor (see Chapter 33.515, Columbia South Shore Plan District)
- Johnson Creek Basin (see Chapter 33.537, Johnson Creek Basin Plan District)
- Northwest Hills Natural Areas (see Chapter 33.563, Northwest Hills Plan District)
- Skyline West Conservation Plan area (see Chapter 33.563, Northwest Hills Plan District)
- East Columbia Neighborhood Natural Resources Management Plan (separate document)

- Forest Park Natural Resources Management Plan (separate document)
- Natural Resources Management Plan for the Peninsula Drainage District No. 1 (separate document)
- Portland International Airport Plan District (see Chapter 33.565, Portland International Airport Plan District)

This chapter contains only the City's environmental regulations. Activities which the City regulates through this chapter may also be regulated by other agencies. In cases of overlapping City, Special District, Regional, State, or Federal regulations, the more stringent regulations will control. City approval does not imply approval by other agencies.

33.430.033 Relationship to Scenic Resource Zone

When a Scenic Resource zone has been applied at the location of an environmental zone environmental review must include consideration of the development standards of Chapter 33.480, and the scenic qualities of the resource as identified in the *Scenic Resources Protection Plan* or the *Central City Scenic Resources Protection Plan*.

33.430.035 Other City Regulations

Other City regulations such as Title 10, Erosion Control, and Title 11, Trees, may apply to sites in the environmental overlay zones.

33.430.040 Overlay Zones and Map Symbols

There are two environmental overlay zones.

A. The Environmental Protection overlay zone is applied wherever the City determines that highly significant resources and functional values are present. The Environmental Protection overlay zone is shown on the Official Zoning Maps with the "p" symbol.

B. The Environmental Conservation overlay zone is applied wherever the City determines that significant resources and functional values are present. The Environmental Conservation overlay zone is shown on the Official Zoning Maps with the "c" symbol.

33.430.050 Subareas of Environmental Zones

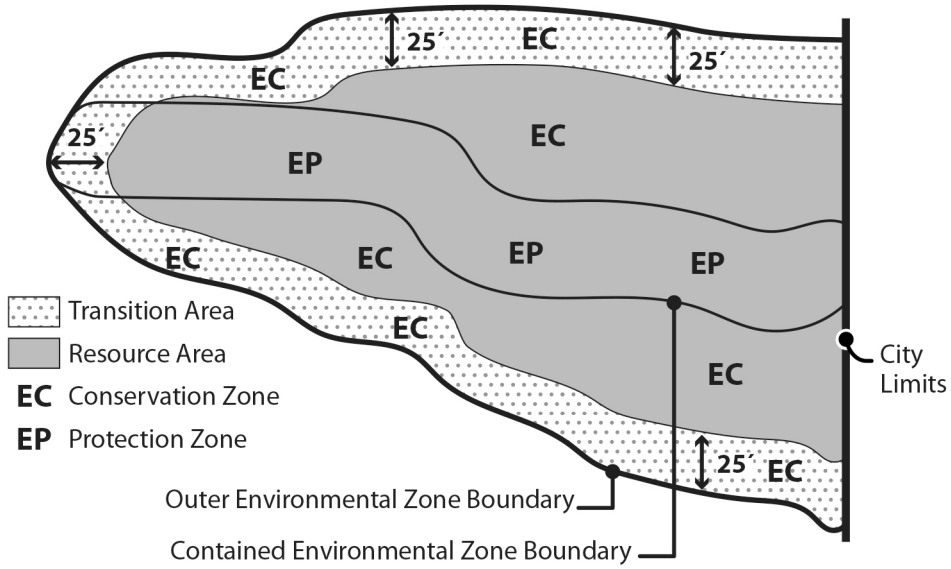
Environmental overlay zones contain resource areas and transition areas. Resource areas contain significant resources and functional values. Transition areas surround the resource areas. Resources and functional values within transition areas are not significant, but they provide a buffer for the significant resources and functional values within the resource area. The transition area is measured as the first 25 feet inward from an environmental zone boundary. The remaining area is the resource area. See Figure 430-1. The following are three exceptions:

A. Where part of an environmental zone boundary is also the City Limits, there is no transition area.

B. Where environmental zone boundaries are contained within other environmental zone boundaries, there is no transition area.

C. Where environmental zone boundaries abut other environmental zone boundaries, transition areas are only measured from the combined outer-most boundaries of the environmental zones.

Figure 430-1
Environmental Zone Subareas



33.430.060 Where These Regulations Apply
These regulations apply to all environmental zones, except those in the Columbia South Shore Plan District that are south of NE Marine Drive, those in the Cascade Station/Portland International Center Plan District, City-owned land within the Forest Park Natural Resources Management Plan area, and the Peninsula Drainage District No. 1 Natural Resources Management Plan area. See also Section 33.430.030, Relationship to Other Environmental Regulations.

33.430.070 When These Regulations Apply
Unless exempted by Section 33.430.080, below, the regulations of this chapter apply to the following:

A. Development;

B. All land divisions and property line adjustments;

C. Removing, cutting, mowing, clearing, burning, or poisoning native trees and plants listed in the *Portland Plant List*;

D. Planting or removing trees and plants listed on the Nuisance Plants List, and planting or removing non-native non-nuisance trees and plants;

E. Changing topography, grading, excavating, and filling;

F. Resource enhancement; and

G. Dedication and expansions of rights-of-way.

33.430.080 Items Exempt From These Regulations
The following items, unless prohibited by Section 33.430.090, below, are exempt from the regulations of this chapter. Other City regulations such as Title 10, Erosion Control, and Title 11, Trees, must still be met. When no development or other activities are proposed that are subject to

the development standards or review requirements of this chapter, tree removal or pruning allowed under the exemptions below is subject to the tree permit requirements of Title 11, Trees.

A. Change of ownership;

B. Temporary emergency procedures necessary for the protection of life, health, safety, or property;

C. Existing development, operations, and improvements, including the following activities:

1. Maintenance, repair, and replacement of existing structures, exterior improvements, roads, public trails, public rest points, public viewing areas, public interpretative facilities, and utilities. Replacement is not exempt whenever coverage or utility size is increased;

2. Continued maintenance of existing gardens, pastures, lawns, and other planted areas, including the installation of new irrigation and drainage facilities, new erosion control features, and the installation of plants except those listed on the Nuisance Plants List. Change of crop type or farming technique on land currently in agricultural use. Pruning trees and shrubs within 10 feet of buildings and structures attached to buildings, such as decks, stairs, and carports;

3. Changes to existing disturbance areas to accommodate outdoor activities such as gardens and play areas so long as plantings do not include plants on the Nuisance Plants List and no trees 6 or more inches in diameter are removed;

4. Alterations to buildings that do not change the building footprint and do not require adjustments to site-related development standards;

5. Operation, maintenance, and repair of the following:

   a. Irrigation systems;

   b. Stormwater management systems;

   c. Pumping stations; and

   d. Erosion control and soil stabilization features;

6. Operation, maintenance, and repair of drainage facilities, flood control structures, and conveyance channels that are managed by Drainage Districts as defined in ORS 547, and where the activity is conducted or authorized by the Drainage District. This exemption does not apply if dredge spoils are placed onto the top of banks of the drainageway, or onto portions of the environmental overlay zone above the ordinary high water mark. Operation, maintenance, and repair of drainage facilities include:

   a. Dredging and channel cleaning below the ordinary high water mark and vegetative maintenance within the minimum floodway cross-section of drainageways;

   b. Operation, maintenance, and repair of drainage district pump stations, water control structures, or levees;

c. Reconfiguring the cross-section of drainage channels below the ordinary high water mark, or changing the location of the low flow channel within a wider drainage channel; and

d. Stabilizing banks and restoring levees back to original condition and footprint;

7. Removal or trimming of vegetation when no development or other activities subject to the development standards or review requirements of this chapter are proposed, if the following are met:

a. All vegetation removal or trimming activities must be surrounded or protected to prevent erosion and sediment from leaving the site or negatively impacting resources on the site. Permanent erosion control, such as replanting areas of bare soil, must be installed.

b. The vegetation proposed for removal or trimming is one of the following:

(1) Trees or plants listed on the Nuisance Plants List;

(2) Dead, dying, or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or an arborist. Removing these portions is exempt only if all sections of wood more than 12 inches in diameter either:

- Remain, or are placed, in the resource area of the same ownership on which they are cut; or
- Are removed, if the City Forester authorizes removal of diseased wood because it will threaten the health of other trees;

(3) Non-native non-nuisance trees and plants;

(4) Trees or tree limbs that are within 10 feet of an existing building and structures attached to buildings, such as decks, stairs, and carports;

(5) Trees or plants that exceed the height restriction of a view corridor with special height restrictions designated in the *Scenic Resources Protection Plan* or *Central City Scenic Resources Protection Plan*; or

(6) Within the Scenic Resource zone, tree limbs may be trimmed to maintain a view. Tree removal is not exempt.

8. Pruning trees in accordance with Title 11 permit requirements;

9. Alterations to existing houseboats or replacing houseboats in existing slips;

10. Development over existing paved surfaces that are over 50 feet from any identified wetland or water body; and

11. Land divisions or Property Line Adjustments where all properties are developed, no additional building sites are created and no additional development is proposed.

D. The following new development and improvements:

1. Planting of native vegetation listed on the *Portland Plant List* when planted with hand-held equipment;

2. Public street and sidewalk improvements meeting all of the following:
    a. Improvements must be within an existing public right-of-way used by truck or automobile traffic; and
    b. Streets and sidewalks must not exceed the minimum width standards of the Bureau of Transportation Engineering.
3. Groundwater monitoring wells constructed to the standards of the Oregon Water Resources Department and water quality monitoring stations, where access is by foot only;
4. Utilities installed above or below developed portions of public rights-of-way;
5. Utility service using a single utility pole or where no more than 100 square feet of ground surface is disturbed outside of the top of bank of water bodies and where the disturbed area is restored to the pre-construction conditions;
6. Temporary site investigative work including soil tests, land surveys, groundwater and water quality monitoring stations when all of the following are met:
    a. The work is conducted using hand-held equipment only;
    b. The disturbance is temporary;
    c. Disturbance areas are restored to pre-existing conditions; and
    d. No native trees are removed.
7. Installation of temporary fencing to protect resource enhancement project planting areas, or to close off or control the use of illegal trails. The fence must be removed within 5 years;
8. Installation of signage as part of public recreational trail and resource enhancement projects;
9. Additional disturbance for outdoor uses such as gardens and play areas where the added disturbance area meets all of the following:
    a. The added disturbance area does not exceed 500 square feet;
    b. The total disturbance area on the site does not exceed standards in Table 430-1;
    c. No native trees 6 or more inches in diameter are removed; and
    d. The disturbance area is located at least 30 feet from the top of bank of a stream or drainage and at least 50 feet from the edge of a wetland.
10. Trails meeting all of the following:
    a. Trails must be confined to a single ownership or be within a public trail easement;
    b. Trail widths must not exceed 30 inches, stair width must not exceed 50 inches, and trail grade must not exceed 20 percent except for the portion of the trail containing stairs;

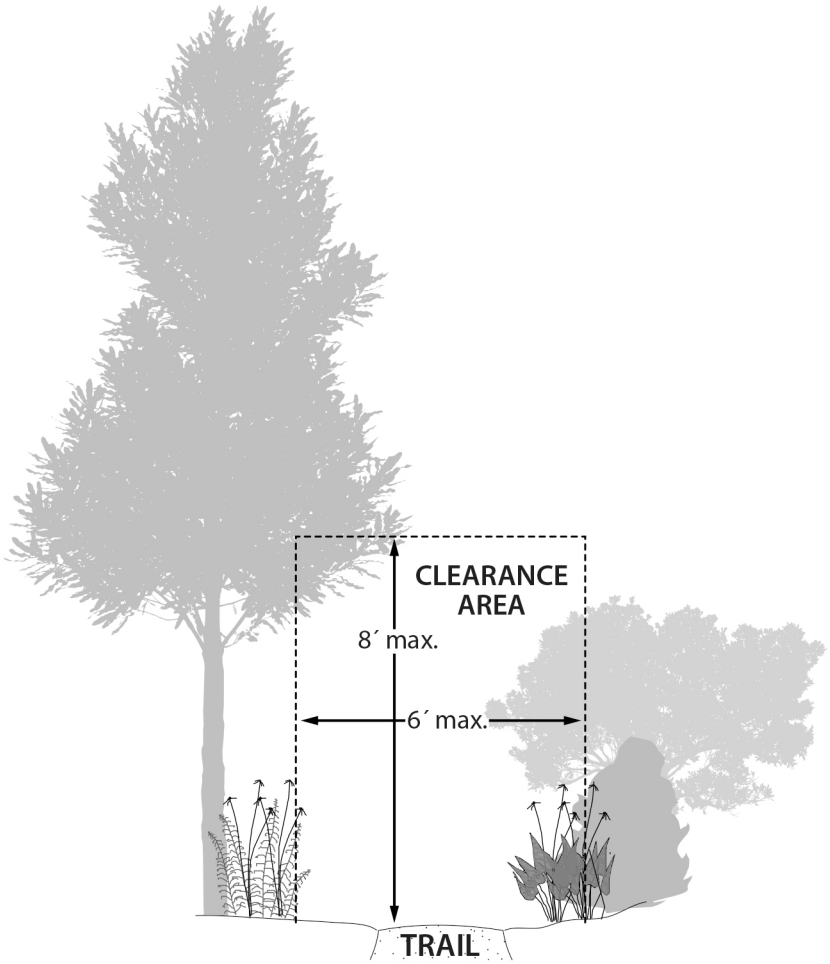
c. Plant trimming must not exceed a height of 8 feet and a width of 6 feet as shown in Figure 430-2;

d. No native trees 6 or more inches in diameter and no native shrubs larger than 5 feet tall may be removed;

e. Trails must not be paved; and

f. Trails must be at least 15 feet from the top of bank of all water bodies.

Figure 430-2
Trail Vegetation Pruning and Maintenance Area



11. All land divisions with tentative plans, final plans, and recorded plats showing all of the following for every lot created or adjusted; and Property Line Adjustments with plans showing all of the following for each lot adjusted:

a. Building sites at least five feet from all resource areas. For the purpose of this subsection, “building site” means an area of any shape in which a square 40 feet by 40 feet will fit;

b. Public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) where none of these utilities are in a resource area; and

c. Streets, driveways, and parking areas where all pavement is at least ten feet from a resource area.

E. Hand removal of trash, provided that native vegetation is not removed or damaged.

33.430.090 Prohibitions

The following items are prohibited in all environmental zones. Prohibitions apply to both transition areas and resource areas:

A. The use, packaging, transportation, or storage of hazardous substances, except as follows:

1. Transportation of hazardous substances through environmental zones by rail or on designated truck routes is allowed; and

2. Use of consumer quantities of hazardous substances within environmental zones is allowed subject to the regulations of this Title. Consumer quantities of hazardous substances are packaged and distributed in a form intended or suitable for sale through retail sales outlets for consumption by individuals for purposes of personal care and household use.

B. The planting or propagation of any plant listed on the Nuisance Plants List;

C. Exterior work activities, unless in conjunction with a river-related or river-dependent use. See Chapter 33.910, Definitions; and

D. Dumping of yard debris or trash.

Development Standards

33.430.110 Purpose

These development standards are intended to:

A. Encourage sensitive development while minimizing impact on resources;

B. Provide clear limitations on disturbance within resource areas;

C. Ensure that new development and alterations to existing development are compatible with and preserve the resources and functional values protected by the environmental zones;

D. Provide clear planting and erosion control requirements within resource areas;

E. Buffer the resource area from the noise, fumes, lights, and motion of vehicular traffic associated with industrial, commercial, and multi-dwelling residential uses; and

F. Limit the impacts on resources and functional values resulting from construction of certain types of utilities.

33.430.120 Procedure

A. **Generally.** Compliance with the development standards of this chapter is required for all development in the environmental zones and is determined as part of the building permit or development permit application process. For proposals that cannot meet all of the standards, Environmental Review is required. Where a proposal can meet all the standards, the applicant may choose to go through the discretionary environmental review process, or to meet the objective standards of this chapter.

The development standards are Sections 33.430.140 through .190; Sections 33.430.150 through .190 address specific types or aspects of development, while 33.430.140 applies to proposals not covered by the more specific sections. A proposal may be subject to several sections. For example, construction of a house may be subject to the General Development Standards of 33.430.140, the standards of 33.430.150, Utilities, and the standards of 33.430.180, Stormwater Outfalls. If the proposal can meet the general standards and standards for utilities, but not those for a stormwater outfall, environmental review is required only for the stormwater outfall. To be eligible to use the development standards for an aspect of a proposal, all of the standards within the relevant section must be met.

B. **Adjustments prohibited.** Adjustments to these standards are prohibited. Proposals that do not meet all the standards within each relevant section require approval through environmental review described in Sections 33.430.210 through .280.

33.430.130 Permit Application Requirements

A building permit or development permit application that is reviewed for compliance with the standards of this chapter requires more information than a permit not affected by these provisions. The information in Subsections A and B must be submitted with permit application plans. Submission of the information in Subsection C is optional.

A. An existing conditions site plan including:

1. Location of all Environmental Zone lines on the site;
2. Outline of any existing disturbance area, including existing utility locations;
3. Location of any wetlands or water bodies on the site or within 50 feet of the site. Indicate the location of the top of bank, centerline of stream, or wetland boundary as appropriate;
4. Within the disturbance area, all trees that are 6 or more inches in diameter must be indicated by size and species. Trees outside of the disturbance area must be shown as crown cover with an indication of species composition; and
5. Topography shown by contour lines at 2 foot vertical contours in areas of slopes less than 10 percent and at 5 foot vertical contours in areas of slopes 10 percent or greater.

B. Proposed development plan including:

1. Outline of the proposed disturbance area, including all areas of proposed utility work;
2. Location and description of all proposed erosion control devices;

3. A stormwater management plan;
4. A landscape plan indicating the size, species, and location of all vegetation to be planted in the environmental zone;
5. Trees proposed to be preserved and trees proposed to be removed. For trees to be preserved, tree protection, meeting the requirements of Chapter 11.60, Technical Specifications, must be shown. A tree plan may also be required to comply with Chapter 11.50, Trees in Development Situations; and
6. Where applicable, the location and specifications of the site enhancement option with dimensions, a list of plants on the Nuisance Plants List to be removed, and a landscape plan indicating the size, species, and location of all vegetation to be planted.

C. Photographs of the site are not required but are encouraged to supplement the existing conditions site plan.

33.430.140 General Development Standards
The standards below apply to all development in the environmental zones except as follows:

- Utilities subject to Section 33.430.150;
- Land divisions subject to Section 33.430.160;
- Property line adjustment subject to Section 33.430.165;
- Resource enhancement projects subject to Section 33.430.170;
- Rights-of-way improvements subject to Section 33.430.175;
- Stormwater outfalls subject to Section 33.430.180; and
- Public recreational trails subject to Section 33.430.190.

Standards A through C and G through S apply to new development. Standards D through S except L apply to alterations to existing development. Only standards E, J, K, N, Q, R, and S apply in Transition areas. All of the applicable standards must be met.

A. The maximum disturbance area allowed within the resource area on the site is determined by subtracting all portions of the site outside the resource area from the number listed in Table 430-1.

Table 430-1
Maximum Disturbance Area Allowed

	OS and RF Zone	**R20**	**R10**	**R7**	**R5**	**All Other Zones**
Maximum Disturbance Area	5,000 sq. ft. [1]	5,000 sq. ft. [1]	5,000 sq. ft. [1]	3,500 sq. ft. [1]	2,500 sq. ft. [1]	50% of the base zone building coverage or 1 acre, whichever is less [1]

Note:
[1] Subtract the amount of area on the site outside the resource area from the number given in the table.

B. The disturbance area is set back at least 5 feet from the resource area of any environmental protection zone;

C. The disturbance area must be set back at least:

1. Fifty feet from the edge of any identified wetland, from the top of bank of any identified water body within the Columbia Corridor, or any identified water body within a protection zone on lots zoned R10, R20, or RF. When reconfiguration of the bank is carried out in accordance with subsection .170.A, below, results in the top of bank shifting landward, the applicant may choose to measure the setback from the original top of bank. When this occurs, a survey of the original top of bank line and the new top of bank line must be submitted for verification and then recorded with the County recorder. In all cases the disturbance area must be set back at least 5 feet from the new top of bank line;

2. Thirty feet from the top of bank of any identified water body within a protection zone on all lots except those zoned R10, R20 or RF; and

3. Thirty feet from the centerline of any identified water bodies within a conservation zone except those within the Columbia Corridor.

D. For alterations to existing development, one of the following must be met:

1. The disturbance area does not exceed the limitations of Table 430-1 and the disturbance area is not expanded into or within five feet of the resource area of an environmental protection zone; or

2. If the existing disturbance area now exceeds the limitations of Table 430-1, alterations are allowed within the existing disturbance area if the following are met:

   a. The existing disturbance area may not be expanded; and

   b. Increases in building coverage and exterior improvement area are allowed if a site enhancement option is completed on the site. Applicants must show that an area equivalent in size to at least 50 percent of the area proposed for development will be enhanced following one or more of the options described in Table 430-2. If the proposed development is less than 100 square feet, the minimum enhanced area will be 50 square feet.

E. The proposed development is set back at least 5 feet from the resource area of any environmental protection zone;

F. The proposed development must be set back at least:

1. Fifty feet from the edge of any identified wetland, from the top of bank of any identified water body within the Columbia Corridor, or any identified water body within a protection zone on lots zoned R10, R20, or RF. When reconfiguration of the bank is carried out in accordance with subsection .170.A, below, results in the top of bank shifting landward, the applicant may choose to measure the setback from the original top of bank. When this occurs, a survey of the original top of bank line and the new top of bank line must be submitted for verification and then recorded with the County recorder. In all cases the proposed development must be set back at least 5 feet from the new top of bank line;

2. Thirty feet from the top of bank of any identified water body within a protection zone on lots zoned R7 through IR; and

3. Thirty feet from the centerline of any identified water bodies within a conservation zone except those within the Columbia Corridor.

G. The proposed buildings must be set back at least 5 feet from the edge of the disturbance area;

H. Where the distance between a building and the edge of the disturbance area is less than 10 feet, additional temporary disturbance area is allowed. The edge of the additional temporary disturbance area may extend no more than 10 feet from the building. The temporary disturbance area must be replanted with three different native shrub species at a minimum 1-gallon size or bare root, planted at a density of 3 plants per 10 square feet with the remaining area planted with native groundcover using a minimum of 4-inch pots at a density of 8 plants per 10 square feet;

I. Temporary disturbance areas and portions of the resource area where removal of non-native vegetation occurs must be replanted so that the area achieves a 90 percent vegetation cover within one year;

J. Tree removal and replacement standards.

1. Removal of native trees is allowed as follows:

   a. Trees removed from resource and transition areas must be replaced as shown in Table 430-3. Trees less than 6 inches in diameter do not have to be replaced.

   b. In resource and transition areas, the combined total diameter of all trees removed may not exceed 225 inches, counting only native trees that are at least 6 inches in diameter;

   c. In resource areas, trees may be removed only if one of the following is met:

      (1) Within 10 feet of existing or proposed buildings and structures attached to buildings, such as decks, stairs, and carports;

      (2) Within 10 feet of proposed driveways or right-of-way improvements; or

      (3) To create up to 500 square feet of permanent disturbance area for uses such as gardens and play area.

2. Non-native non-nuisance trees may be removed if each tree at least 6 inches in diameter is replaced as shown in Table 430-3;

3. Trees listed on the Nuisance Plants List may be removed, if each tree at least 6 inches in diameter is replaced with one native tree; and

4. For replacement of non-native trees and trees in transition areas, applicants may pay a revegetation fee as described in Table 430-2 in lieu of planting on the site. The fee is based on the number of trees required under Table 430-3, Option A.

Table 430-2 Minimum Site Enhancement Options	
Option	**Action**

Option 1 Restoration Planting	Remove plants listed on the Nuisance Plants List. Plant the area with native plants at the following minimum planting density: 10 plants per 50 square feet at a ratio of one tree, two shrubs, and 7 groundcover plants. Trees must be at least one-half inch in diameter, shrubs must be at least 1 gallon, and groundcover plants a minimum pot size of 4 inches. The remaining area may be seeded with native grass seed.
Option 2 Impervious Surface Reduction	Remove impervious surface to improve stormwater management, and replant the area with native plants at the following minimum planting density: 10 plants per 50 square feet at a ratio of one tree, two shrubs, and 7 groundcover plants. Trees must be at least one-half inch in diameter, shrubs must be at least 1 gallon, and groundcover plants must be a minimum pot size of 4 inches. The remaining area may be seeded with native grass seed.
Option 3 Parking Lot Retrofit	Replace existing interior parking lot landscaping with a vegetated infiltration basin using native plants. The minimum planting ratio for this option is one tree and two shrubs for every 50 square feet of planting area, and groundcover plants to cover the remaining area, planted on 12-inch centers. Trees must be at least one-half inch in diameter, shrubs must be at least 1 gallon, and groundcover plants a minimum pot size of 4 inches. Enhancements must be approved by the Bureau of Environmental Services as meeting the Stormwater Management Manual, and must also comply with parking lot landscape requirements of this Title.
Option 4 Revegetation Fee	Pay a revegetation fee. 1. Fee use and administration. The revegetation fee is collected by BDS and is administered by the Bureau of Environmental Services. The fees collected are used for revegetation projects on public or private property within the same watershed as the site. 2. Calculation of required fee contributions. Applicants must contribute the cost to purchase and plant trees, shrubs, and groundcover plants as set out in 3. below. The cost to purchase and plant trees and plants will be adjusted annually as determined by the Director of BES based on current market prices for materials, labor, and maintenance. 3. Required fee contribution. The applicant must contribute the following revegetation fee before a building permit will be issued: - The cost to purchase, plant, and maintain one tree, two shrubs, and 7 groundcover plants for every 50 square feet of planting area; - The fee calculation will be rounded up to the next multiple of $10; and - The minimum area to be used in this calculation is 50 square feet. Calculations that are not a multiple of 50 will be rounded up to the next multiple of 50.

K. Replacement trees must be at least one-half inch in diameter; shrubs must be in at least a 1-gallon container or the equivalent in ball and burlap. All trees and shrubs must be selected from the *Portland Plant List* and planted on the site within the environmental zone. Conifers must be replaced with conifers and shrubs must consist of at least two different species;

L. Nuisance plants.

1. Remove plants on the Nuisance Plants List in an area on the site that is equal to 50 percent of the size of the proposed permanent disturbance area, or from the entire site, whichever is less.

2. Plant removal must occur outside of the permanent and temporary disturbance areas.

3. Nuisance plant removal entails actions such as the removal of: roots, the above ground portion of the plant, and the seeds of the plant such that existing non-nuisance or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants.

4. The cleared area must be replanted as follows:

   a. Seed the entire area of removal with a native grass seed.

   b. Install seven groundcover plants and two shrubs per 50 square feet. Groundcover plants must be a minimum size of four inch pots and the shrubs a minimum size of one gallon pots.

   c. Removed native and non-native non-nuisance trees are replanted in accordance with Section 33.430.140.M.

   d. Planting native species listed on the *Portland Plant List* is required.

M. All vegetation planted in a resource area is native and listed on the *Portland Plant List*. Plants listed on the Nuisance Plants List are prohibited;

Table 430-3
Tree Replacement in Environmental Overlay Zone

Size of tree to be removed (inches in diameter)	**Option A (no. of native trees to be planted)**	**Option B (combination of native trees and shrubs)**
At least 6 and up to 12	2	not applicable
More than 12 and up to 20	3	1 tree and 3 shrubs
More than 20 and up to 25	5	3 trees and 6 shrubs
More than 25 and up to 30	7	5 trees and 9 shrubs
More than 30	10	7 trees and 12 shrubs

N. The minimum front and street building setback and garage entrance setback of the base zone may be reduced to any distance between the base zone minimum and zero. Where a side lot line is also a street lot line the side building and garage entrance setback may be reduced to any distance between the base zone minimum and zero. Parking spaces may be allowed within the first 10 feet from a front lot line, and within a minimum side street setback;

O. Maximum front or street setbacks are as follows:

1. The front building or street setback of the base zone is the maximum building setback for primary structures.

2. On a lot with more than one street lot line the maximum setback standard applies to the street lot line that is farthest from the resource area.

3. In zones with no minimum front or street setback, the maximum setback is 10 feet.

P. Fences are allowed only within the disturbance area;

Q. Parking and truck area buffers:

1. Auto and light truck areas. For commercial, industrial, and multi-dwelling residential uses, parking areas for autos and light trucks include a ten foot perimeter buffer from the resource area. The buffer is landscaped with plants listed on the *Portland Plant List* to at least the L2 standard, as stated in Chapter 33.248, Landscaping and Screening;

2. Medium and heavy truck areas. Where allowed by the base zone, the parking, loading, and maneuvering areas for medium and heavy trucks include a ten foot perimeter buffer from the resource area. The buffer is landscaped with plants listed on the *Portland Plant List* to at least the L3 standard, as stated in Chapter 33.248, Landscaping and Screening;

R. Exterior lights must be spaced at least 25 feet apart. Incandescent lights exceeding 200 watts (or other light types exceeding the brightness of a 200-watt incandescent light) must be placed so they do not shine directly into resource areas; and

S. Exterior storage and display areas include a ten-foot perimeter buffer from the resource area. The buffer is landscaped to at least the L3 standard, as stated in Chapter 33.248, Landscaping and Screening.

33.430.150 Standards for Utility Lines

The following standards apply to private connections to existing utility lines and the upgrade of existing public utility lines in resource areas. All of the standards must be met unless exempted by Subsection F.

A. The disturbance area for private connections to existing utility lines is no greater than 10 feet wide;

B. The disturbance area for the upgrade of existing public utility lines is no greater than 15 feet wide;

C. The utility construction does not occur within a stream channel, identified wetland, or water body;

D. Disturbance areas must be planted with native species listed in the *Portland Plant List* according to the following densities:

1. Three different native shrub species are required at a minimum 1-gallon size or bare root, planted at a density of 3 plants per 10 square feet;

2. The remaining area must be planted with native groundcover using a minimum of four inch pots at a density of 8 plants per ten square feet; and

3. Below the top of bank on slopes greater than 30 percent or in riprap areas, live stakes, 2 to 12 inches in diameter, may be substituted for the requirements of D.1 and D.2 above. Stakes must be installed at a density of 2 to 4 stakes per square yard. Detailed specifications for installing live stakes are found in the Erosion Control Manual.

E. Tree removal and replacement standards are as follows:

1. Native trees more than 12 inches in diameter may not be removed. Each native tree more than 6 but less than 12 inches in diameter that is cut must be replaced as shown in Table 430-3;
2. Non-native non-nuisance trees may be removed, if each tree 6 or more inches in diameter is replaced as shown in Table 430-3;
3. Trees listed on the Nuisance Plants List may be removed if each tree 6 or more inches in diameter is replaced with one tree;
4. Replacement trees and shrubs must meet the planting standards in 33.430.140.K; and
5. Where a utility line is approximately parallel with the stream channel at least half of the replacement trees must be planted between the utility line and the stream channel, except where a utility easement precludes tree planting.

F. Exemption. If a proposed utility line or upgrade to a utility line runs through an area that has already been approved as a disturbance area, or allowed by the standards of this chapter, it is exempt from Subsections A, B and D.

33.430.160 Standards for Land Divisions and Planned Developments
The following standards apply to land divisions and Planned Developments in the environmental overlay zones. All of the standards must be met.

A. All development is outside the resource area of the environmental protection zone;

B. Where there is a house on the site that is in the environmental protection zone, it may remain if a new lot is created that meets the following:

1. The existing house will remain; and
2. A new lot is created that is no larger than required to contain the existing house, garage, minimum required setbacks, a 12-foot wide driveway, and an open area of 20 feet by 20 feet.

C. Resource areas of the environmental protection zone that are outside of lots being created under the provisions of Subsection B., above, are located entirely within environmental resource tracts. The tracts must be owned in common by all of the owners of the land division site, by a Homeowners' Association, by a public agency, or by a non-profit organization; and

D. The total amount of disturbance area allowed within the resource area of the environmental conservation zone is either the amount listed in Table 430-4 or 1 acre, whichever is less, minus the amount of area outside the resource area;

Table 430-4
Maximum Disturbance Area for a Land Division and PD Allowed Within the Resource Area[1]

	OS and RF Zone	R20 Zone	R10 Zone	R7 Zone	R5 Zone	All Other Zones

Maximum Disturbance Area	5% of site area	12% of site area	15% of site area	17% of site area	22% of site area	50% of the base zone building coverage

Notes:
[1] Disturbance area includes utility construction.

E. Resource areas outside designated disturbance areas must be placed entirely within environmental resource tracts. The tracts must be owned in common by all of the owners of the land division site, by a Homeowners' Association, by a public agency, or by a non-profit organization;

F. Tree removal is allowed as follows:

1. Native trees. In residential zones, the combined total diameter of native trees cut may not exceed 225 inches per dwelling unit, counting only native trees that are at least 6 inches in diameter. In all other zones, native tree removal is limited to the boundaries of the approved disturbance area. Native trees must be replaced as shown in Table 430-3;

2. Non-native non-nuisance trees. Non-native non-nuisance trees may be removed, but must be replaced as shown in Table 430-3; and

3. Nuisance trees. Trees listed on the Nuisance Plants List may be removed, but must be replaced. Each tree 6 or more inches in diameter must be replaced with one native tree.

G. The standards of Subsections 33.430.140.B, C, and K through R must be met.

H. Streets, alleys, walkways, and stormwater facilities are not created within 50 feet of an identified wetland or water body. The standard does not apply to recreational trails identified by the Comprehensive Plan;

I. Right-of-way and roadway widths do not exceed the maximums listed in Table 430-5; and

J. Utility construction must meet the applicable standards of Section 33.430.150. Private utility lines on a lot where the entire area of the lot is approved to be disturbed and where the private utility line provides connecting service directly to the lot from a public system are exempt from this standard.

Table 430-5
Maximum Right-of-way and Roadway Widths

Base Zone	Type of Street	Right-of Way Width	Roadway Width
OS and RF – R7	Through	35 feet	20 feet
R5	Through	40 feet	20 feet
R2.5 – IR and C, E, I, and CI	Through	40 feet	28 feet
OS and RF – R5	Dead-end	35 feet	20 feet
R2.5 - IR and C, E, I, and CI	Dead-end	40 feet	28 feet

33.430.165 Standards for Property Line Adjustments

The following standards apply to Property Line Adjustments (PLAs) in the environmental overlay zones that do not meet one of the exemptions in 33.430.080.C.11 or 33.430.080.D.11. For purposes

of this section, the site of a Property Line Adjustment is the two properties affected by the relocation of the common property line. All of the standards must be met.

A. A Property Line Adjustment may not result in any property being entirely in the environmental protection zone, unless that property is entirely in the environmental protection zone before the PLA, or the property will be dedicated or limited by deed restriction to the uses allowed in the OS zone.

B. The amount of area on each property that is outside of the resource area of the environmental overlay zone may not be reduced below the square footage in Table 430-6. A property that contains less than the area listed in Table 430-6 outside of the resource area of the environmental overlay zone may not move further out of conformance with Table 430-6.

Table 430-6
Minimum Area Required Outside of Resource Area

	OS through R10 Zones	**R7 Zone**	**R5 Zone**	**All Other Zones**
Minimum Area Required	5,000 sq. ft.	3,500 sq. ft.	2,500 sq. ft.	50% of the base zone building coverage or 1 acre, whichever is less

33.430.170 Standards for Resource Enhancement Projects
The following standards apply to resource enhancement projects in the environmental zones. The applicant for projects that will take place within the area shown on Map 430-14 may choose to meet all of the standards of subsection A, all of the standards of subsection B, or all of the standards of subsection C. Applicants for projects that will take place outside the area shown on Map 430-14 must meet all of the standards in subsection C.

A. **Bank reconfiguration.** The following standards apply to bank reconfiguration projects that take place in the Bank Reconfiguration and Basking Features Area shown on Map 430-14. Slough and drainageway banks, which are the area between the ordinary high water mark and the top of bank, may be regraded when all of the following are met:

1. The activity is conducted or authorized by the Multnomah County Drainage District #1 or Peninsula Drainage District #2;

2. The final slope above ordinary high water after grading is 33 percent or less (33 percent slope represents a rise to run ratio equal to 1:3);

3. Rock armoring may not be used except surrounding outfalls, inlets, culverts and bridge crossings, the rock armoring cannot exceed a distance of 5 feet from those features, and must be planted with live stakes of native plant stock, one half inch in diameter. Stakes must be used at a density of 2 to 3 stakes per 9 square feet. If the armoring is located on a levee, live stakes are not required;

4. The placement of large wood on the bank is allowed to improve bank stabilization if installed above the Base Floodplain Elevation (BFE), as defined on the Federal Emergency Management Agency Flood Insurance Rate Maps;

5. Trees or snags, 6 inches or greater in diameter, that are removed landward of the new top-of-bank must be replaced and meet the following:

   a. Each tree or snag, 6 inches or greater in diameter, removed must be replaced as specified in Table 430-3, Tree Replacement;

   b. Replacement trees and shrubs must be native and selected from the *Portland Plant List*;

   c. Replacement shrubs must be in at least a 2-gallon container or the equivalent in ball or burlap;

   d. Replacement trees must:

      (1) Be at least one-half inch in diameter and have a maximum height-at-maturity that will not project above the height limit of the h overlay zone; and

      (2) Be planted within a transition area or resource area on a property owned by the applicant; or for which the applicant possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure success of the mitigation; or can demonstrate legal authority to acquire the site through eminent domain;

   e. If the replacement trees are planted within 100 feet of the Columbia Slough main channels or secondary drainageways, the trees must be planted above the Base Floodplain Elevation (BFE), as defined on the Federal Emergency Management Agency Flood Insurance Rate Maps.

6. The area between the ordinary high water mark and the new top of bank must be revegetated as specified in Figure 430-3 and Table 430-7, Bank Revegetation.

Figure 430-3
Bank Revegetation

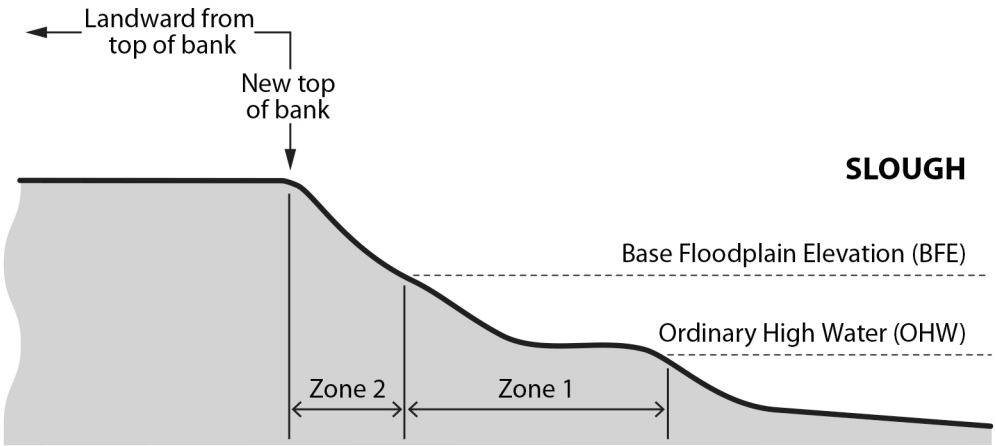


Table 430-7 Bank Revegetation		
Water Body	**Zone (See Figure 565-2)**	**Planting Requirements**
Sloughs and drainageways; except on levees	Zone 1	A mix of native emergent wetland vegetation planted at a rate of 50 plugs of vegetation per 100 square feet of area, ten native shrubs for every 100 square feet of area and a native grass and forb seed mix at a rate of 30 pounds per acre. No trees may be planted in Zone 1.
	Zone 2	A. Outside of the Airport Subdistrict of the Portland International Airport plan district, one native tree, three native shrubs and four other native plants for every 100 square feet of area. Trees may be clustered. B. Within the Airport Subdistrict of the Portland International Airport plan district, Option A or ten native shrubs for every 100 square feet of area and a native grass and forb seed mix at a rate of 20 pounds per acre.
On levees	Zone 1 and 2	A native grass and forb seed mix at a rate of 50 pounds per acre or a grass seed mix approved by the US Army Corps of Engineers for use on levees applied at a rate of 50 pounds per acre.

7. Disturbance areas related to structure removal must be replanted with native plants to achieve a 90 percent vegetative cover within one year. Disturbance area that is related to the removal of structures from the water is exempt from this standard;

8. No structures are proposed except for public viewing areas developed as part of the project. The public viewing areas must meet the following:

   a. The viewing area contains no more than 500 square feet of permanent disturbance area;

   b. The viewing area is at least 30 feet from the top of bank of a stream, drainageway, wetland, or other water body;

   c. The viewing area is not in the floodway;

   d. Native trees more than 10 inches in diameter are not removed; and

   e. Each 6 to 10-inch diameter native tree removed is replaced at a rate of three trees for each one removed. The replacement trees must be a minimum one-half inch diameter or 3 to 5-gallon conifers and be native trees listed on the *Portland Plant List*. All trees must be planted on the site; and

9. Temporary disturbance areas may be seeded with non-native seed that is sterile and is certified as 100 percent weed-free for erosion control purposes until replanting occurs.

B. Basking features. The following standards apply to the placement of large wood or large rocks as basking features for wildlife in the Bank Reconfiguration and Basking Features Area shown on Map 430-14. The placement of large wood or large rocks as basking features for wildlife within the Columbia Slough, Whitaker Slough, Buffalo Slough, Peninsula Canal, or other drainageways or identified wetlands is allowed when all of the following are met:

1. The activity is conducted or authorized by the Multnomah County Drainage District #1, Peninsula Drainage District #2 or the City of Portland Bureau of Environmental Services;

2. No native trees are removed;

3. The basking feature is installed above the Base Floodplain Elevation (BFE), as defined on the Federal Emergency Management Agency Flood Insurance Rate Maps;

4. Disturbance areas related to structure removal must be replanted with native plants to achieve a 90 percent vegetative cover within one year. Disturbance area that is related to the removal of structures from the water is exempt from this standard;

5. No structures are proposed except for public viewing areas developed as part of the project. The public viewing areas must meet the following:

   a. The viewing area contains no more than 500 square feet of permanent disturbance area;

   b. The viewing area is at least 30 feet from the top of bank;

   c. The viewing area is not in the floodway;

   d. Native trees more than 10 inches in diameter are not removed; and

   e. Each 6 to 10-inch diameter native tree removed is replaced at a rate of three trees for each one removed. The replacement trees must be a minimum one-half inch diameter or 3 to 5-gallon conifers and be native trees listed on the *Portland Plant List*. All trees must be planted on the site; and

6. Temporary disturbance areas may be seeded with non-native seed that is sterile and is certified as 100 percent weed-free for erosion control purposes until replanting occurs.

C. All other resource enhancement projects. The following standards apply to all other resource enhancement projects not addressed by subsections 170.A or B. All of the following standards must be met:

1. There is no excavation or fill of, or construction activity within any wetland or water body;

2. There is no net fill, or increase in the amount of soil on the site;

3. No native vegetation listed on the *Portland Plant List* is removed except as allowed by C.5. below. Non-native trees and vegetation may be removed;

4. Disturbance areas related to structure removal must be replanted with native plants to achieve a 90 percent vegetative cover within one year. Disturbance area that is related to the removal of structures from the water is exempt from this standard;

5. No structures are proposed except for public viewing areas developed as part of the project. The public viewing areas must meet the following:

   a. The viewing area contains no more than 500 square feet of permanent disturbance area;

b. The viewing area is at least 30 feet from the top of bank;

c. The viewing area is not in the floodway;

d. Native trees more than 12 inches in diameter are not removed;

e. Each 6 to 12-inch diameter native tree removed is replaced as shown in Table 430-3. Replacement trees and shrubs must comply with the planting standards of Subsection 33.430.140.K; and

6. Temporary disturbance areas may be seeded with non-native see that is sterile and is certified as 100 percent weed-free for erosion control purposes until replanting occurs.

33.430.175 Standards for Right-of-Way Improvements

The following standards apply to unimproved and partially improved rights-of-way. All of the standards must be met. New rights-of-way that are part of a proposed land division or planned development must be reviewed under the Standards for Land Divisions and Planned Developments in Section 33.430.160.

A. The proposed paved roadway portion of the right-of-way must not be more than 26 feet wide and 2600 square feet in area;

B. The proposed disturbance area for the right-of-way improvement must;

1. Be at least 50 feet from the edge of any wetland or waterbody;

2. Be at least 5 feet from the resource area of any environmental protection zone; and

3. Be no larger than 3300 square feet in area;

C. Planted areas, including stormwater swales, must be planted with native plants from the *Portland Plant List*;

D. Trees within the right-of-way may be removed within the improvement area and within 10 feet of the edge of the improvement. In no case may the combined total diameter of all trees removed exceed 225 inches, counting only native trees that are at least 6 inches. Trees other than native trees are exempt from this standard and may be removed without being counted as part of the 225 inches; and

E. The right-of-way improvements meet the development requirements of the City Engineer or the Permanent Rule for Private Rights-of-Way.

33.430.180 Standards for Stormwater Outfalls

The following standards apply to the installation of stormwater outfalls. All of the standards must be met.

A. The temporary disturbance area for the stormwater outfall is no greater than 10 feet wide;

B. Native trees 12 or more inches in diameter may not be removed. Each native tree at least 6 inches but less than 12 inches in diameter that is removed must be replaced as shown in Table 430-3;

C. Non-native non-nuisance trees may be removed. Each tree at least 6 inches in diameter must be replaced as shown in Table 430-3;

D. Trees listed on the Nuisances Plant List may be removed. Each tree at least 6 inches in diameter must be replaced with one tree.

E. Replacement trees and shrubs must comply with the planting standards of Subsection 33.430.140.K; and

F. Temporary disturbance areas must be planted with native species listed in the *Portland Plant List* according to the following densities:

1. Three different native shrub species are required at a minimum 1-gallon size or bare root, planted at a density of 3 plants per 10 square feet; and
2. The remaining area must be planted with native groundcover using a minimum of 4-inch pots at a density of 8 plants per 10 square feet;

G. When constructed open channels or vegetated swales are proposed, the slope between the stormwater source and the waterbody does not exceed 15 percent at any point;

H. Only one outfall pipe may be used on a site. The outfall pipe size may not exceed 4 inches in diameter; and

I. If an outfall riprap pad is used it must be planted with live stakes of native plant stock, one-half inch in diameter. Stakes must be installed at a density of 2 to 3 stakes per square yard. Detailed specifications for installing live stakes are found in the Erosion Control Manual.

33.430.190 Standards for Major Public Trails

The following standards apply to major public trails and viewing areas developed in conjunction with the major public trail. All of the standards must be met.

A. The trail is located on public property or within a public trail easement;

B. The trail is no longer than 5,000 feet and no wider than 4 feet with a maximum vegetation clearance of 8 feet high and 2 feet on either side of the trail (see Figure 430-4);

C. If the trail crosses a waterbody it is constructed above the top of bank;

D. If a public viewing area is proposed, the following must be met:

1. The viewing area may create up to 500 square feet of permanent disturbance area;
2. The viewing area is at least 30 feet from the top of bank of a stream, drainageway, wetland or other water body; and
3. The viewing area is not in the floodway;

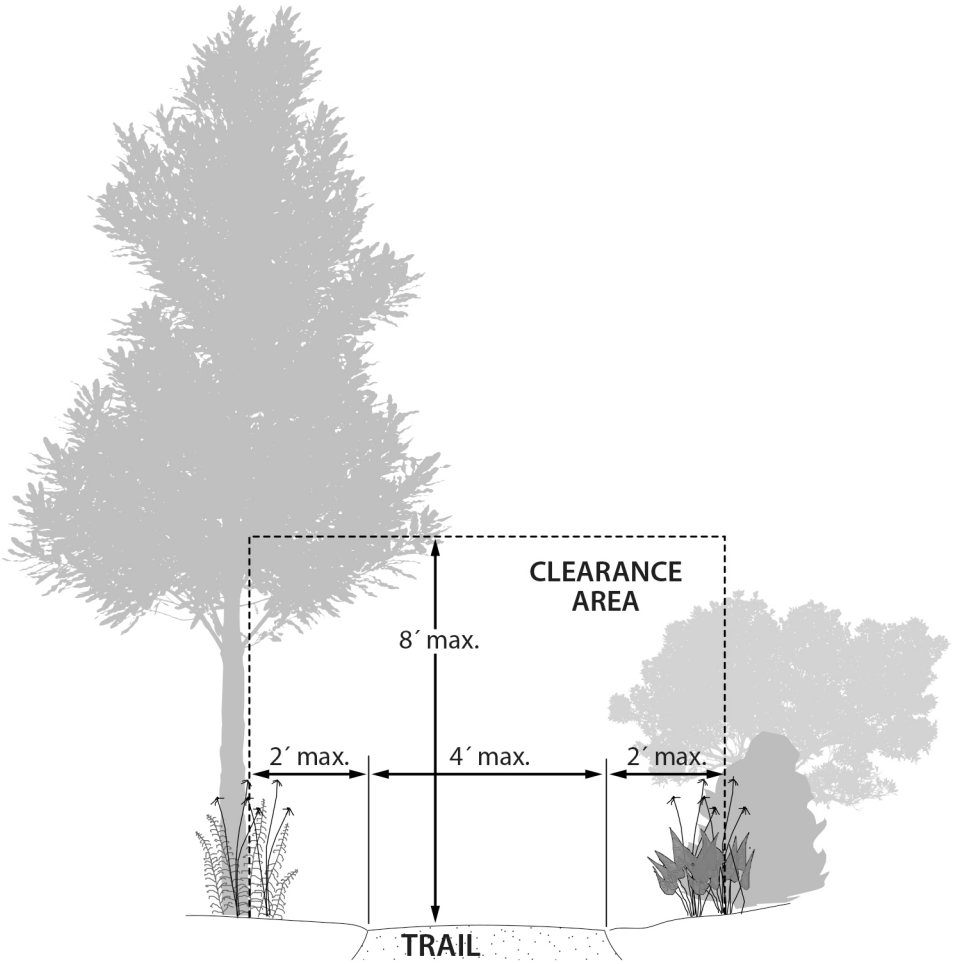
E. Tree removal and replacement standards:

1. Native trees up to 12 inches in diameter and non-native trees of any size may be removed with hand-held equipment or equipment with a wheel/surface-to-ground pressure of no more than 7.5 psi;

2. Trees that are more than 6 inches in diameter that are removed must be replaced as shown in Table 430-3; and

3. Replacement trees must meet the planting standards in 33.430.140.K.

Figure 430-4
Trail Vegetation Pruning and Maintenance Area



33.430.195 Standards for Tree Removal in the Scenic Resources Zone
The following standards apply to removal of native trees up to 12 inches in diameter and non-native trees of any size that are located within an Environmental overlay zone and the Scenic Resource zone:

A. Trees may be removed with hand-held equipment or equipment with a wheel/surface-to-ground pressure of no more than 7.5 psi;

B. Trees that are more than 6 inches in diameter that are removed must be replaced as shown in Table 430-3, and replacement trees must be planted outside of the Scenic Resource overlay zone;

C. Temporary disturbance areas caused by the tree removal must be replanted to meet one of the following options. Shrubs planted to meet this standard may be counted towards meeting the replacement requirements shown in Table 430-3:

1. Option 1. Three shrubs and four other plants must be planted for every 100 square feet of temporary disturbance area; or
2. Option 2. Three shrubs must be planted for every 100 square feet of temporary disturbance area and the remainder of the temporary disturbance area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; and

D. Replacement plantings must meet the planting standards in 33.430.140.K.

Environmental Review

33.430.210 Purpose

Environmental review is intended to:

A. Prevent harm to identified resources and functional values, compensate for unavoidable harm, and ensure the success of mitigation and enhancement activities;

B. Provide a mechanism to modify the development standards of this Chapter if the proposed development can meet the purpose of these regulations;

C. Provide flexibility for unusual situations. The review provides for consideration of alternative designs for development that have the least impact on protected resources in the environmental conservation zone and more exacting control over development in the environmental protection zone;

D. Allow for more accurate maps and more certainty for property owners by allowing for the location of the environmental zone boundary to be modified when permitted changes to a resource occur or when the boundary location is determined more precisely on a specific site through a more detailed environmental study; and

E. Provide for the replacement of resources and functional values that are lost through violations of this Chapter.

33.430.220 When Environmental Review is Required

Environmental review is required for all development in an environmental zone that does not meet the development standards of Sections 33.430.140 through .190 and for violations of this chapter. Environmental review is also required when an applicant wishes to fine-tune the zone boundary location based on a detailed environmental study. The City Council, Planning and Sustainability Commission, or Director of BDS may initiate an environmental review for environmental zone boundary amendments to reflect permitted changes in the location or quality of resources or functional values. Removal of environmental zone boundaries are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments. The zone boundary change procedure does not apply to changes caused by violations of this chapter. The procedure for violations of this chapter is described in Section 33.430.400.

33.430.230 Procedure

Environmental reviews are processed through the following procedures:

A. Property Line Adjustments, resource enhancement activities, public recreational trails, rest points, view points, and interpretative facilities are processed through the Type Ix procedure.

B. The following are processed through the Type II procedure:

1. Roads, driveways, walkways, stormwater disposal, and buried connections to existing utility lines;
2. Public safety facilities;
3. Environmental zone boundary modifications;
4. All other uses and development in resource areas of Environmental Conservation zones; and
5. Development within the Transition Area only.

C. All other uses or development in resource areas of Environmental Protection zones are processed through the Type III procedure.

33.430.240 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, the following information is required for an environmental review application:

A. **Supplemental site plans required.** One copy of each plan must be at a scale of at least one inch to 100 feet. The following supplemental site plans are required:

- Existing conditions;
- Conditions existing prior to a violation (if applicable);
- Proposed development;
- Construction management; and
- Mitigation or remediation.

A mitigation site plan is required whenever the proposed development will result in unavoidable significant detrimental impact on the identified resources and functional values. A remediation site plan is required whenever significant detrimental impacts occur in violation of the Code and no permit was applied for. The Director of BDS may waive items listed in this Subsection if they are not applicable to the specific review; otherwise they must be included. Additional information such as wetland characteristics or soil type may be requested through the review process.

1. The existing conditions site plan must show the following for the entire site:
   a. Special flood hazard area and floodway boundaries;
   b. Boundaries of the resource area and the transition area. These boundaries may be scaled in relation to property lines from the Official City Zoning Maps;
   c. Topography shown by contour lines at two foot vertical contours in areas of slopes less than ten percent and at five foot vertical contours in areas of slopes ten percent or greater;

d. Drainage patterns, using arrows to indicate the direction of major drainage flow; and

e. Existing improvements such as structures, or buildings, utility lines, fences, etc.

2. The proposed development site plan must show the following:

a. In areas of the site that have been or will be part of the permanent disturbance area, distribution outline of shrubs and groundcovers, with a list of most abundant species;

b. In areas of the site that are and will remain undisturbed: Tree crown cover outline, and generalized species composition;

c. A grading plan showing proposed alteration of the ground at two-foot vertical contours in areas of slopes less than ten percent and at five-foot vertical contours in areas of slopes ten percent or greater;

d. Trees six or more inches in diameter, identified by species, with trees proposed to be preserved and removed indicated. In the case of violations, also indicate those that were cut or damaged by stump diameter and species;

e. Proposed development, including proposed buildings, walkways, decks, retaining walls, bridges, garages, utility lines, stormwater management systems; and

f. Proposed planting areas.

3. A construction management site plan must show the following:

a. Areas that will be temporarily or permanently disturbed, including equipment maneuvering areas, and perimeter controls;

b. Areas where existing topography and vegetation will be left undisturbed;

c. Location of site access and egress;

d. Equipment and material staging and stockpile areas;

e. Erosion control measures; and

f. Measures to protect trees and vegetation. Tree protection must meet the requirements of Chapter 11.60, Technical Specifications.

4. A mitigation or remediation site plan must show the following:

a. Dams, weirs, or other in-water structures;

b. Distribution outline, species composition, number, and percent cover of groundcovers to be seeded or planted;

c. Distribution outline, species composition, size, number, and spacing of shrubs to be planted;

d. Location, species, number, and size of each tree to be planted;

e. Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;

f. Water bodies to be created, including depth;

g. Water sources to be used, including volumes; and

h. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

B. Supplemental narrative. The following is required:

1. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria and to evaluate development alternatives for a particular site. The alternatives must be evaluated on the basis of their impact on the resources and functional values of the site. In the case of a violation, the impact evaluation is used to determine the nature and scope of the significant detrimental impacts. To the extent that the site resources and functional values are part of a larger natural system such as a watershed, the evaluation must also consider the cumulative impacts on that system. The impact evaluation is based on the resources and functional values identified as significant in the reports listed in section 33.430.020;

   a. An impact evaluation includes:

      (1) Identification, by characteristics and quantity, of the resources and their functional values found on the site;

      (2) Evaluation of alternative locations, design modifications, or alternative methods of development to determine which options reduce the significant detrimental impacts on the identified resources and functional values of the site; and

      (3) Determination of the alternative that best meets the applicable approval criteria and identify significant detrimental impacts that are unavoidable.

   b. An impact evaluation for a violation includes:

      (1) Description, by characteristics and quantity, of the resources and functional values on the site prior to the violation; and

      (2) Determination of the impact of the violation on the resources and functional values.

2. Construction management plan. Identify measures that will be taken during construction or remediation to protect the remaining resources and functional values at and near the construction site and a description of how undisturbed areas will be protected. For example, describe how trees will be protected, erosion controlled, construction equipment controlled, and the timing of construction; and

3. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to compensate for unavoidable significant detrimental impacts that result from the chosen development alternative or violation as identified in the impact evaluation. A mitigation or remediation plan includes:

   a. Resources and functional values to be restored, created, or enhanced on the mitigation or remediation site;

b. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;

c. Construction timetables;

d. Operations and maintenance practices;

e. Monitoring and evaluation procedures;

f. Remedial actions for unsuccessful mitigation; and

g. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

33.430.250 Approval Criteria

An environmental review application will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria are met. When environmental review is required because a proposal does not meet one or more of the development standards of Section 33.430.140 through .190, then the approval criteria will only be applied to the aspect of the proposal that does not meet the development standard or standards.

A. Public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments. Within the resource areas of environmental zones, the applicant's impact evaluation must demonstrate that all of the general criteria in Paragraph A.1 and the applicable specific criteria of Paragraphs A.2, 3, or 4, below, have been met:

1. General criteria for public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments;

   a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives including alternatives outside the resource area of the environmental zone;

   b. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

   c. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

   d. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and

   e. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

2. Public safety facilities. The public benefits of the proposal outweigh all significant detrimental impacts;

3. Rights-of-way, driveways, walkways, outfalls, and utilities;

   a. The location, design, and construction method of any outfall or utility proposed within the resource area of an environmental protection zone has the least significant detrimental impact to the identified resources and functional values of other practicable alternatives including alternatives outside the resource area of the environmental protection zone;

   b. There will be no significant detrimental impact on water bodies for the migration, rearing, feeding, or spawning of fish; and

   c. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts.

4. Land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments:

   a. Proposed uses and development must be outside the resource area of the Environmental Protection zone except as provided under Paragraph A.3 above. Other resource areas of Environmental Protection zones must be in environmental resource tracts;

   b. There are no practicable arrangements for the proposed lots, tracts, roads, or parcels within the same site, that would allow for the provision of significantly more of the building sites, vehicular access, utility service areas, and other development on lands outside resource areas of a conservation zone; and

   c. Development, including building sites, vehicular access and utilities, within the resource area of a conservation zone must have the least amount of detrimental impact on identified resources and functional values as is practicable. Significantly different but practicable development alternatives, including alternative housing types or a reduction in the number of proposed or required units or lots, may be required if the alternative will have less impact on the identified resources and functional values than the proposed development.

B. Resource enhancement projects. In resource areas of environmental zones, resource enhancement projects will be approved if the applicant's impact evaluation demonstrates that all of the following are met:

1. There will be no loss of total resource area;

2. There will be no significant detrimental impact on any resources and functional values; and

3. There will be a significant improvement of at least one functional value.

C. Public recreational facilities. In resource areas of environmental zones, public trails, rest points, public viewing areas, and interpretative facilities will be approved if the applicant's impact evaluation demonstrates that all of the following are met:

1. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;

2. The public benefits of the proposal outweigh all significant detrimental impacts;

3. Areas disturbed during construction, that do not contain permanent development, will be restored with native vegetation that is similar to the vegetation existing on the site and found on the *Portland Plant List*; and

4. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed.

D. Modification of zone boundaries. Modifications of environmental zone boundaries that reflect permitted changes in the location or quality of resource areas will be approved upon finding that the applicant's statement demonstrates that either Paragraph D.1 or D.2 below are met. For the minor modification of environmental zone boundaries based on a more detailed site specific environmental study, the applicant's impact evaluation must demonstrate that Paragraph D.3 below is met:

1. Successful mitigation. An approved mitigation plan has been successful and a new, restored, or enhanced resource exists which, depending on its degree of significance, should be included in either the resource area of an Environmental Conservation zone or the resource area of an Environmental Protection zone; or

2. Approved loss of resource area. All of the following must be met:

   a. All approved development in a resource area has been completed;

   b. All mitigation required of this development has been successful; and

   c. The identified resources and functional values at the developed site no longer exist, or have been subject to a significant detrimental impact.

3. The proposed environmental zone line location accurately reflects the location of the significant or highly significant resources and functional values on the site, plus 25 feet of transition area. The significant or highly significant resources are identified in the Resource Site Inventory of the relevant Environmental Study Report, see 33.430.020.

E. Other development in the Environmental Conservation zone or within the Transition Area only. In Environmental Conservation zones or for development within the Transition Area only, the applicant's impact evaluation must demonstrate that all of the following are met:

1. Proposed development minimizes the loss of resources and functional values, consistent with allowing those uses generally permitted or allowed in the base zone without a land use review;

2. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;

3. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

4. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

5. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and

6. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

F. Other development in the Environmental Protection zone. In Environmental Protection zones the applicant's impact evaluation must demonstrate that all of the following are met:

1. All sites within the Portland city limits, in which the proposed use or development is possible, are also in the resource areas of Environmental Protection zones;

2. Of these sites, development on the proposed site would have the least significant detrimental environmental impact;

3. There is a public need for the proposed use or development;

4. The public benefits of the proposed use or development outweigh all significant detrimental impacts;

5. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

6. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

7. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and

8. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

G. Corrections to violations. For corrections to violations of this Chapter the application must meet all applicable approval criteria stated in subsections A through F above, and paragraphs 1, 2.b and 2.c, below. If these criteria cannot be met, then the applicant's remediation plan must demonstrate that all of the following are met:

1. The remediation is done in the same area as the violation; and

2. The remediation plan demonstrates that after its implementation there will be:

   a. No permanent loss of any type of resource or functional value;

   b. A significant improvement of a least one functional value; and

   c. There will be minimal loss of resources and functional values during remediation until the full remediation program is established.

33.430.260 Performance Guarantees
The Director of BDS may require performance guarantees as a condition of approval to ensure mitigation or remediation. See Section 33.700.050, Performance Guarantees.

33.430.270 Special Evaluation by a Professional
A professional consultant may be hired to evaluate proposals and make recommendations if the Director of BDS finds that outside expertise is needed due to exceptional circumstances. The professional will have expertise in the specific resource or functional value or in the potential adverse impacts on the resource or functional value. A fee for these services will be charged to the applicant in addition to the application fee.

33.430.280 Modifications That Will Better Meet Environmental Review Requirements
The review body may consider modifications for lot dimension standards or site-related development standards as part of the environmental review process. The review body may not consider modifications to standards for which adjustments are prohibited. Modifications are done as part of the environmental review process and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor-area ratios, intensity of use, size of the use, number of units, or concentration of uses) are subject to the adjustment process of Chapter 33.805. In order to approve these modifications, the review body must find that the development will result in greater protection of the resources and functional values identified on the site and will, on balance, be consistent with the purpose of the applicable regulations. For modifications to lot dimension standards, the review body must also find that the development will not significantly detract from the livability or appearance of the area.

Natural Resource Management Plans

33.430.310 Purpose
Natural resource management plans provide an alternative to case-by-case environmental reviews. These plans provide the means to evaluate the cumulative effects of development and mitigation proposed at different times and in different places within the same large ecosystem. These plans are of particular value in areas of multiple ownership. These plans also provide opportunities for coordination with, or joint adoption by, other local governments; special districts; and regional state, and federal agencies.

33.430.320 Scope
Natural resource management plans must cover large ecosystems such as a forests, creeks, sloughs, or watersheds. These plans must address all resources and functional values conserved and protected by environmental zones within the plan boundaries. The plan must also address all significant detrimental impacts of uses allowed by the plan.

33.430.330 Procedure
Adoption and amendment of natural resource management plans is a legislative procedure. Whenever natural resource management plan provisions conflict with other provisions of this chapter, the natural resource management plan provisions supersede. Non-conflicting provisions supplement the provisions of this chapter.

33.430.340 Components
The applicant must submit a natural resource management plan with the following components:

A. Management objectives to maintain or enhance resources and functional values;

B. Lists of allowed and prohibited uses;

C. Maps of areas where these uses are allowed and prohibited;

D. Types of mitigation or enhancement required;

E. Maps of areas reserved for these mitigation or enhancement actions;

F. Timetables for development, mitigation, and enhancement; and

G. Procedures and criteria for approving uses.

33.430.350 Approval Criteria for Adoption and Amendment.
A natural resource management plan, or an amendment to a natural resource management plan, will be approved if it meets the following approval criteria:

A. Compliance with Sections 33.430.310 through 350;

B. Compliance with Statewide Planning Goals and the Portland Comprehensive Plan; and

C. If the natural resource management plan is approved as part of a plan district, the criteria for adoption of plan districts that are in Section 33.500.050 are met.

Corrections to Violations of This Chapter

33.430.400 Purpose
The purpose of Sections 33.430.400 and .405 is to ensure the timely restoration and remediation of natural resources and functional values that have been degraded due to a violation of this chapter.

These sections establish a process to determine which review requirements will be applied to remedy a violation that takes place in the environmental overlay zone. The type of review required depends on the circumstances of the violation. Section 33.430.405 details methods for correcting such violations and Title 3 of the City Code details the enforcement penalties.

33.430.405 Correction Options
Applicants must choose one of the following options to correct environmental code violations.

A. When these options may be used.

1. If all of the following are met, the applicant may choose Option One, Option Two, or Option Three:

   a. Tree removal:

      (1) Only non-native trees have been removed;

      (2) No more than 12 diameter inches of native trees have been removed; or

      (3) No more than one of the following has been removed:

- A Madrone 4 inches or less;
- A Garry Oak 4 inches or less; or
- A Pacific Yew 2 inches or less;

b. The proposal will remove all illegal development; and

c. The proposal will replant illegal clearing.

2. If any of the following apply, the applicant may not use Option One, but may chose either Option Two or Option Three:

a. Tree removal. More than 12 diameter inches of native trees have been removed;

b. More than one of the following has been removed:

(1) A Madrone 4 inches or less;

(2) A Garry Oak 4 inches or less;

(3) A Pacific Yew 2 inches or less;

c. Any of the following has been removed:

(1) A Madrone larger than 4 inches;

(2) A Garry Oak larger than 4 inches; or

(3) A Pacific Yew larger than 2 inches.

3. If the applicant cannot meet Options One or Two, Option Three must be used.

4. If the violation also violates a condition of approval of a land use review and no trees have been removed, the applicant may choose Option One or the process described in Section 33.730.140. The applicant may not choose Options Two or Three.

5. If the violation also violates a condition of approval of a land use review, and trees have been removed, the applicant must use the process described in Section 33.730.140. The applicant may not choose one of the options in this section.

B. Option One, Remove and Repair. This option results in removal of illegal development and replanting and repair of any damage. All of the requirements of this subsection must be met, and the notice and review procedure described in Sections 33.430.410 through 33.430.430 must be followed. Adjustments and modifications to these requirements are prohibited.

1. All items and materials placed in the area of violation are removed using hand-held equipment and no new disturbance area is created;

2. Any soil compaction resulting from the violation is tilled or otherwise broken up to a depth of 6 inches prior to planting; and

3. Violation remediation planting. The area to be planted is the area disturbed by the violation. All of the following must be met:

a. The area disturbed by the violation activity must be replanted;

b. One tree, 1 shrub, and 5 groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List*;

c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or 7 additional plants as described in B.3.b. must be planted on the site for every 50 square feet disturbed;

d. Any plants on the Nuisance Plants List on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;

e. Trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size. No more than 10 percent of the trees may be oak or madrone. Shrubs must be a minimum of 1-gallon size. All other species must be a minimum of 4-inch pots; and

f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.

4. For violations involving the removal of trees, three native trees must be planted on the site for each tree removed, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size.

C. Option Two, Retain and Mitigate. This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met and the notice and review procedure described in Sections 33.430.410 through 33.430.430 must be followed. Adjustments and modifications to these standards are prohibited.

1. The applicable standards of Section 33.430.140 through .190 must be met; and

2. Violation remediation planting. The area to be planted is the area disturbed by the violation. Where development is approved for the area disturbed by the violation, an area of the same size elsewhere on the site must be planted. All of the following must be met:

a. The area disturbed by the violation activity must be replanted;

b. One tree, 1 shrub, and 5 groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List*.

c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or 7 additional plants as described in C.2.b must be planted on the site for every 50 square feet disturbed;

d. Any plants on the Nuisance Plants List on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;

e. Trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size. No more than 10 percent of

the trees may be oak or madrone. Shrubs must be a minimum of 1-gallon size. All other species must be a minimum of 4-inch pots; and

f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.

3. For violations involving the removal of trees, three native trees must be planted on the site for each tree removed, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size.

D. Option Three, Environmental Review. This option requires Environmental Review, using the approval criteria and procedures below:

1. Approval criteria. The approval criteria of Subsection 33.430.250.G must be met.

2. Review procedures. Reviews are processed as follows:

a. Type III. The following situations require a Type III review:

(1) The removal of trees that exceeds the quantity of environmental standard 33.430.140.J.

(2) Any development, exterior alteration, or exterior improvement within a wetland, stream channel, drainageway, or waterbody.

b. Type II. All other environmental reviews to correct environmental code violations are processed through a Type II procedure.

c. All environmental reviews must provide the information required in Section 33.430.240, Supplemental Application Requirements.

33.430.407 Recurring Violations of This Chapter

A. Recurring violations on a site. Sites where there have been more than one environmental violation while in the same ownership may be subject to fines under Title 3.

B. Recurring violations by an individual or business. Individuals or businesses who have committed more than one environmental violation may be subject to fines under Title 3.

Notice and Review Procedure

33.430.410 Purpose

The purpose of this notice and review procedure is to notify the public of the permit review process for development proposed in areas having identified significant resources and functional values.

33.430.420 When These Regulations Apply

These regulations apply when a building permit or development permit application is requested within the resource area of the environmental conservation zone and is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, or 33.430.405.C. These regulations do not apply to building permit or development permit applications for development that has been approved through environmental review.

33.430.430 Procedure

Applications for building permits or development permits as specified in Section 33.430.420 will be processed according to the following procedures:

A. Application. The applicant must submit a site plan with an application for a permit. The site plan must contain all information required by 33.430.130, Permit Application Requirements, and any additional information required for a building permit or development permit review.

B. Notice of an application.

1. Notice on website. Upon receipt of a complete application for a building or development permit, the Director of BDS will post a notice of the application on the BDS website and mail a notice of the request to all recognized organizations within 400 feet of the site. The posted notice of the application will contain at least the following information:

   - A statement that a building or development permit has been applied for that is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, or 33.430.405.C.
   - The legal description and address of the site;
   - A copy of the site plan;
   - The place where information on the matter may be examined and a telephone number to call; and
   - A statement that copies of information on the matter may be obtained for a fee equal to the City's cost for providing the copies.

   The notice will remain on the website until the permit is issued and administrative decision is made, or until the application is withdrawn.

2. E-mailed notice to recognized neighborhood associations. At the time a notice is posted on the BDS website, the Director of BDS will e-mail information about the internet posting to all recognized neighborhood associations and neighborhood coalition offices within 400 feet of the site. When an e-mail address is not available, the notice will be mailed to the neighborhood association and coalition office.

C. Posting the site and marking development. The applicant must post notice information on the site and identify disturbance areas as specified below.

1. Posting notice on the site. The applicant must place a public notice about the request on the site when the application is deemed complete by the Bureau of Development Services. A posted notice must be placed on each frontage of the site. If a frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. The posted notice will contain the same information as the notice posted on the internet.

2. Marking proposed development on site. Prior to inspection of the site, the applicant will mark all trees over six inches diameter to be removed on the site and the building

and pavement outlines with high visibility tape. The extent of the disturbance area must be marked with orange construction fencing or similar highly visible material. For corrections to violations, the disturbance area and remediation area to be planted must be identified with high visibility tape or similar high visibility material.

D. **Site inspection.** A BDS inspector will inspect the site prior to issuance of the permit and will provide the Director of BDS with one of the following:

1. An inspection report that confirms the accuracy of the site plan and conformance with the applicable development standards; or

2. A check sheet identifying the deficiencies in the plan. Deficiencies must be corrected before a building permit is approved, or they may be addressed through environmental review as described in Sections 33.430.210 through 33.430.280.

E. **Comments.** Any interested person may comment on the permit application by writing and specifically identifying errors or non-compliance with development standards.

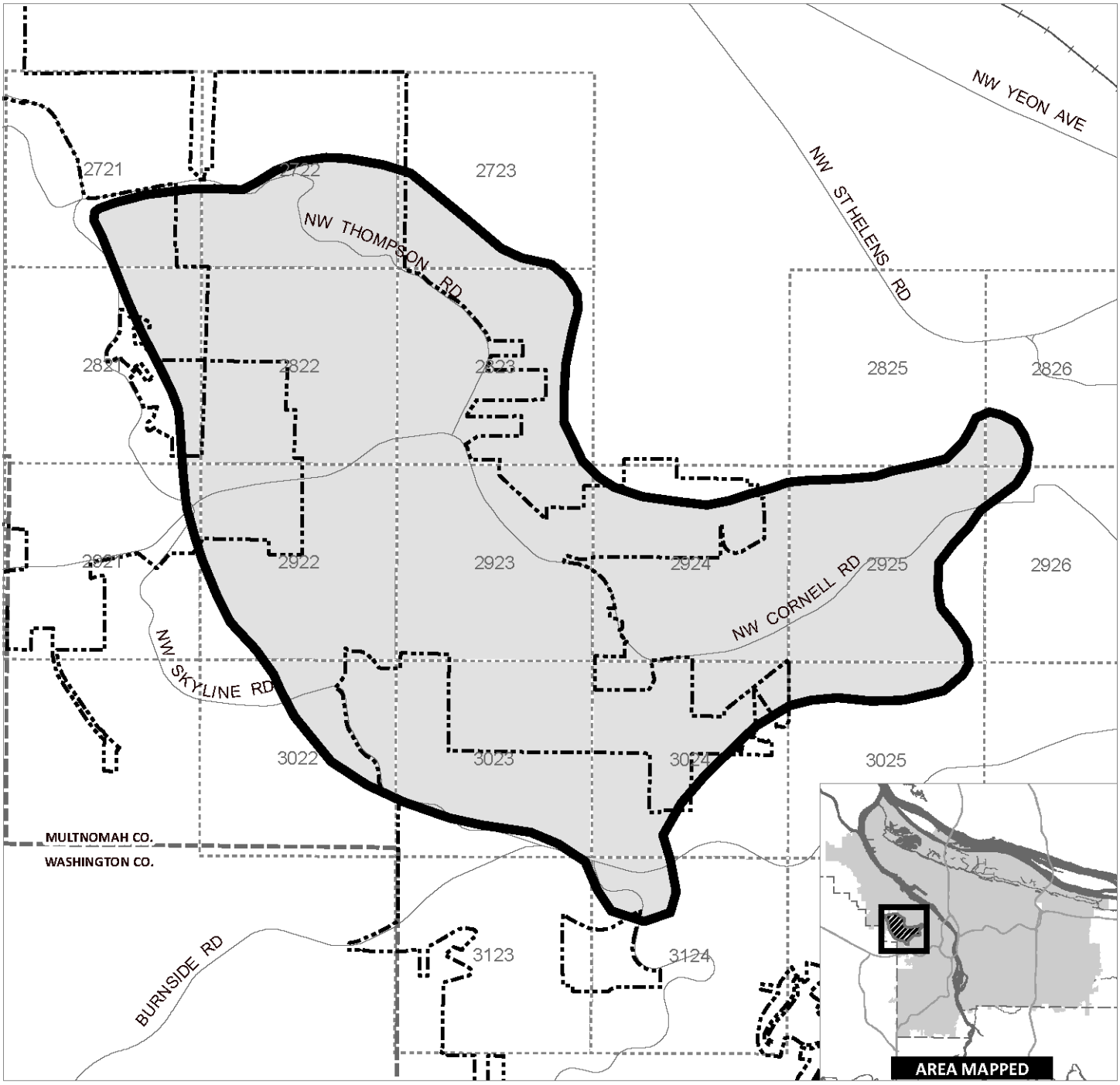
F. **Response to comments.** If a comment is received, the Director of BDS will respond in writing or in a manner suitable to the comment. The response will specifically address each comment that concerns compliance with the development standards of Section 33.430.140 through .190. The Director of BDS will recheck permits for compliance with development standards and approve the permit if compliance is reaffirmed or when identified deficiencies are corrected, and when all applicable standards and regulations of the Zoning Code are met.

(Amended by: Ord. No. 167293, effective 1/19/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169375, effective 10/4/95; Ord. No. 171219, effective 7/1/97; Ord. No. 171260, effective 7/12/97; Ord. No. 171740, effective 11/14/97; Ord. No. 173015, effective 2/12/99; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178961, effective 6/13/05; Ord. No. 179540, effective 9/26/05; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 183598, effective 4/24/10; Ord. No. 183534, effective 7/1/10; Ord. No. 184235, effective 11/26/10; Ord. No. 183534 and Ord. No. 184524, effective 7/1/11; Ord. No. 184944, effective 11/18/11; Ord. No. 185915, effective 5/1/13; Ord. No. 184944, effective 12/31/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189002, effective 7/9/18; Ord. No. 190023, effective 8/10/20.)

Balch Creek Watershed Protection Plan Area

Map 430-1

Map Revised January 1, 2015



City Boundary

Plan Area

NORTH

0 2,000 4,000

Scale in Feet

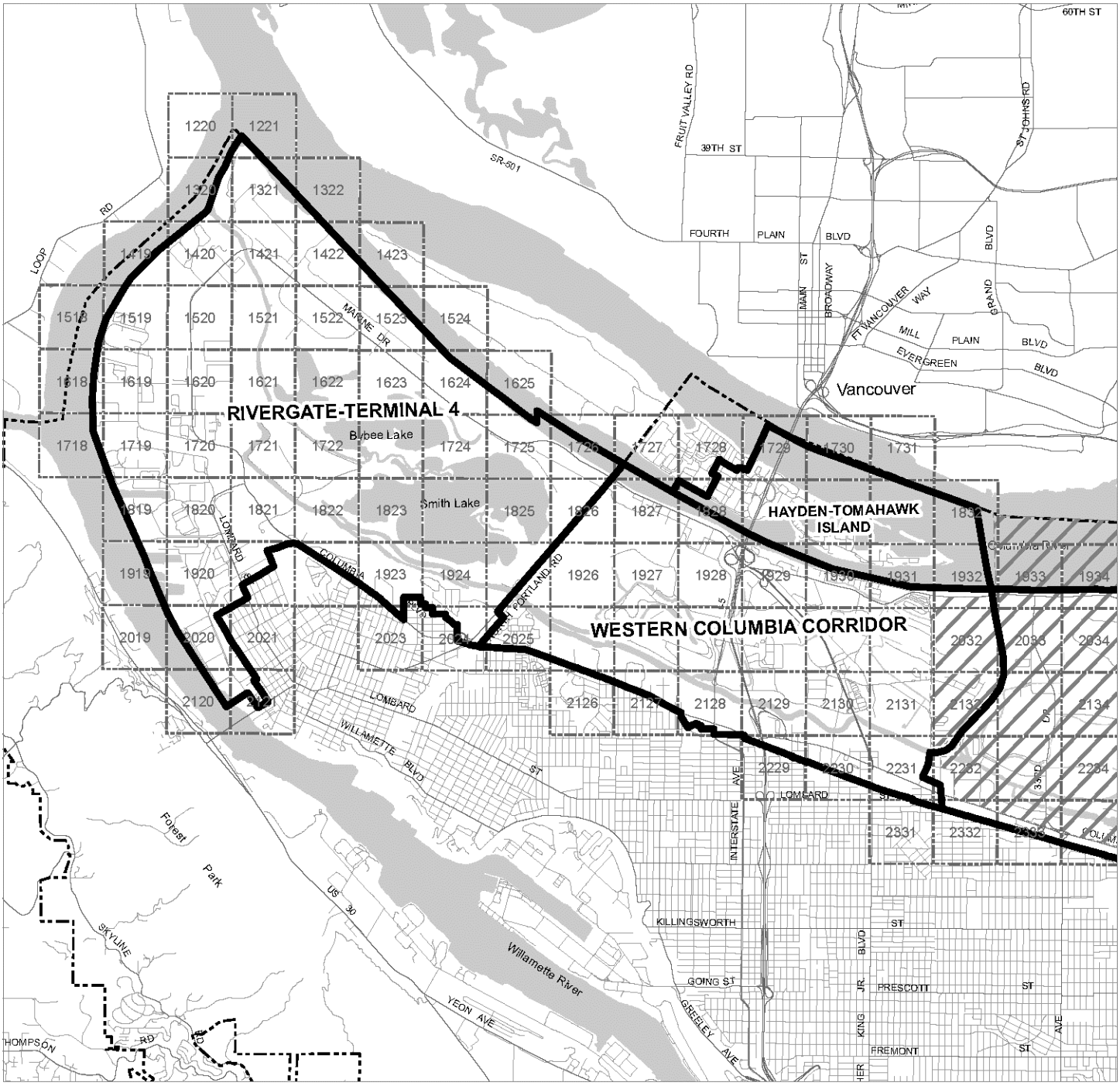
Map Note: Small numbers within boxes represent Portland quarter section index

Bureau of Planning and Sustainability
Portland, Oregon

Columbia Corridor Industrial and Environmental Mapping Project Area

Map 430-2

Map Revised January 1, 2015



City Boundary

Area superceded by Middle Columbia Corridor/Airport Natural Resources Inventory - SEE MAP 430-13

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

NORTH

0 6,000 12,000

Scale in Feet

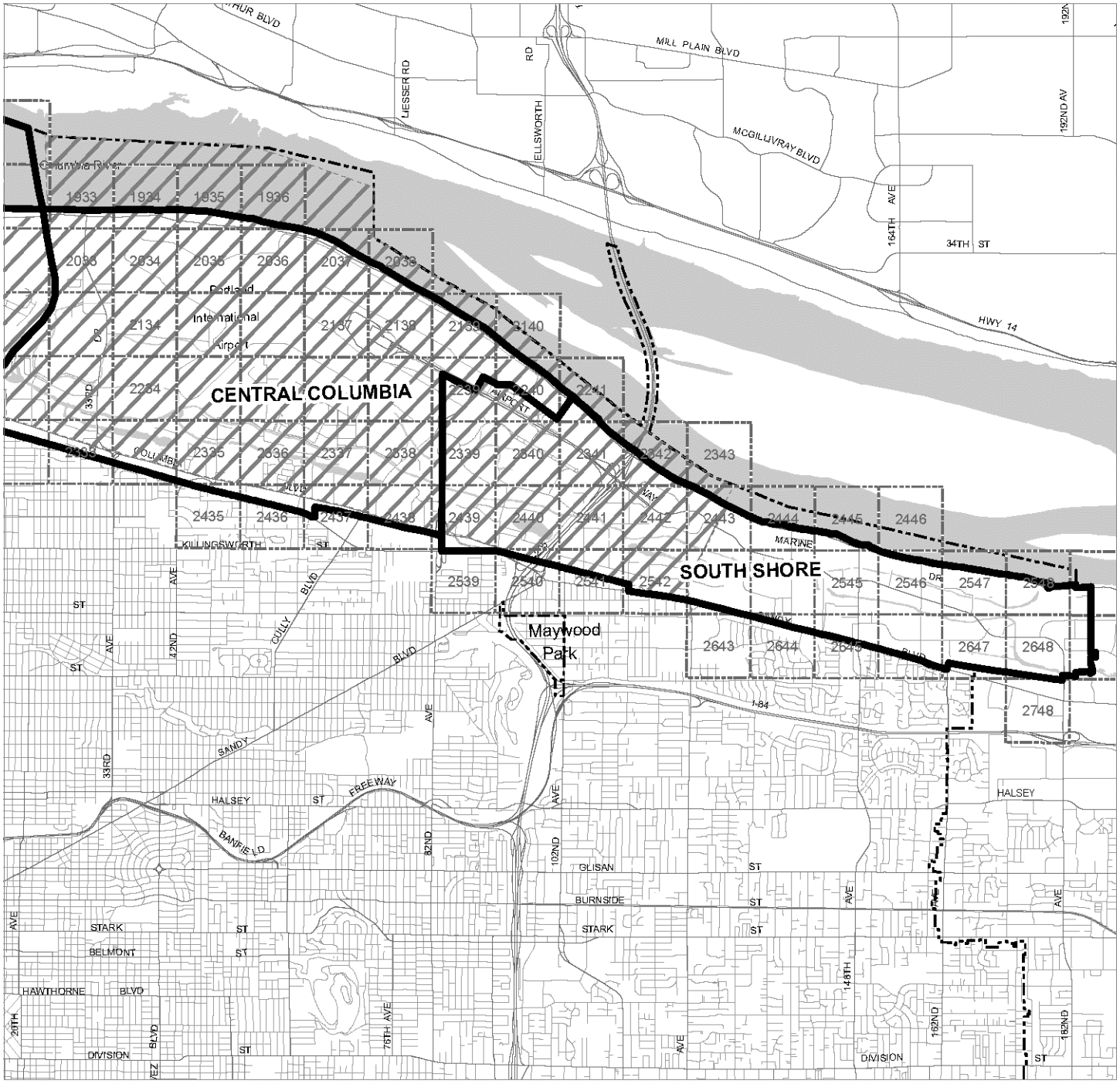
Bureau of Planning and Sustainability
Portland, Oregon

Columbia Corridor Industrial and Environmental Mapping Project Area

Map 430-2

Map 2 of 2

Map Revised January 1, 2015



City Boundary

Area superceded by Middle Columbia Corridor/Airport Natural Resources Inventory - SEE MAP 430-13

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

NORTH

0 6,000 12,000

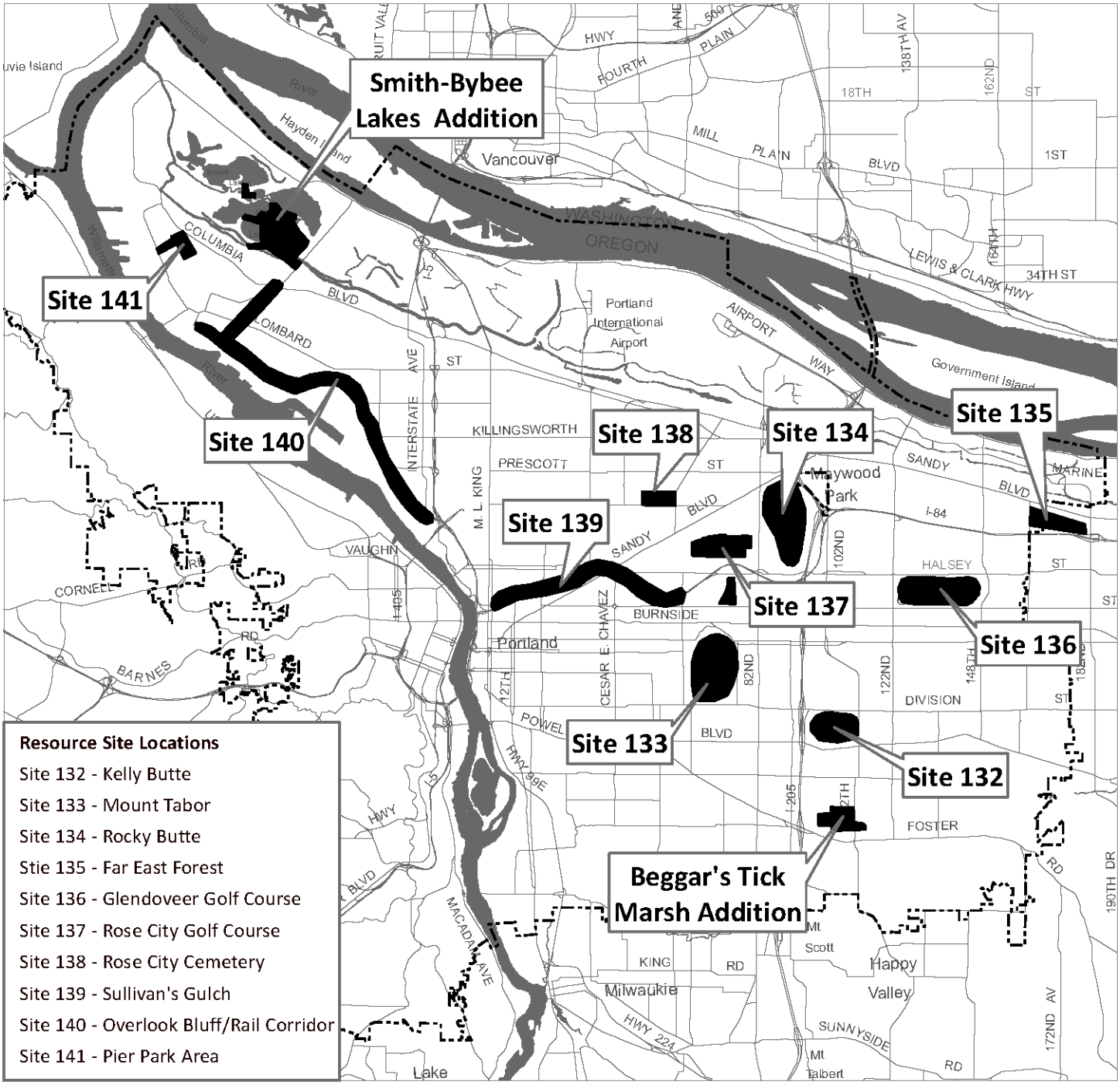
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

East Buttes, Terraces, and Wetlands Conservation Plan Area

Map 430-3

Map Revised January 1, 2015



City Boundary

Plan Area

NORTH

0 10,000 20,000

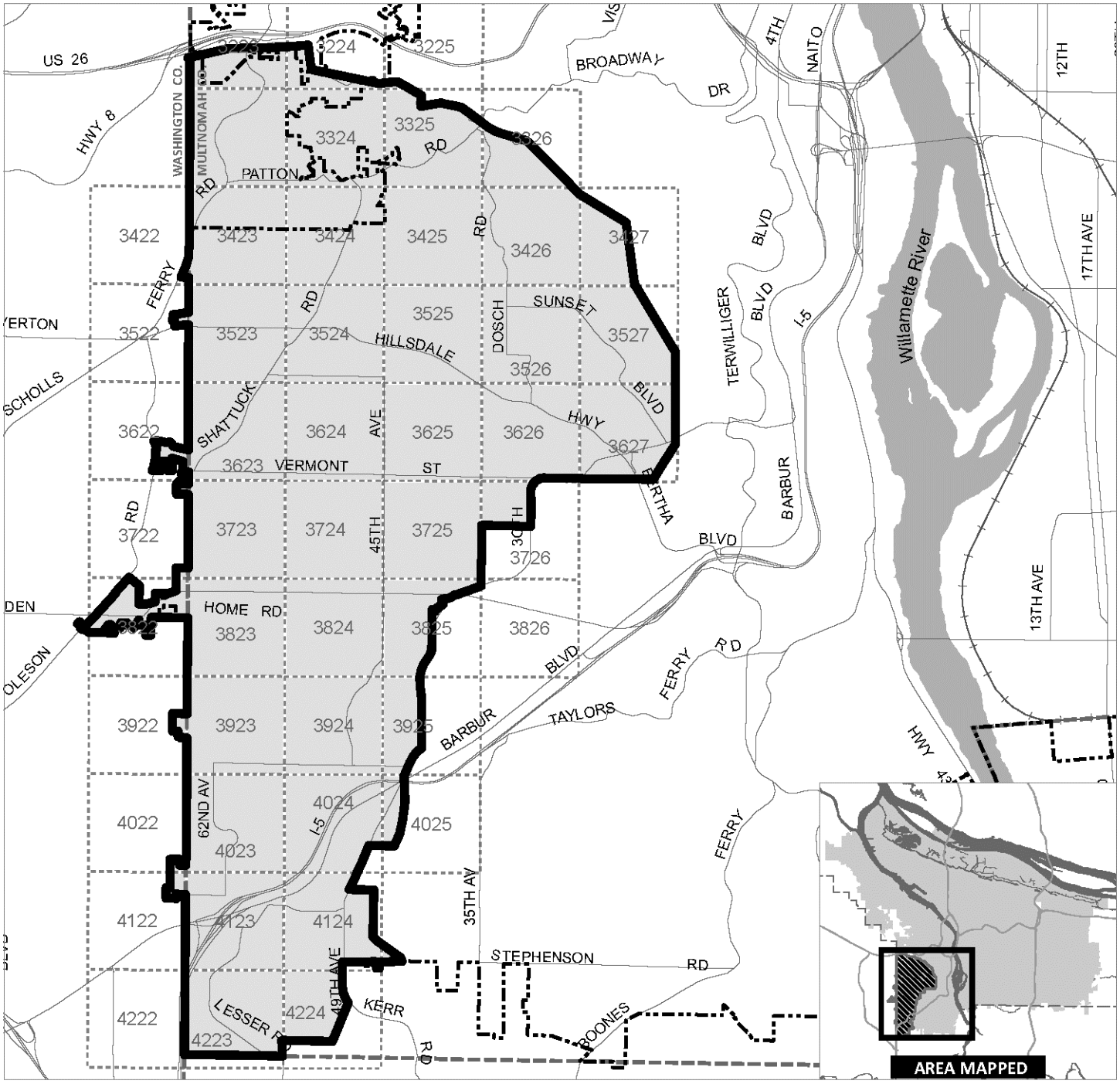
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Fanno Creek and Tributaries Conservation Plan Area

Map 430-4

Map Revised January 1, 2015



City Boundary

Plan Area

NORTH

0 3,500 7,000

Scale in Feet

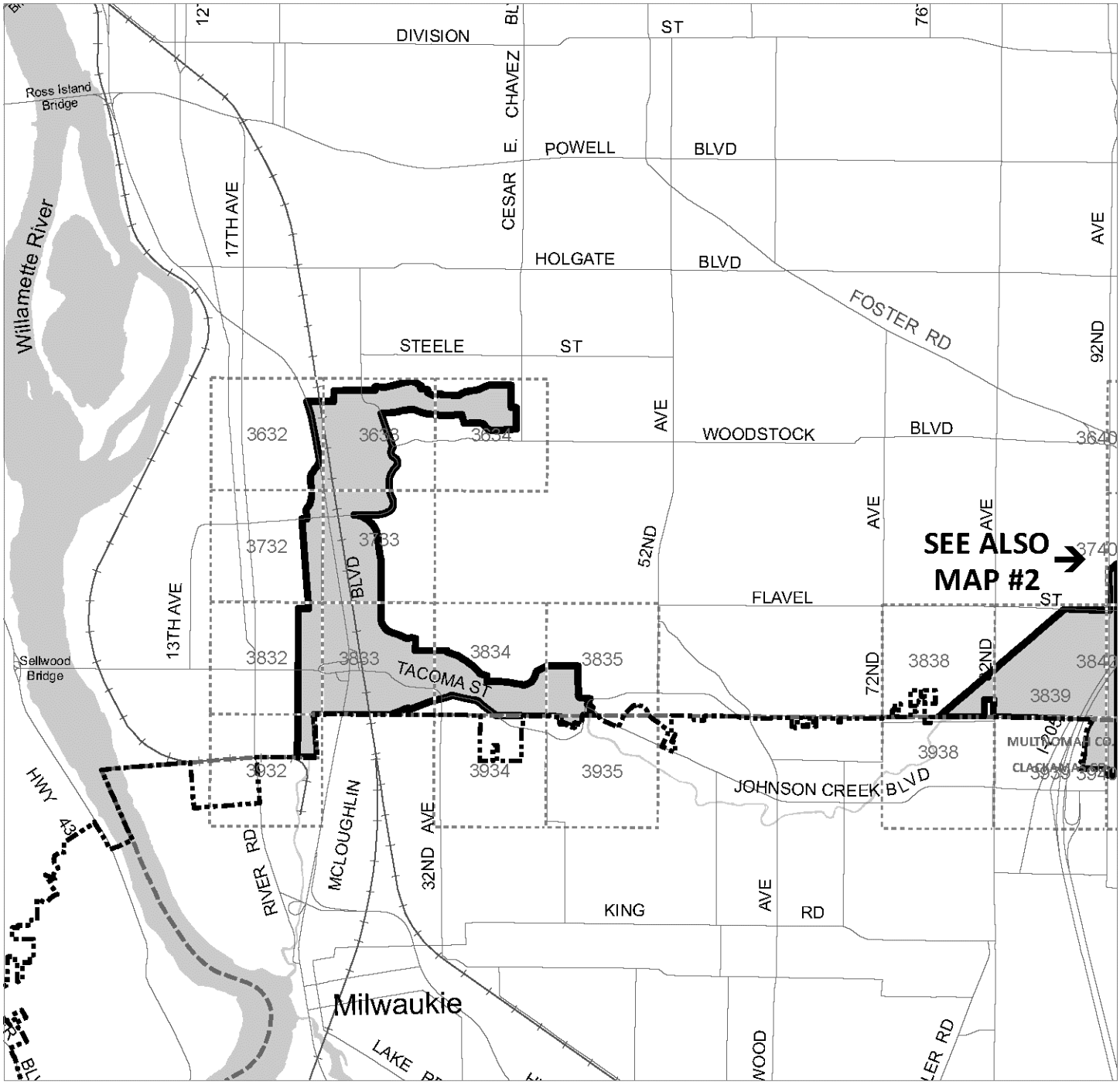
Map Note: Small numbers within boxes represent Portland quarter section index

Bureau of Planning and Sustainability
Portland, Oregon

Johnson Creek Basin Protection Plan Area

Map 430-5

Map Revised January 1, 2015



City Boundary

Plan Area

NORTH

0 3,000 6,000

Scale in Feet

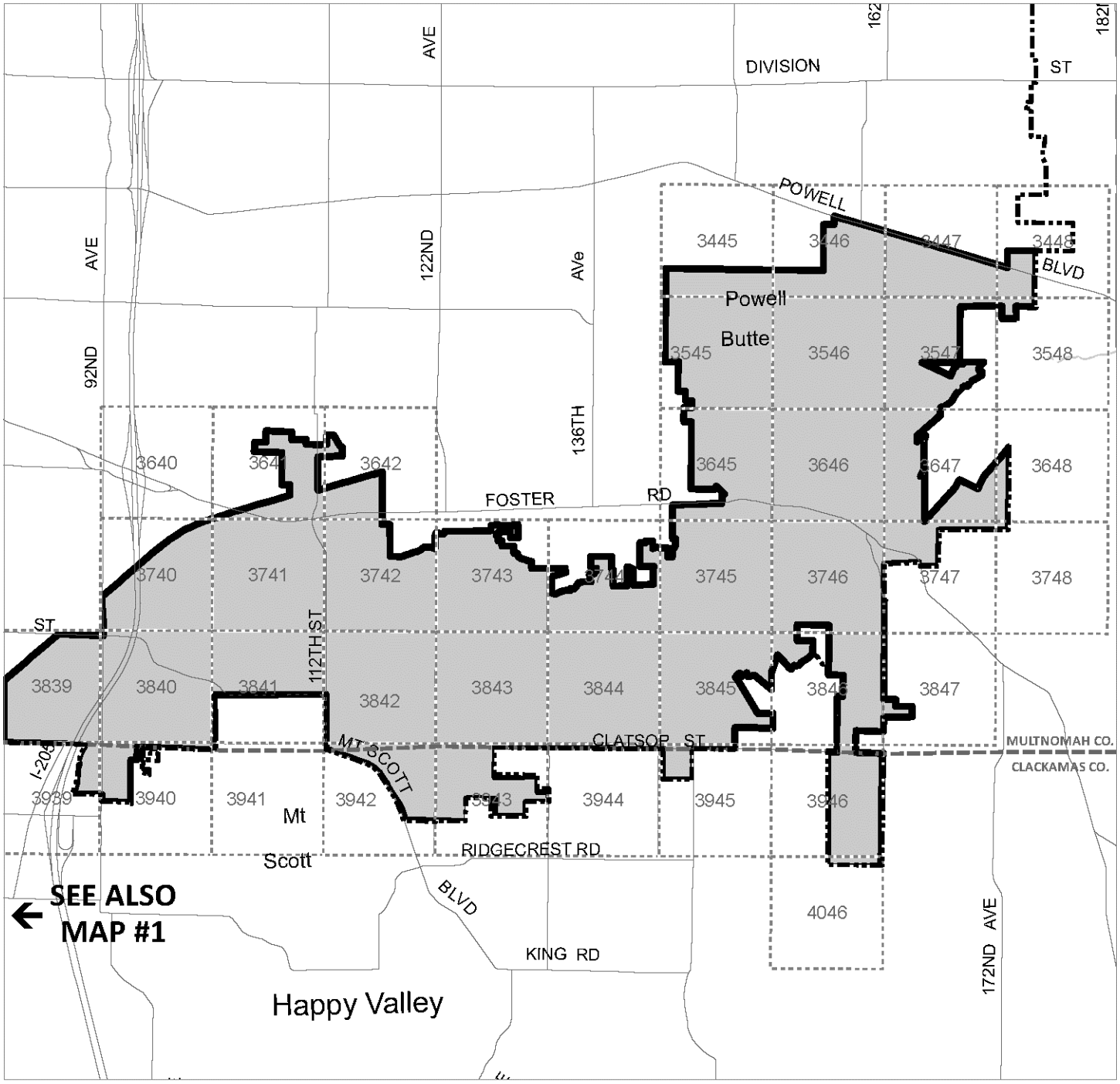
Map Note: Small numbers within boxes represent Portland quarter section index

Bureau of Planning and Sustainability
Portland, Oregon

Johnson Creek Basin Protection Plan Area

Map 430-5

Map Revised January 1, 2015



City Boundary

Plan Area

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

NORTH

0 3,000 6,000

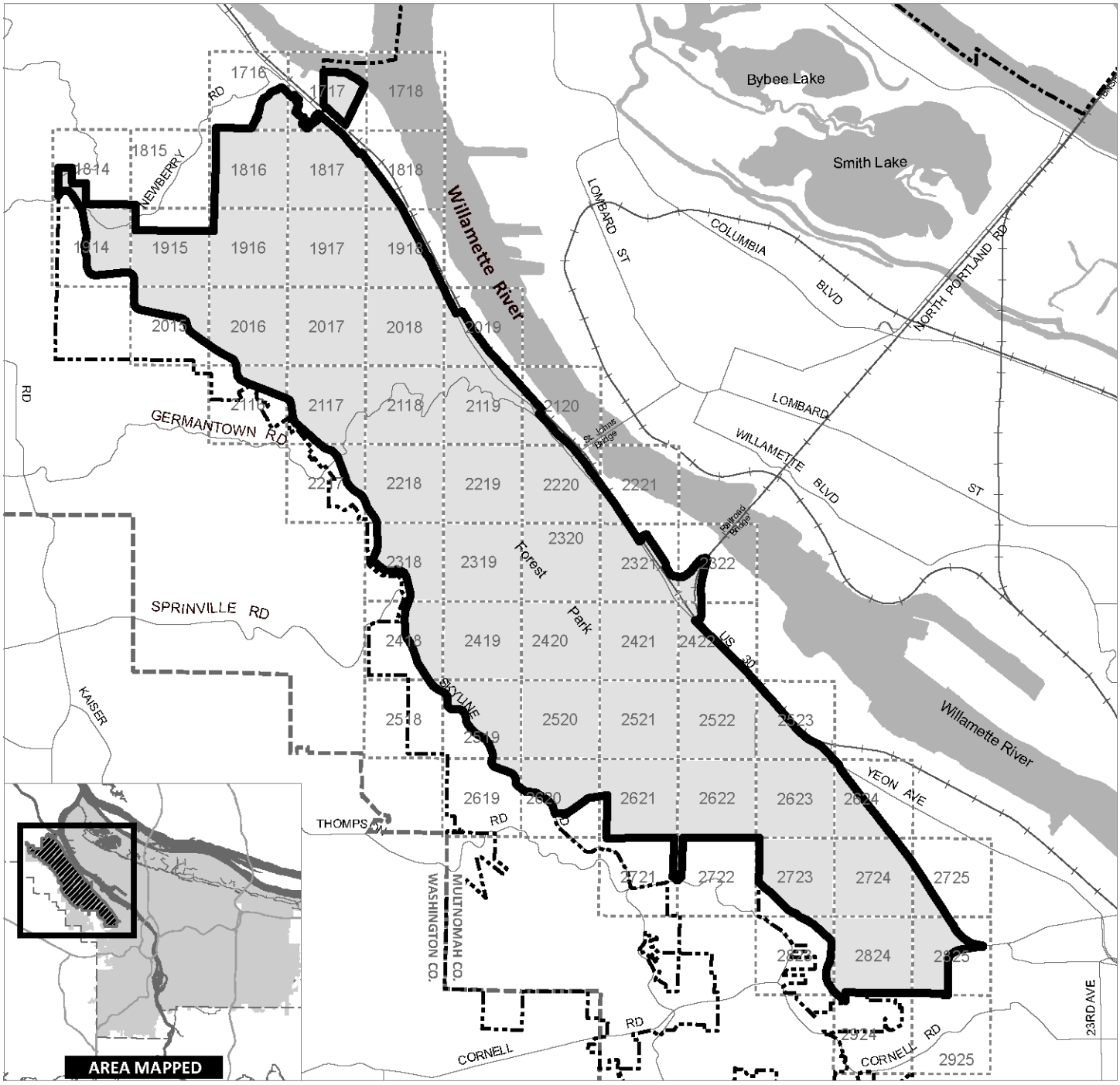
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Northwest Hills Natural Areas Protection Plan Area

Map 430-6

Map Revised January 1, 2015



City Boundary

Plan Area

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

NORTH

0 4,000 8,000

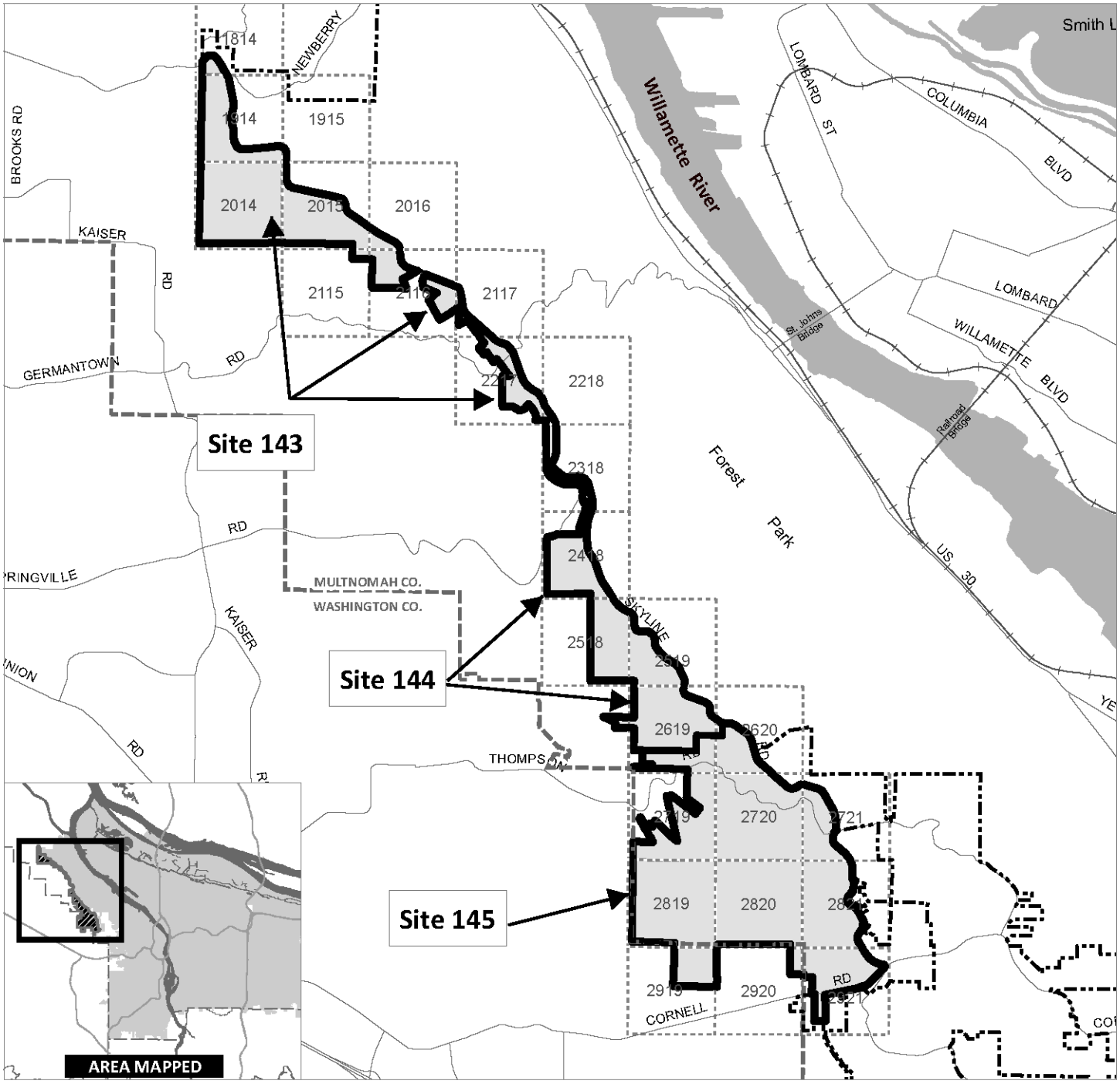
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Skyline-West Resource Protection Plan Area

Map 430-7

Map Revised January 1, 2015



City Boundary

Plan Area

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

NORTH

0 4,000 8,000

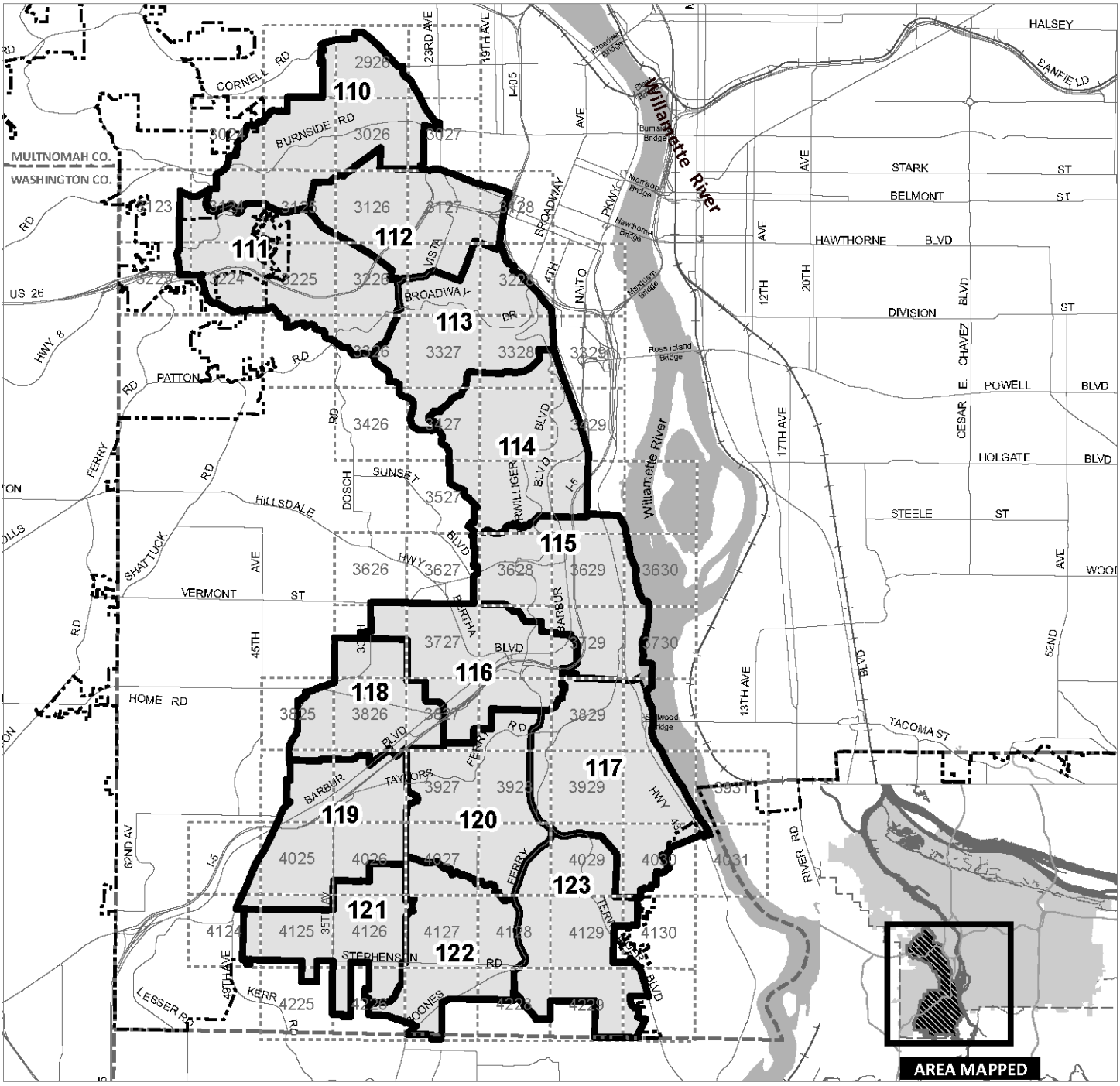
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Southwest Hills Resource Protection Plan Area

Map 430-8

Map Revised January 1, 2015



City Boundary

Plan Area

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

NORTH

0 5,000 10,000

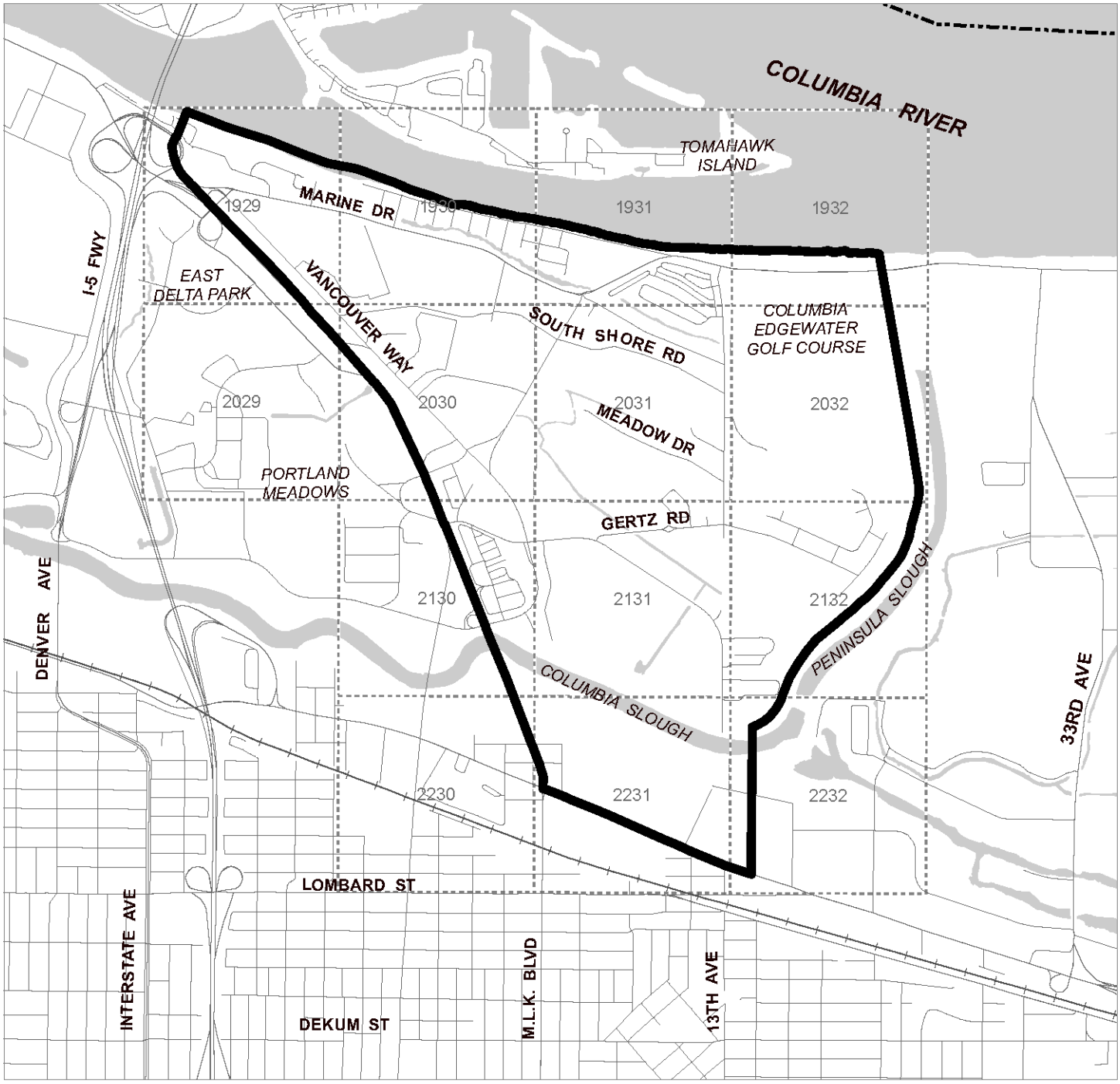
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

East Columbia Neighborhood
Natural Resources Management Plan Area

Map 430-9

Map Revised January 1, 2015



City Boundary

Plan Area

NORTH

0 2,000 4,000

Scale in Feet

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

Bureau of Planning and Sustainability
Portland, Oregon

~~Smith and Bybee Lakes~~
~~Natural Resources Management Plan Area~~

Map 430-10

Map Revised January 1, 2015

Map 430-10 Deleted

NORTH

0 2,000 4,000

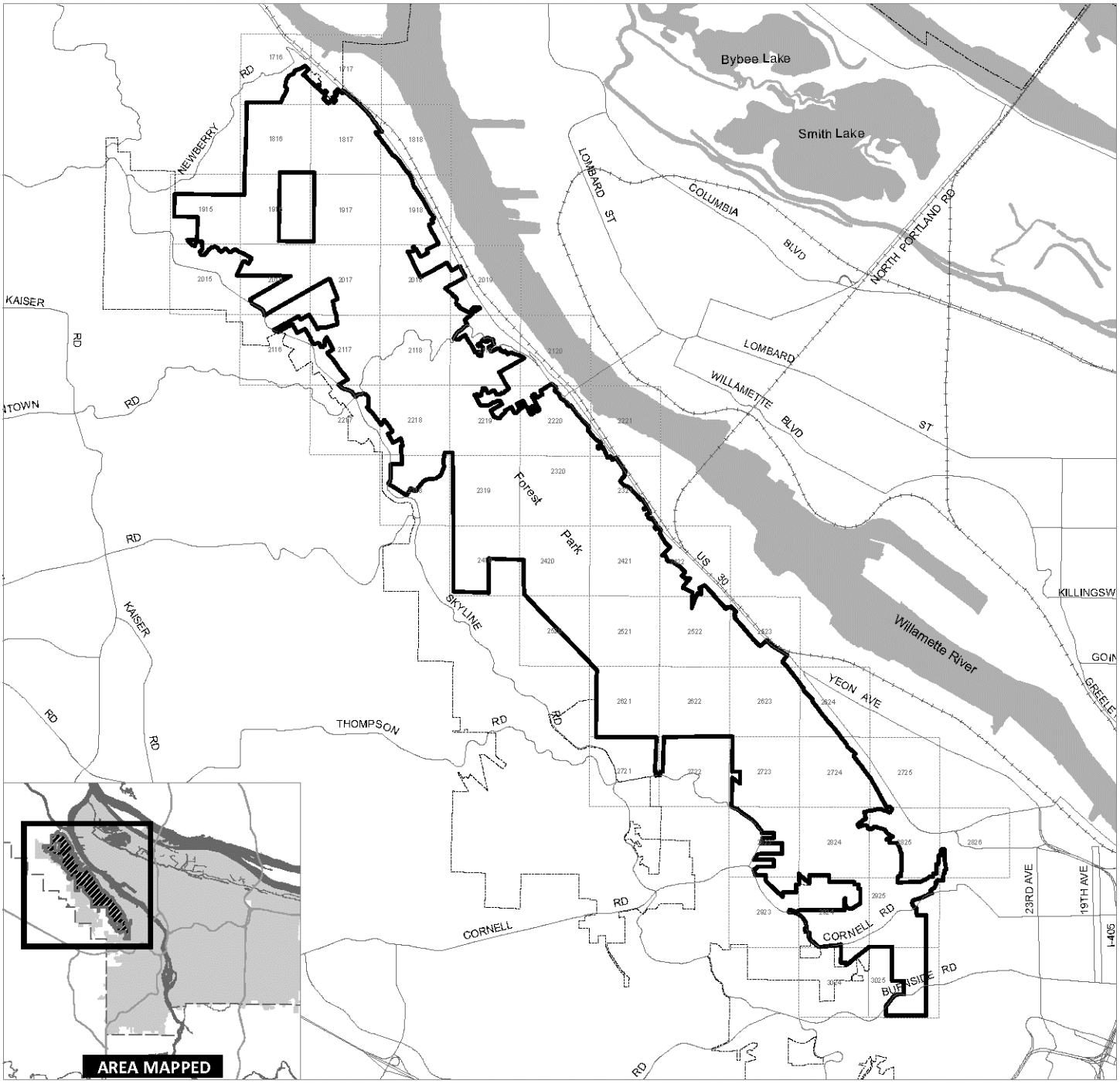
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Forest Park
Natural Resources Management Plan Area

Map 430-11

Map Revised January 1, 2015



City Boundary

Plan Area

NORTH

0 4,500 9,000

Scale in Feet

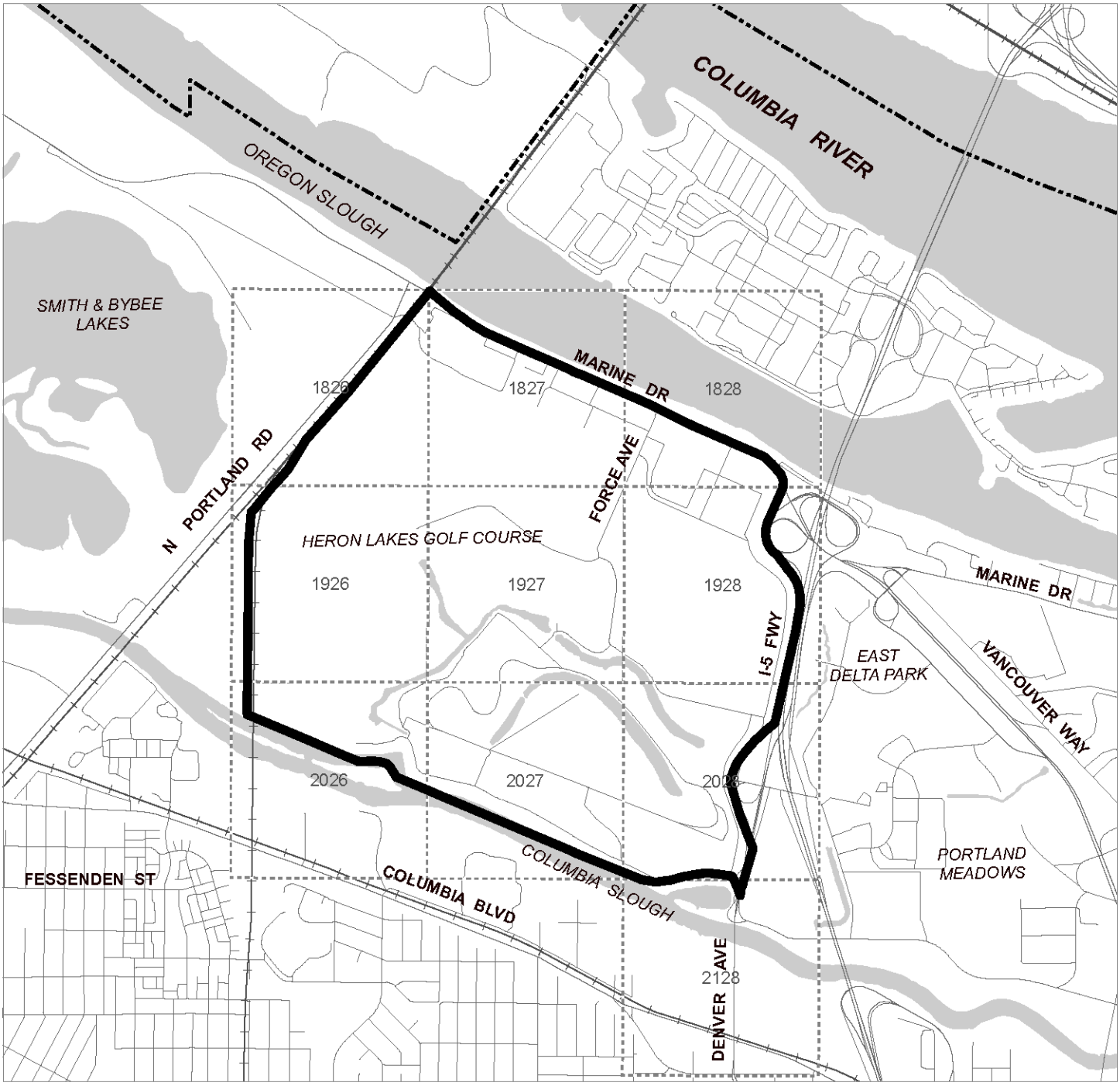
Map Note: Small numbers within boxes represent Portland quarter section index

Bureau of Planning and Sustainability
Portland, Oregon

Peninsula One
Natural Resources Management Plan Area

Map 430-12

Map Revised January 1, 2015



City Boundary

Plan Area

NORTH

0 2,000 4,000

Scale in Feet

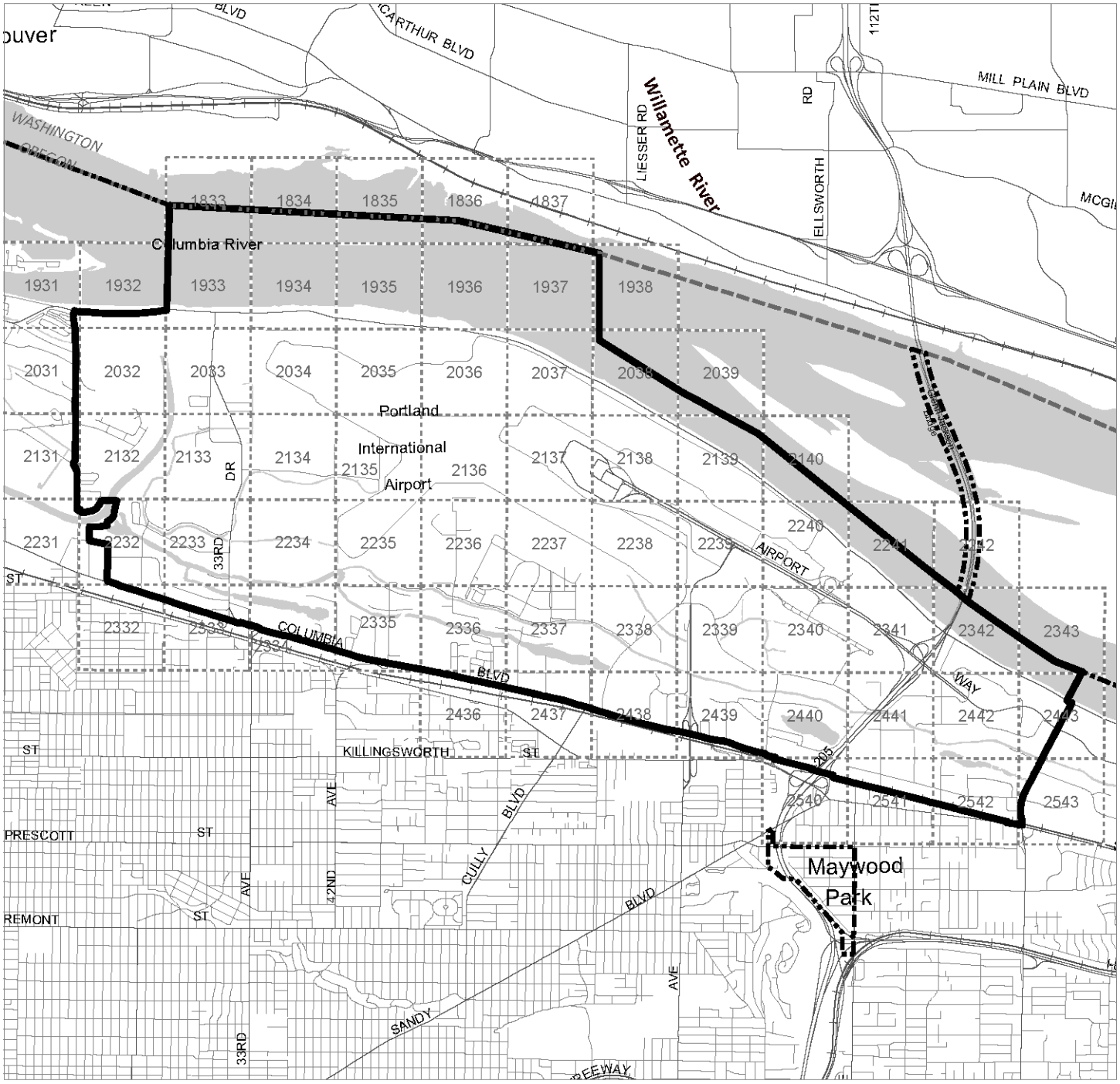
Map Note: Small numbers within boxes represent Portland quarter section index

Bureau of Planning and Sustainability
Portland, Oregon

Middle Columbia Corridor/Airport Natural Resource Inventory Environmental Mapping Project Area

Map 430-13

Map Revised January 1, 2015



City Boundary

Project Area

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

NORTH

0 4,000 8,000

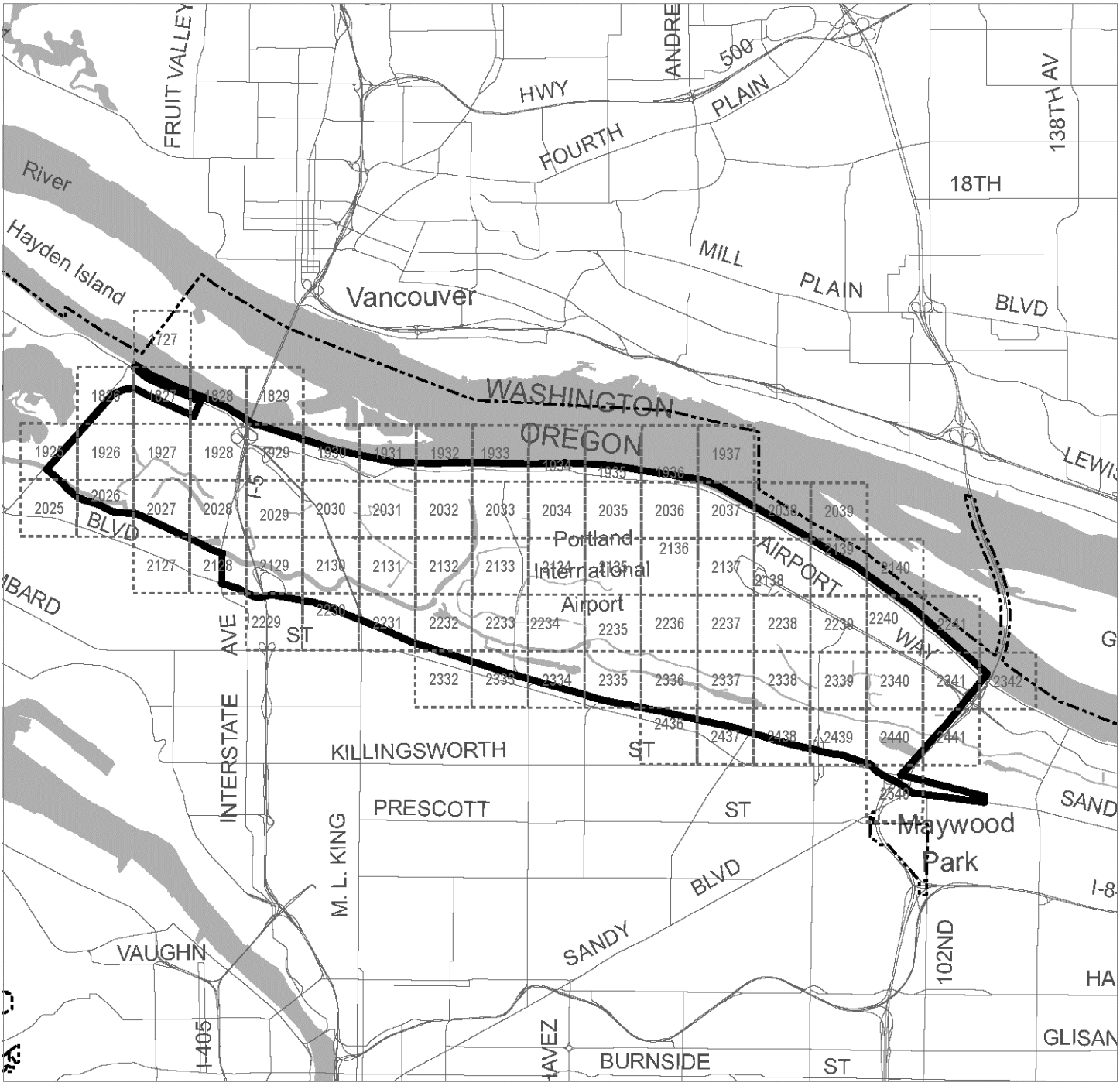
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Bank Reconfiguration and Basking Features Area

Map 430-14

Map Revised January 1, 2015



City Boundary

Bank Reconfiguration & Basking Features Area

NORTH

0 6,000 12,000

Scale in Feet

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

Bureau of Planning and Sustainability
Portland, Oregon

33.435 Future Urban Zone

435

Sections:

33.435.010 Purpose
33.435.020 Map Symbol
33.435.030 Applying and Removing the Zone
33.435.040 Minimum Lot Area

33.435.010 Purpose

The Future Urban overlay zone limits development in future urban areas. Future urban areas are, (1) all areas beyond Metro's Urban Growth Boundary (UGB), and (2) areas within the UGB to which the extension of full urban services would not be cost effective or would cause unacceptable harm to the environment. The Future Urban overlay zone limits development by prohibiting the creation of new lots with a total area of less than 20 acres.

33.435.020 Map Symbol

The Future Urban zone is shown on the Official Zoning Maps with an "f" map symbol (for future).

33.435.030 Applying and Removing the Zone

The Future Urban zone must be applied to all lands designated "Natural Resource" on the Metro Regional Land Use Framework Map. When the UGB is expanded to include Future Urban-zoned land, the Future Urban zone is to be removed from that land following the zoning map amendment procedures in 33.855.080.

33.435.040 Minimum Lot Area

The minimum lot area for the creation of new lots in the Future Urban zone is 20 acres. The creation of new lots of less than 20 acres is prohibited. Existing lots of less than 20 acres may be developed, but may not be reduced in area.

(Added by: Ord. No. 163770, effective 2/8/91. Amended by: Ord. No. 176469, effective 7/1/02.)

33.440 Greenway Overlay Zones

440

Sections:

General
- 33.440.010 Purpose
- 33.440.030 Greenway Overlay Zones
- 33.440.050 Relationship to State and Federal Reviews
- 33.440.060 Sunset Provision

Use Regulations
- 33.440.100 Use-Related Restrictions

Development Regulations
- 33.440.200 Application of the Development Standards
- 33.440.210 Development in the Greenway Setback
- 33.440.220 Floor Area Ratios
- 33.440.230 Landscaping
- 33.440.240 Major Public Trails
- 33.440.250 Public Viewpoints
- 33.440.260 View Corridors
- 33.440.270 Nonconforming Uses and Development

Greenway Review
- 33.440.300 Purpose
- 33.440.310 Where Greenway Review Applies
- 33.440.320 Items Exempt from Greenway Review
- 33.440.330 Procedures
- 33.440.340 Notice to State Parks and Recreation Division
- 33.440.345 Supplemental Application Requirements
- 33.440.350 Approval Criteria

Map 440-1 Willamette Greenway Public Access

General

33.440.010 Purpose

The Greenway regulations are intended to:

- Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers;
- Establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the greenway;
- Increase public access to and along the Willamette River for the purpose of increasing recreational opportunities, providing emergency vehicle access, assisting in flood protection and control, providing connections to other transportation systems, and helping to create a pleasant, aesthetically pleasing urban environment; and

- Implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368; and
- Implement the water quality performance standards of Metro's Title 3, which are intended to protect and improve water quality to support designated beneficial water uses, and to protect the functional values of the water quality resource area which include: providing a vegetated corridor to separate protected water features from development; maintaining or reducing stream temperatures; maintaining natural stream corridors; minimizing erosion, nutrient and pollutant loading into water; filtering, infiltration and natural water purification; and stabilizing slopes to prevent landslides contributing to sedimentation of water features.

33.440.030 Greenway Overlay Zones

A. Purpose. The purpose of the greenway overlay zones is to implement the land use pattern identified in the Willamette Greenway Plan and the water quality requirements of Metro Code 3.07.340.B (Title 3). There are five greenway overlay zones, each with its own focus and purpose. The purpose of each of the overlay zones is stated below.

1. River Natural. The River Natural zone protects, conserves, and enhances land of scenic quality or of significant importance as wildlife habitat.

2. River Recreational. The River Recreational zone encourages river-dependent and river-related recreational uses which provide a variety of types of public access to, along and in the river, and which enhance the river's natural and scenic qualities.

3. River General. The River General zone allows for uses and development which are consistent with the base zoning, which allow for public use and enjoyment of the riverfront, and which enhance the river's natural and scenic qualities.

4. River Industrial. The River Industrial zone encourages and promotes the development of river-dependent and river-related industries which strengthen the economic viability of Portland as a marine shipping and industrial harbor, while preserving and enhancing the riparian habitat and providing public access where practical.

5. River Water Quality. The River Water Quality zone is designed to protect the functional values of water quality resources by limiting or mitigating the impact of development in the setback.

B. Where these regulations apply.

1. General. The regulations of this chapter apply to all land and fills and structures in water within the North and South reaches and industrially zoned sites within the Central reach of the Willamette Greenway Plan boundary. The North and South reaches and industrially zoned sites within the Central reach of the Willamette Greenway Plan boundary are shown on Map 440-1, and are designated on the Official Zoning Maps with River Natural, River Recreational, River General, River Industrial, or River Water Quality overlay zones.

2. Exceptions.

   a. The interior of Ross and Hardtack Islands will not be subject to the regulations of this chapter during such time as the Ross Island Management Plan is in effect.

   b. The major public trail standards of Section 33.440.240 apply to all lands within the Willamette Greenway Plan boundary designated with the major public trail symbol but which are outside of the greenway zones.

C. Removal or remediation of hazardous substances. For projects limited to the removal or remediation of hazardous substances conducted under ORS 465.200 through 465.510 and 465.900, the regulations of this chapter apply only to the portion of the site located within the boundaries of the removal or remedial action areas, as delineated by the Department of Environmental Quality.

D. Map symbols. The greenway overlay zones are shown on the Official Zoning Maps with the following map symbols:

Overlay Zone	Map Symbol
River Natural	n
River Recreational	r
River General	g
River Industrial	i
River Water quality	q

33.440.050 Relationship to State and Federal Reviews

In addition to any City requirements, development within or riverward of the greenway setback, including fills, may be regulated by the Oregon Division of State Lands and the U.S. Army Corp of Engineers. City approval does not imply approval by these agencies.

33.440.060 Sunset Provision

The River Water Quality Overlay Zone will be deleted from the Zoning Code when revised Willamette River Greenway regulations are adopted.

Use Regulations

33.440.100 Use-Related Restrictions

A. Generally. In most cases, the greenway zones do not restrict primary uses that are allowed in the base zones by right, with limitations, or as a conditional use. Exceptions to this are in the River Recreational, River Industrial, and River Water Quality zones. The restrictions on uses are stated in Subsection B. below. The location of development for an allowed use is regulated by the development standards below. Any changes to the land associated with the use are subject to greenway review unless exempted. See 33.440.310 and 33.440.320 below.

B. Use restrictions.

1. River Recreational zone. Primary uses in the River Recreational zone are limited to recreational uses which are river-dependent or river-related.

2. River Industrial zone. In the River Industrial zone, river-dependent and river-related primary uses are allowed by right on sites that front the river. Primary uses that are not river-dependent or river-related may be allowed on sites that front the river if they are approved through greenway review. They must comply with the approval criteria of 33.440.350.B. below. There are no special use restrictions on sites that do not have river frontage.

3. River Natural and River General zones. There are no special use restrictions in the River Natural and River General zones.

4. River Water Quality zone. There are no special use restrictions associated specifically with the River Water Quality zone. However, any use restrictions that apply as a result of an accompanying Greenway Overlay Zone also apply within the River Water Quality zone.

Development Standards

33.440.200 Application of the Development Standards

Any changes to land or development within the greenway zones, including rights-of-way, are subject to the development standards of this chapter.

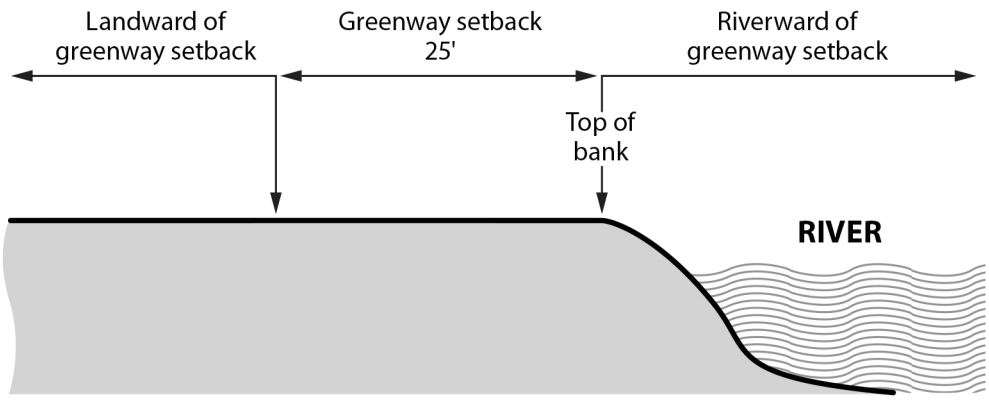
33.440.210 Development in the Greenway Setback

A. General. The requirements of this section focus on whether the development is river-dependent or river-related. The focus is not on the primary use of the land. For example, a marine freight terminal is a river-dependent primary use, but not all development associated with the terminal is river-dependent. The dock and loading cranes are river dependent, but the parking lot, storage areas, and corporate offices are not. Another example is a multi-dwelling complex. The residential units are not a river-dependent or river-related primary use. A boat dock for the residents is river-dependent, but parking and storage areas are not.

B. The setback areas.

1. Generally. The greenway setback extends from the top of the bank to a point 25 feet landward of the top of the bank, except in the River Water Quality overlay zone. See Figure 440-1.

Figure 440-1
Greenway Setback



2. River Water Quality overlay zone. The greenway setback in the River Water Quality zone extends from the top of the bank to a point 50 feet landward of the top of the bank for sites with less than 25 percent slope, or to a point 200 feet landward for sites with 25 percent or greater slope. See Figure 440-2 and Table 440-1.

3. Wetlands in the River Water Quality overlay zone. The greenway setback is 50 feet around the delineated edge of the wetland in addition to the setback from the top of the bank.

Figure 440-2
Greenway Setback in the River Water Quality Zone

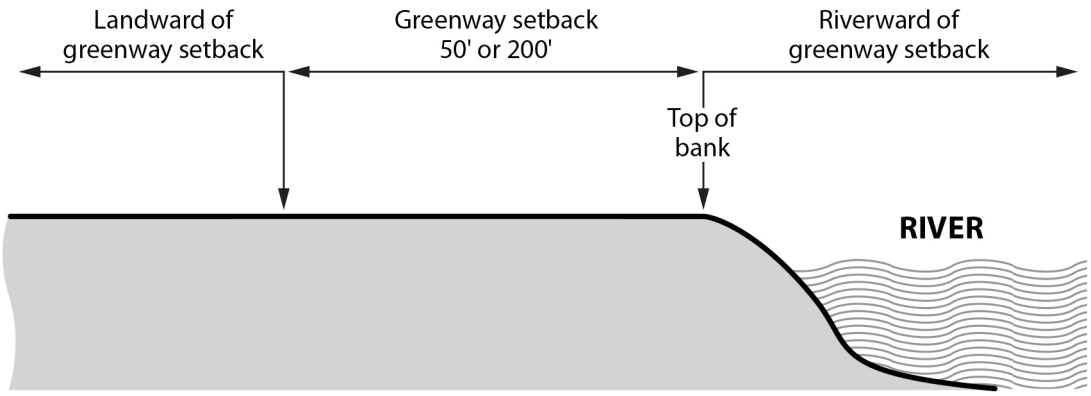


Table 440-1
Setbacks for River Water Quality Zone

Slope Landward of Top of Bank	Width of Vegetated Corridor [1]
< 25%	50 feet
> 25% for 150 feet or more [2]	200 feet

[1] To establish the width of the vegetated corridor, slope is measured in 25-foot increments landward of top of bank until slope is less than 25%
[2] Vegetated corridors in excess of 50 feet apply on steep slopes only in the uphill direction from the protected water feature.

C. Development regulations.

1. Development landward of the greenway setback. Development, exterior alterations, excavations, and fills landward of the greenway setback are not required to be river-dependent or river-related and are subject to greenway review, unless exempt under Section 33.440.320, Exemptions.

2. Development within the greenway setback.

   a. River-dependent and river-related development. Development, exterior alterations, excavations, fills, and associated tree removal within the greenway setback that are river-dependent or river-related may be allowed if approved through greenway review, unless exempt under Section 33.440.320, Exemptions.

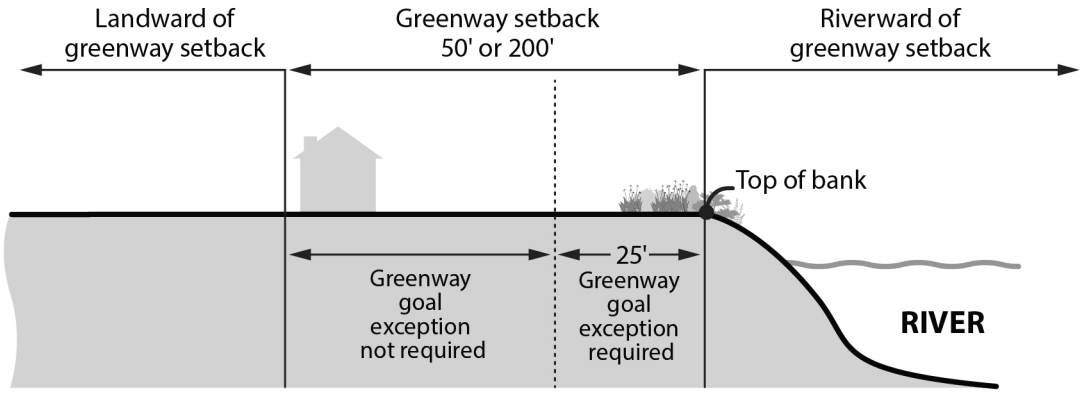
   b. Development that is not river-dependent or river-related.

      (1) General. Development, exterior alterations, excavations, or fills that are not river-dependent or river-related require greenway review and a Greenway Goal Exception to locate in the greenway setback.

      (2) Exception. Within the River Water Quality zone, development, exterior alterations, excavations, and fills that are not river-dependent or river-related do not require a Greenway Goal Exception when located outside of the area that is within the first 25 feet landward of the top of bank. See Figure 440-3.

3. Development riverward of the greenway setback. Development, exterior alterations, excavations, fills, and associated tree removal riverward of the greenway setback that are river-dependent or river-related may be allowed if approved through greenway review, unless exempt under Section 33.440.320, Exemptions. Development, exterior alterations, excavations, or fills that are not river-dependent or river-related require greenway review and a Greenway Goal Exception to locate riverward of the greenway setback.

Figure 440-3
Greenway Goal Exception in the River Water Quality Zone



33.440.220 Floor Area Ratios

The maximum floor area ratio (FAR) is 2 to 1 for the first 200 feet inland measured from the ordinary high water line, except in any of the following situations:

A. The site is already subject to a more restrictive FAR; or

B. The use is an industrial use in an IH or IG base zone.

33.440.230 Landscaping

A. **Required landscaping.** Landscaping must be provided to conserve or re-establish vegetative cover within or riverward of the greenway setback. The landscaping must comply with the standards specified below. This is in addition to any landscape requirements of other chapters of this Title. The greenway landscape requirements may be included in any overall percentage-of-site landscape requirements of the base zone. Landscaping is not required where it would significantly interfere with a river-dependent or river-related use or development, or where the Fire Marshal finds that it would pose a safety hazard.

B. **Landscaping standards.** Required greenway landscaping must comply with the standards stated below.

1. A minimum of one tree for every 20 feet of river frontage.
2. A minimum of one shrub for every two feet of river frontage. However, if the greenway trail is proposed to be wider than 12 feet, the shrub calculations will be based on a minimum of one shrub per 25 square feet of area within and riverward of the greenway setback that is not paved or reveted. Areas of high human use which provide public access to the river, such as a beach, are exempt from the shrub calculations.
3. Remaining areas which are not paved or reveted surfaces must have living ground cover.
4. All trees and shrubs are to be planted generally within and riverward of the greenway setback.
5. The standards are for calculation purposes only, and do not require or imply linear planting. Grouping of trees and shrubs is encouraged, particularly on the riverbank.

C. **Native plants.** All landscaping must comply with the native plant requirement of the Willamette Greenway Plan.

D. **Exception for sites with an existing nonconforming use, allowed use, limited use, or conditional use.** The regulations of this subsection apply to sites with an existing nonconforming use, an allowed use, a limited use, or a conditional use. When alterations are made to a site that does not meet the standards of this section, and the alterations are over the threshold of Paragraph D.1, below, the site must be brought into conformance with the development standards listed in Subsections A, B, and C, above. The value of the alterations is based on the entire project, not individual building permits. The cost of the upgrades required by this chapter may be counted toward the cost of upgrades required by

Subsection 33.258.070.D. However, the upgrades required by this chapter must be completed first.

1. Thresholds triggering compliance. The standards of Subsections A, B, and C must be met when the value of the proposed alterations on the site, as determined by BDS, is more than $300,000. Alterations and improvements stated in 33.258.070.D.2.a do not count toward the threshold.

2. Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site.

3. Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in Subparagraph 33.258.070.D.2.b, the standards of Subsections A, B, and C, above, are also included.

33.440.240 Major Public Trails

A. **Purpose.** Major public trails provide public access to and along both sides of the Willamette River. Major public trails are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

B. **Major public trail requirements.** All sites with a major public trail symbol shown on the Official Zoning Maps must comply with the requirements of Chapter 33.272, Major Public Trails, provide and install the official Greenway Trail signs as required by the Parks Bureau, and meet the trail design guidelines contained in the Willamette Greenway Plan.

C. **Major public trails in the River Natural and River Water Quality zones.** Major public trails must be designed to minimize disturbances on the natural environment of the River Natural and River Water Quality zoned lands.

33.440.250 Public Viewpoints

A. **Purpose.** Public viewpoints provide stopping places along the Greenway trail and the Willamette River where the public can view and enjoy the natural, scenic, recreational, and economic qualities of the Greenway. Public viewpoints are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

B. **Viewpoint requirements.** All sites designated with a viewpoint symbol on the Willamette Greenway Plan are required to provide a public viewpoint. The viewpoint must meet the viewpoint design guidelines contained in the Willamette Greenway Plan. In addition, the viewpoint must comply with the Use of Trail, Hours of Use, Trespass, and Trail Maintenance and Liability sections of Chapter 33.272, Public Recreational Trails. In order to qualify for the maintenance and liability provisions, the viewpoint must be located along the physically continuous trail segment.

33.440.260 View Corridors

A. **Purpose.** View corridors provide visual access and connections to the river for neighborhoods and business districts who might otherwise be visually cut-off from the

river. View corridors are generally extensions of existing public rights-of-way through to the river. View corridors are one tool used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

B. **Provision of corridors.** All view corridors identified in the Willamette Greenway Plan must meet the view corridor design guidelines contained in the Willamette Greenway Plan.

33.440.270 Nonconforming Uses and Development

Nonconforming uses and development in the greenway zones are subject to the regulations and reviews of Chapter 33.258, Nonconforming Situations. The additional regulations stated below apply to development within or riverward of the greenway setback that is not river-dependent or river-related.

A. The development may continue.

B. The development may be changed to an allowed river-dependent or river-related development by right.

C. The development may be changed to another nonconforming development if within a building. If it is outdoors, it may not be changed to another nonconforming development.

D. The development may be expanded, but not within or riverward of the greenway setback except in the River Water Quality zone. In the River Water Quality zone, development may be expanded within the greenway setback when the building coverage of the development is not increased.

Greenway Review

33.440.300 Purpose

Greenway review ensures that all proposed changes to a site are consistent with the Willamette Greenway Plan, the Willamette Greenway design guidelines and, where applicable, the water quality element of Title 3 of Metro's Urban Growth Management Functional Plan. The purpose of greenway review is to ensure that:

- Development will not have a detrimental impact on the use and functioning of the river and abutting lands;
- Development will conserve, enhance and maintain the scenic qualities and natural habitat of lands along the river;
- Development will conserve the water surface of the river by limiting structures and fills riverward of the greenway setback;
- Practicable alternative development options are considered, including outside the River Water Quality zone setback; and
- Mitigation and enhancement activities are considered for development within the River Water Quality zone.

33.440.310 When Greenway Review Applies

Unless exempted in 33.440.320 below, the following items are subject to greenway review:

A. New development;

B. Exterior alterations to development, including the removal of trees and shrubs and the application of herbicides;

C. A change of use or development within or riverward of the greenway setback, where the use or development is no longer river-dependent or river-related;

D. Changes to the land and structures in the water, including excavations and fills, bridges, and docks;

E. The dedication or extension of rights-of-way and any new development or improvements in rights-of-way when within the River Natural zone or within or riverward of the greenway setback;

F. Non river-dependent or river-related primary uses in the River Industrial Zone; and

G. Non river-dependent or river-related primary uses in the River Water Quality Zone.

33.440.320 Exemptions from Greenway Review

Greenway review is not required for any of the situations listed below. The situations listed below are still subject to the Greenway development standards. When no development is proposed, removal of trees allowed under the exemptions below are subject to the tree permit requirements of Title 11, Trees. Exempt situations are:

A. As illustrated in Figure 440-4, alterations to development in the River Industrial zone that are outside of the areas listed below:

1. The greenway setback;
2. Riverward of the greenway setback;
3. Within 50 feet landward of the greenway setback; or
4. Within 50 feet of River Natural zoned land;

B. Alterations to development landward of the greenway setback when not in or within 50 feet of River Natural zoned land, that either do not require a building permit or are valued at less than $25,000;

C. Changes to the interior of a building where there are no exterior alterations;

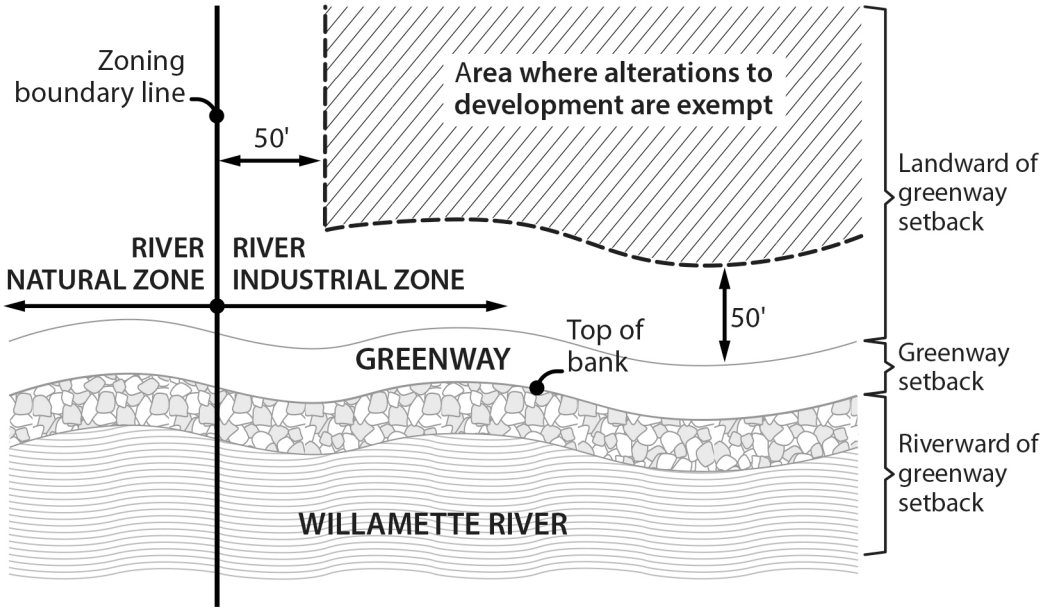
D. Development of or changes to the greenway trail or access paths provided that all development standards including the standards of Chapter 33.272, Major Public Trails, are met. Development of or changes in a viewpoint or view corridor, as indicated on Map 440-1, will require greenway review;

E. Activities allowed by the base zone which are usual and necessary for the use and enjoyment of an existing house, including the modification of existing accessory structures or facilities, and the construction of driveways;

F. Excavations and fills under 50 cubic yards;

G. The normal maintenance and repair necessary for an existing development;

Figure 440-4
Exemptions from Greenway Review



H. Dredging, channel maintenance, and the removal of gravel from rivers;

I. Emergency procedures necessary for the safety or protection of property. In the River Water Quality overlay zone setback, temporary emergency procedures for the safety or protection of property that result in permanent measures must meet the regulations of this chapter after the emergency has passed;

J. The placement of up to 4 single piles, or 2 multiple-pile dolphins for each 100 feet of shoreline for an existing river-dependent or river-related use;

K. Signs;

L. Removal of vegetation on the Nuisance Plants List; and

M. Removal of trees not located within or riverward of the greenway setback or within the boundaries of the n and q overlays. However, trees removed using this exemption continue to be subject to other applicable regulations of this title and Title 11, Trees.

33.440.330 Procedures

All development that does not require a Greenway Goal Exception is processed through the Type II procedure. All development that requires a Greenway Goal Exception is processed through a Type III procedure, and must be approved by City Council. See Chapter 33.840, Greenway Goal Exception and Chapter 33.850, Statewide Planning Goal Exceptions.

33.440.340 Notice to State Parks and Recreation Division.

BDS will forward a copy of all applications for greenway review to the Parks and Recreation Division of the Oregon Department of Transportation. The applications will be sent certified mail-return receipt requested. The notice of decision on all greenway reviews will also be forwarded to the Parks and Recreation Division.

33.440.345 Supplemental Application Requirements
In addition to the application requirements of Section 33.730.060, Application Requirements, the information below is required for Greenway review applications.

A. Supplemental site plans. One copy of each plan must be at a scale of at least one inch to 100 feet.

1. An existing conditions site plan, showing the following:

   a. Topography shown by contour lines at two foot vertical contours in areas of slope less than 10 percent and at five foot vertical contours in areas of slope ten percent or greater;

   b. The top of bank and the setback area and the structures and topographic contours referenced to determine the top of bank. The site plan depicting the top of bank must be drawn accurately to scale, and be suitable for reproduction on paper no smaller than 8.5 x 11 inches and no larger than 36 x 48 inches. The scale of the drawing must be between 1 inch = 50 feet, and 1 inch = 10 feet. Ground elevations must be shown by contour lines at 2-foot vertical intervals. See the definition of top of bank in 33.910.030;

   c. Distribution outline of shrubs and ground covers with a list of most abundant species;

   d. Trees identified by species, including the location of the drip line;

   e. Streams, wetlands, other water bodies, and drainage patterns, using arrows to indicate the direction of major drainage flow;

   f. Existing improvements such as structures, buildings, utility lines, fences, paved areas, roads, culverts, and bridges;

   g. Areas of known soil or groundwater contamination, areas of uncontained hazardous materials, and underground storage tanks; and

   h. Stormwater management facilities.

2. A development proposal site plan including:

   a. A grading plan showing proposed alteration of the ground at two foot vertical contours in areas of slopes less than 10 percent and at five foot vertical contours in areas of slopes ten percent or greater;

   b. Proposed improvements such as structures, buildings, utility lines, fences, paved areas, roads, culverts, bridges; stormwater facilities; and

   c. Areas where existing topography and vegetation will be left undisturbed.

3. A construction management site plan including:

   a. Areas that will be disturbed, including equipment maneuvering areas;

b. Location of site access and egress;

c. Equipment and material staging and stockpile areas;

d. Erosion control measures; and

e. Tree protection measures for trees to be preserved that meet the requirements of Title 11, Chapter 11.60, Technical Specifications.

B. River Quality overlay zone. The following information is required for Greenway review applications for development, exterior alterations, excavations, and fills in the River Water Quality overlay zone setback:

1. A mitigation or remediation plan including:

a. Detailed plans or drawings describing any proposed mitigation or remediation activities;

b. Distribution outline, species composition, and percent of ground covered with ground cover plants, shrubs, and trees to be seeded or planted;

c. Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;

d. Water bodies to be created, including depth; and

e. Planting specifications consistent with Section 33.248.090, Mitigation and Restoration Plantings.

2. Narrative. The following written narratives are required:

a. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria and to evaluate development alternatives for a particular development. The alternatives must be evaluated on the basis of their impact on the functional values of the water quality resource area. The impact evaluation is based on the functional values identified in the Purpose Statement, Section 33.440.010. An impact evaluation includes:

(1) Identification, by characteristics and quantity, of the functional values found on the site;

(2) Evaluation of alternative locations including outside the River Water Quality overlay zone setback, design modification, or alternative methods of development to determine which options reduce the significant detrimental impacts on the functional values of the site; and

(3) Determination of the alternative that best meets the applicable approval criteria and identification of significant detrimental impacts that are unavoidable.

b. Construction management plan. Identify measures that will be taken during construction or remediation to protect the remaining functional values at and near the construction site and a description of how undisturbed areas will be protected. For example, describe the timing of construction, how construction

equipment will be controlled, and describe how trees will be protected in conformance with Chapter 11.60, Technical Specifications, and erosion controlled in conformance with Title 10, Erosion and Sediment Control Regulations.

c. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to counteract unavoidable significant detrimental impacts that result from the chosen development alternative as identified in the impact evaluation. A mitigation or remediation plan includes:

(1) A description and analysis of how significant detrimental impacts will be avoided, minimized, or mitigated, as follows:
- Significant detrimental impacts must be avoided where practicable;
- Where avoiding significant detrimental impacts is not practicable, the impact must be minimized, and the impacts mitigated. The mitigation must meet the following:
  - The mitigation must be on the construction site, and must enhance the same kind of resource.
  - If it is not practicable to mitigate impacts using the same kind of resource, a different kind of resource may be used.

(2) Functional values to be restored, created, or enhanced on the mitigation or remediation site;

(3) Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;

(4) Construction timetables;

(5) Operations and maintenance practices;

(6) Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

33.440.350 Approval Criteria

The approval criteria for a greenway review have been divided by location or situation. The divisions are not exclusive; a proposal must comply with all of the approval criteria that apply to the site. A greenway review application will be approved if the review body finds that the applicant has shown that all of the approval criteria are met.

A. For all greenway reviews. The Willamette Greenway design guidelines must be met for all greenway reviews.

B. River frontage lots in the River Industrial zone. In the River Industrial zone, uses that are not river-dependent or river-related may locate on river frontage lots when the site is found to be unsuitable for river-dependent or river-related uses. Considerations include such constraints as the size or dimensions of the site, distance or isolation from other river-dependent or river-related uses, and inadequate river access for river-dependent uses.

C. Development within the River Natural zone. The applicant must show that the proposed development, excavation, or fill within the River Natural zone will not have significant detrimental environmental impacts on the wildlife, wildlife habitat, and scenic qualities of the lands zoned River Natural. The criteria applies to the construction and long-range impacts of the proposal, and to any proposed mitigation measures. Excavations and fills are prohibited except in conjunction with approved development or for the purpose of wildlife habitat enhancement, riverbank enhancement, or mitigating significant riverbank erosion.

D. Development on land within 50 feet of the River Natural zone. The applicant must show that the proposed development or fill on land within 50 feet of the River Natural zone will not have a significant detrimental environmental impact on the land in the River Natural zone.

E. Development within the greenway setback. The applicant must show that the proposed development or fill within the greenway setback will not have a significant detrimental environmental impact on Rank I and II wildlife habitat areas on the riverbank. Habitat rankings are found in the Lower Willamette River Wildlife Habitat Inventory.

F. Development riverward of the greenway setback. The applicant must show that the proposed development or fill riverward of the greenway setback will comply with all of the following criteria:

1. The proposal will not result in the significant loss of biological productivity in the river;
2. The riverbank will be protected from wave and wake damage;
3. The proposal will not:
   a. Restrict boat access to adjacent properties;
   b. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;
   c. Interfere with fishing use of the river;
   d. Significantly add to recreational boating congestion; and
4. The request will not significantly interfere with beaches that are open to the public.

G. Development within the River Water Quality overlay zone setback. If the proposal includes development, exterior alterations, excavations, or fills in the River Water Quality overlay zone setback the approval criteria below must be met. River-dependent development, exterior alterations, excavations, and fills in the River Water Quality zone are exempt from the approval criteria of this subsection.

1. Streets, right-of-way dedications, driveways, walkways, outfalls, and utilities. For streets, right-of-way dedications, driveways, walkways, outfalls, and utilities, the applicant's impact evaluation must demonstrate that all of the following are met:
   a. Proposed development or right-of-way (ROW) locations, designs, and construction methods have the least significant detrimental impact to the functional values of the water quality resource area than other practicable and

significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;

b. The location, design, and construction method of any outfall or utility proposed within a River Water Quality overlay zone has the least significant detrimental impact to the functional values of the water quality resource area than other practicable alternatives including alternatives outside the River Water Quality overlay zone setback;

c. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts. Where a water body is crossed, the location, design, and construction method of that crossing has the least significant detrimental impact to the functioning of the water body and considering practicable alternatives;

d. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed within the River Water Quality overlay zone setback;

e. All significant detrimental impacts on functional values that cannot be avoided will be mitigated by meeting the requirements of Subsection 33.440.350.H; and

f. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time.

2. Public safety facilities. For public safety facilities, the applicant’s impact evaluation must demonstrate that all of the following are met:

a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;

b. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed within the River Water Quality overlay zone setback;

c. All significant detrimental impacts on functional values will be offset through a mitigation plan;

d. The mitigation plan meets the requirements of Subsection 33.440.350.H; and

e. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time.

3. Resource enhancement projects. In the River Water Quality overlay zone setback, resource enhancement projects will be approved if the applicant's impact evaluation demonstrates that all of the following are met:

a. There will be no significant detrimental impact on functional values;

b. There will be a significant improvement of at least one functional value; and

c. The project is generally consistent with the recommendations of any applicable City-adopted watershed restoration plans.

4. Public recreational facilities. Public recreational trails, rest points, view points, and interpretative facilities will be approved if the applicant's impact evaluation demonstrates that all of the following are met:

   a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to the functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;

   b. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts. Where a water body is crossed, the location, design, and construction method of that crossing has the least significant detrimental impact to the natural functioning of the water body, considering practicable alternatives;

   c. The public benefits of the proposal outweigh all significant detrimental impacts;

   d. Areas disturbed during construction that do not contain permanent development will be restored with native vegetation appropriate to the site conditions and found on the *Portland Plant List*;

   e. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed within the River Water Quality overlay zone setback;

   f. All significant detrimental impacts on functional values that cannot be avoided will be compensated for through a mitigation plan meeting the requirements of Subsection 33.440.350.H; and

   g. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time.

5. Other development, excavations, and fills in the River Water Quality overlay zone setback. Where development, exterior alterations, excavation, or fill is proposed in the River Water Quality overlay zone setback, the applicant's impact evaluation must demonstrate that all of the following are met:

   a. Proposed development minimizes the loss of functional values, consistent with allowing those uses generally permitted or allowed in the greenway overlay zone without a land use review;

   b. Proposed development locations, designs, and construction methods are less detrimental to the functional values of the water quality resource area that other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;

   c. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed;

d. Areas disturbed during construction that do not contain permanent development will be restored with native vegetation appropriate to the site conditions and found in the *Portland Plant List*;

e. All significant detrimental impacts on functional values will be offset through mitigation;

f. The mitigation plan meets the requirements of Subsection 33.440.350.H;

g. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time; and

h. Where significant restoration or enhancement opportunities have been identified in City-adopted watershed restoration plans or where previous restoration projects have taken place, the proposed development will not preclude those restoration or enhancement opportunities or damage existing restoration projects.

H. Mitigation or remediation plans. Where a mitigation or remediation plan is required by the approval criteria of this chapter, the applicant's mitigation or remediation plan must demonstrate that the following are met:

1. Except when the purpose of the mitigation could be better provided elsewhere, mitigation will occur:

   a. On site and as close as practicable to the area of disturbance;

   b. Within the same watershed as the proposed use or development; and

   c. Within the Portland city limits.

2. The applicant owns the mitigation or remediation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation or remediation plan; or can demonstrate legal authority to acquire property through eminent domain;

3. The mitigation or remediation plan contains a construction timetable and a minimum 1 year monitoring and maintenance plan that demonstrates compliance with Subsection 33.248.090.E and includes the following elements:

   a. Identification of the responsible party or parties that will carry out the mitigation or remediation plan;

   b. Identification of clear and objective performance benchmarks that will be used to judge the mitigation or remediation plan success; and

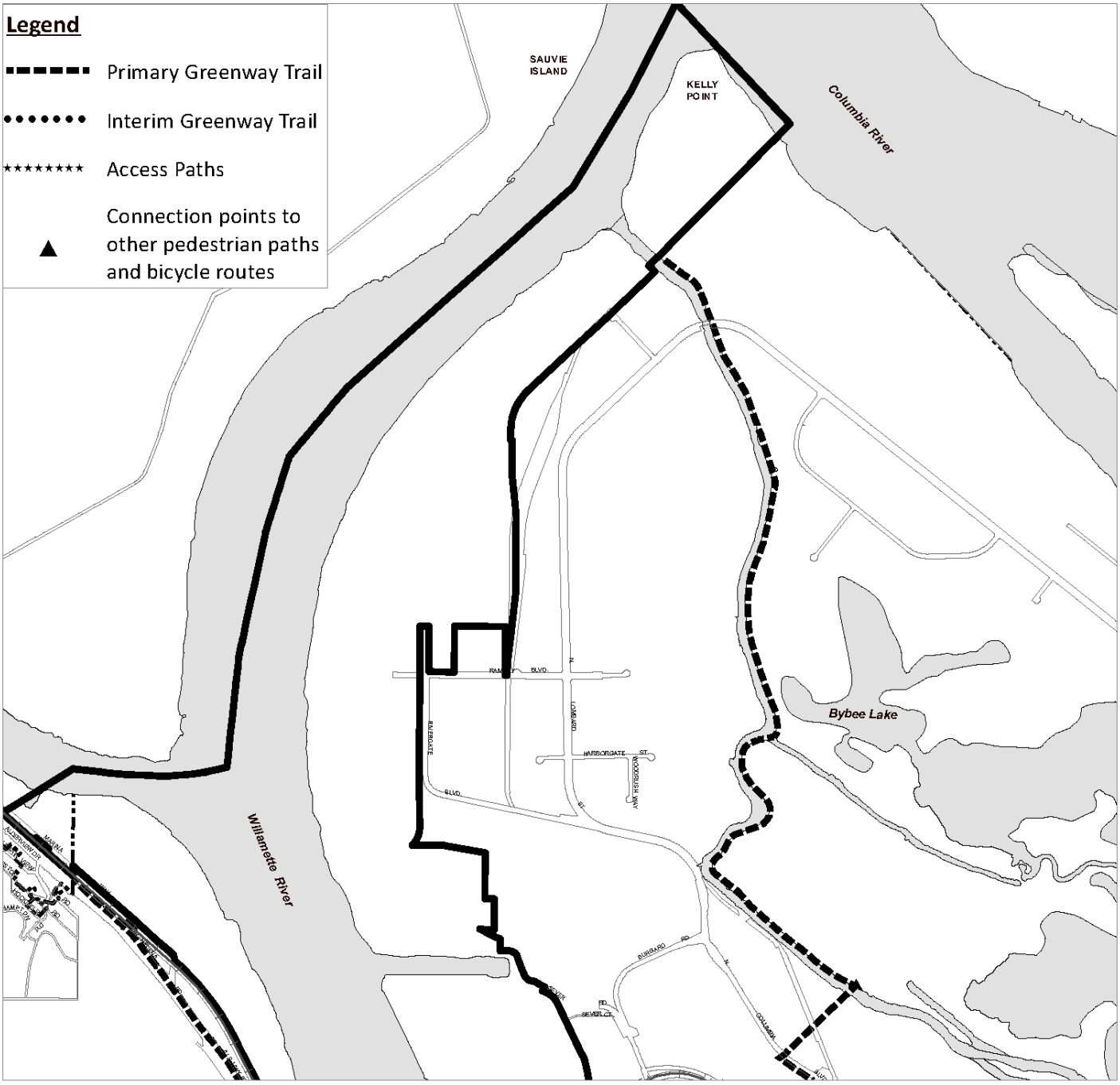
   c. A contingency plan that indicates the actions to be taken in the event that performance benchmarks are not met.

(Amended by: Ord. No. 171219, effective 7/1/97; Ord. No. 175837, effective 9/7/01; Ord. No. 176443, effective 5/30/02; Ord. No. 176784, effective 9/6/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177368, effective 5/17/03; Ord. No. 178509, effective 7/16/04; Ord. No. 179092, effective 4/1/05; Ord. No. 182429, effective 1/16/09; Ord. No. 183534, effective 7/1/10; Ord. No. 186053, effective 1/1/15; Ord. No. 189000, effective 7/9/18; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20.)

Willamette Greenway Public Access Map

Map 440-1

Map Revised August 10, 2020



Legend

City Boundary

Greenway Boundary

NORTH

0 2,000 4,000

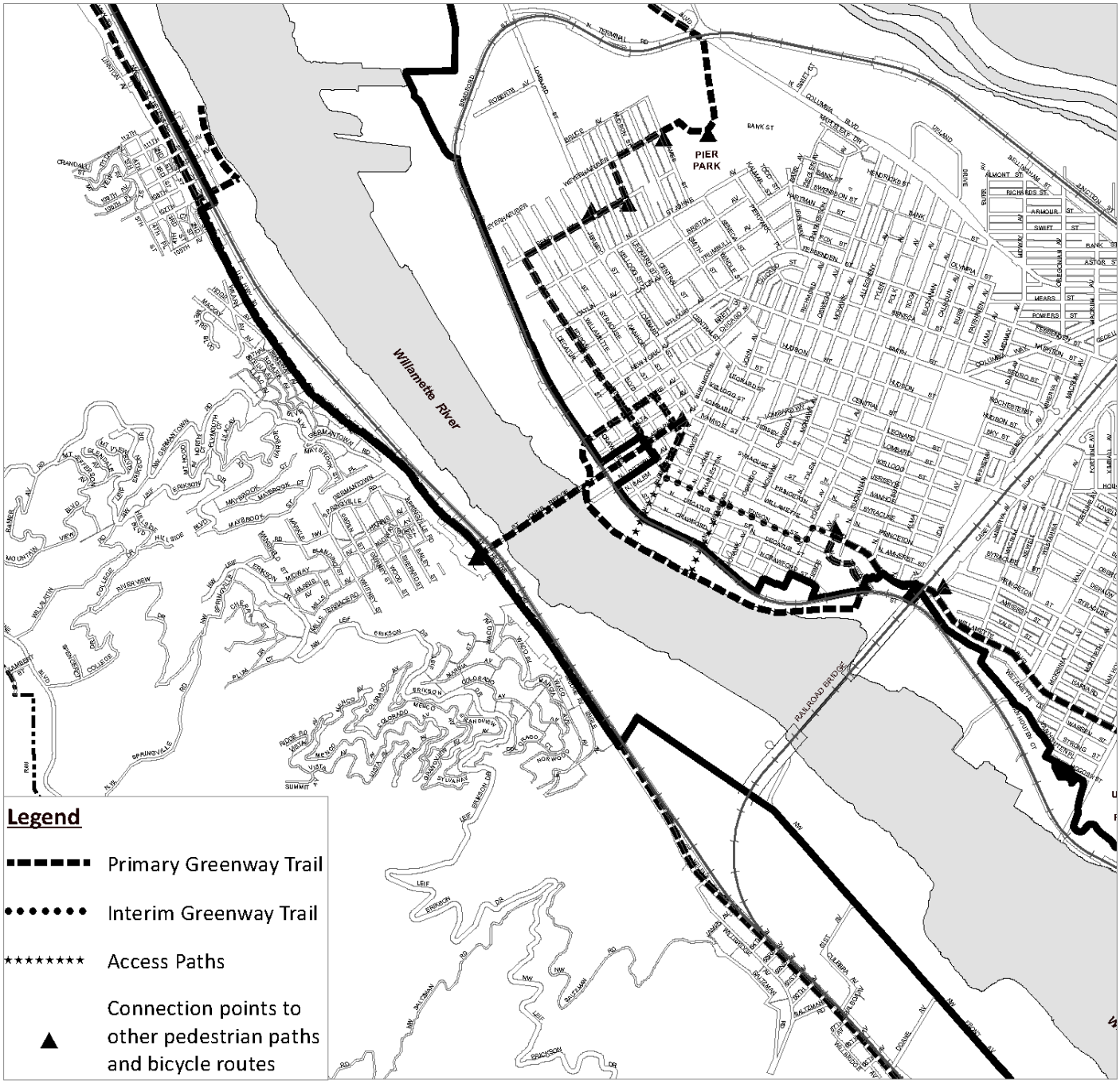
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Willamette Greenway Public Access Map

Map 440-1

Map Revised August 10, 2020



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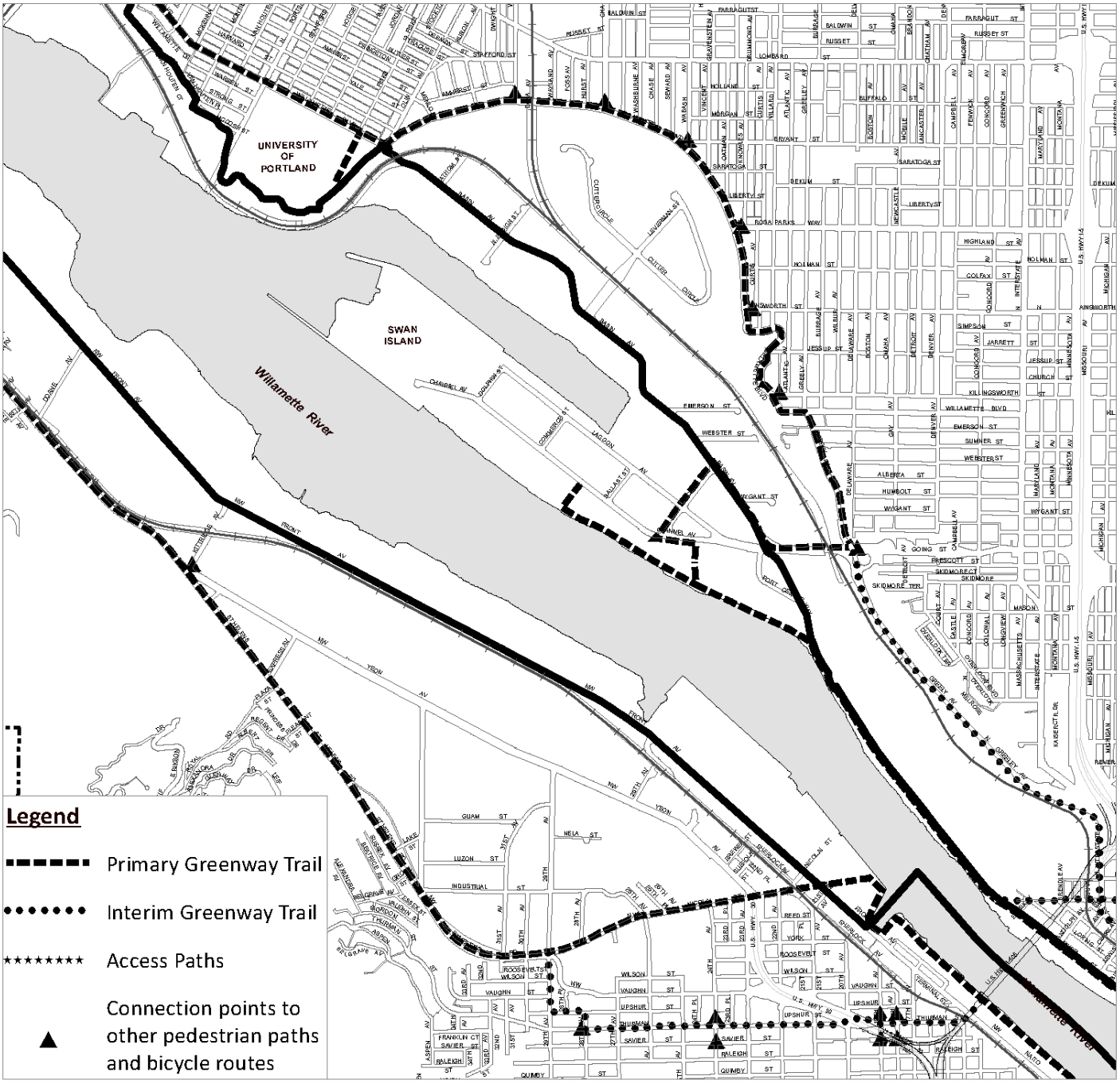

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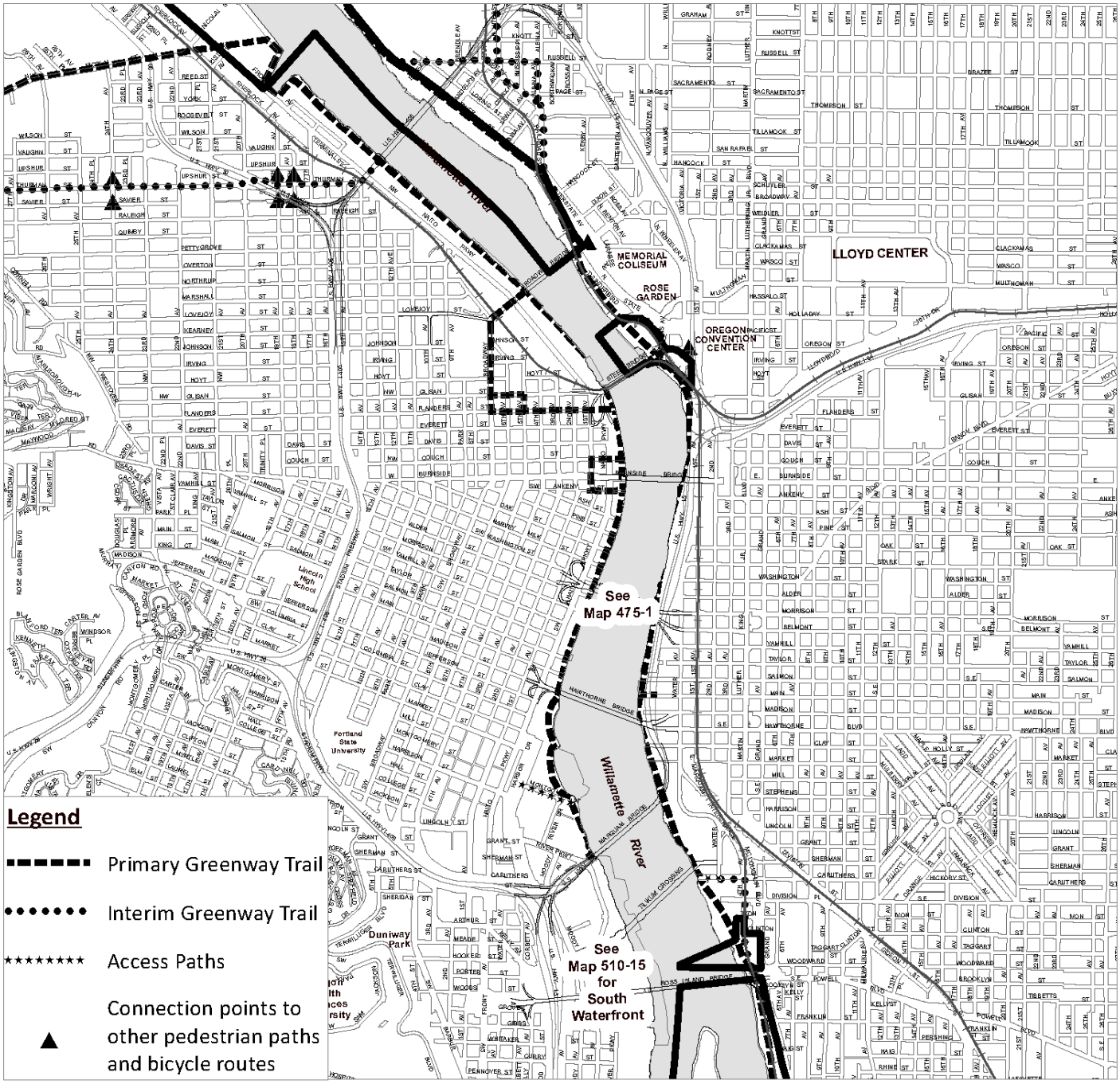

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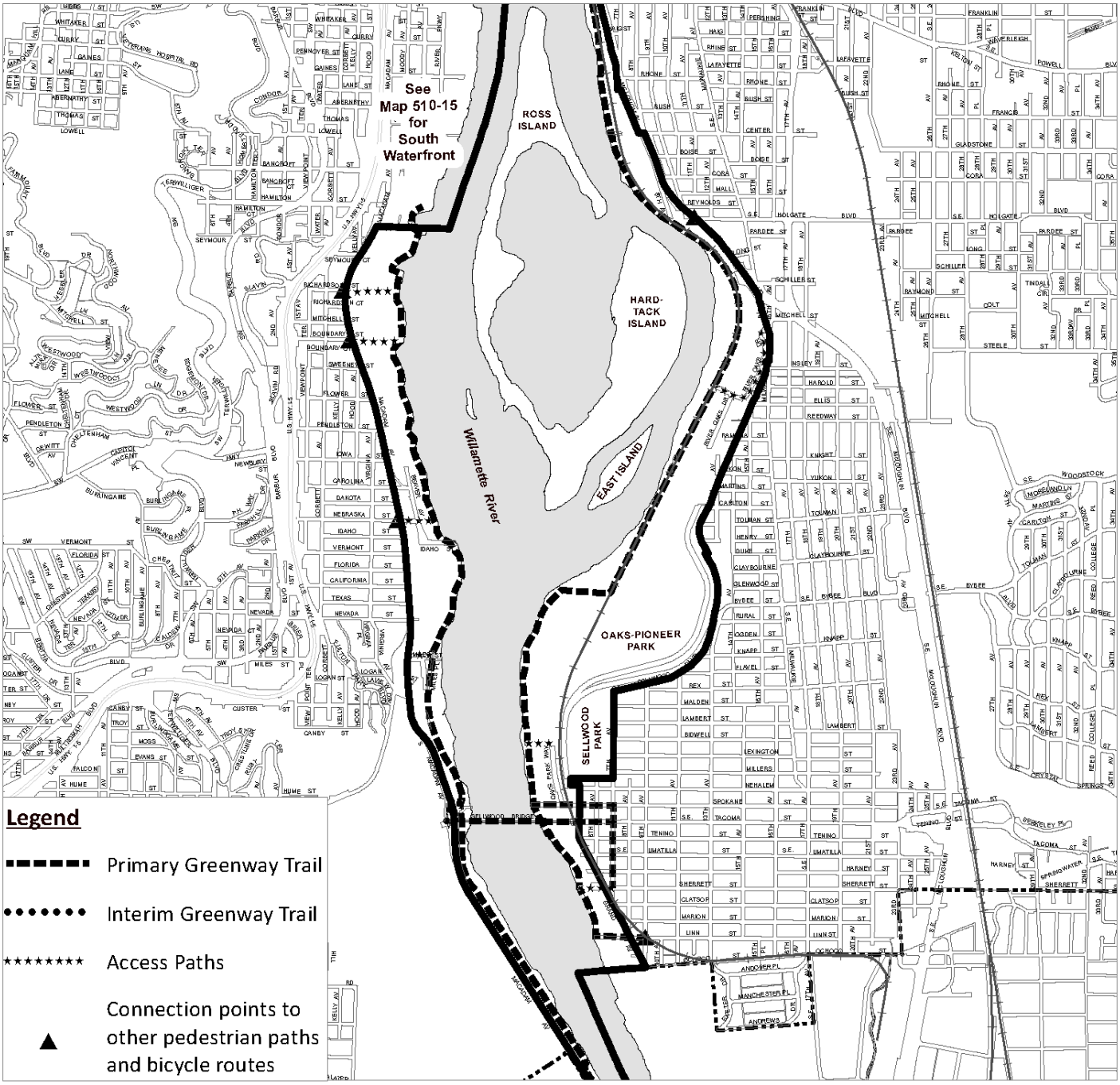

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City Boundary

Greenway Boundary

NORTH

0 2,000 4,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.445 Historic Resource Overlay Zone

445

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General

33.445.010 Purpose

This chapter protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

33.445.020 Where These Regulations Apply

- Sections 33.445.010 through .810 apply to all historic resources.
- Sections 33.445.100 through .150 apply to Historic Landmarks, including those within Historic Districts and Conservation Districts.
- Sections 33.445.200 through .240 apply to Conservation Landmarks, including those within Historic Districts and Conservation Districts.
- Sections 33.445.300 through .330 apply to Historic Districts and to the portions of Conservation Districts that are within a Historic District.
- Sections 33.445.400 through .430 apply to Conservation Districts that are not within a Historic District.
- Sections 33.445.500 through .520 apply to historic resources listed in the City's Historic Resource Inventory.

33.445.030 Types of Historic Resource Designations and Map Symbols

A. Historic Landmark. This type of resource may be an individual structure, site, tree, landscape, or other object that is of historic or cultural significance. A Historic Landmark generally derives its significance from at least two of the following:

- The importance of its designer, previous owners, or builder in local, state, or national history;
- The quality of its architecture or landscaping;
- The fact that it is one of a few remaining examples of a building type that is of significance in local, state, or national history;
- Association with a significant cultural or ethnic group; or
- The role it has played in shaping local, state, or national history.

Information supporting a specific resource's designation is found in the City's Historic Resource Inventory, its National Register nomination, or the local evaluation done in support of the resource's designation.

B. **Conservation Landmark.** This type of resource may be an individual structure, site, tree, landscape, or other object that is of historical or cultural interest at the local or neighborhood level. Conservation Landmarks are examples of developments that have helped create the character of the region's districts and neighborhoods. A Conservation Landmark generally derives its significance from at least two of the following:

- The importance of its designer, previous owners, or builder in local, state, or national history;
- The quality of its architecture or landscaping;
- The fact that it is one of a few remaining examples of a building type that is of significance in the neighborhood's history;
- Association with a significant cultural or ethnic group; or
- The role it has played in creating the historic character of the area where it is located.

Information supporting a specific resource's designation is found in the City's Historic Resource Inventory or the local evaluation done in support of the resource's designation.

C. **Historic District.** This type of resource is a collection of individual resources that is of historical or cultural significance at the local, state, or national level. Information supporting a specific district's designation is found in the City's Historic Resource Inventory, its National Register nomination, or the local evaluation done in support of the district's designation.

D. **Conservation District.** This type of resource is a collection of individual resources that is of historical or cultural significance at the local or neighborhood level. Information supporting a specific district's designation is found in the City's Historic Resource Inventory or the local evaluation done in support of the district's designation.

E. **Historic Resource Inventory Listing.** This type of resource is listed in the City's Historic Resource Inventory. The Inventory is a catalogue of historic resources that may be eligible for landmark or district designation. Most resources listed in the Inventory are given a ranking of I, II, or III; some are unranked. Rank I and II resources may be eligible for listing in the National Register; Rank I resources are given the highest priority for listing. Rank III resources may be eligible for listing in the National Register as part of a Historic District.

F. **Map symbols.** Boundaries of Historic Districts and Conservation Districts are shown on the Official Zoning Maps. Historic Landmarks and Conservation Landmarks are also shown on the Official Zoning Maps.

33.445.040 Adoption of Design Guidelines

Design guidelines for Historic Districts and Conservation Districts are reviewed and approved by the Historic Landmarks Commission and adopted by City Council. These guidelines are used for historic resource review, which is required for some alterations to historic resources. Historic resource review ensures the conservation and enhancement of the special characteristics of historic resources.

33.445.050 Modifications that Enhance Historic Resources

The review body may grant modifications to site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the historic resource review process. However, the review body may not consider modification to a parking and loading regulation within the Central City Plan District, or modifications to development standards for which an adjustment is prohibited. Modifications made as part of historic resource review are not required to go through a separate adjustment process. To obtain approval of a modification to site-related development standards, the applicant must show that the proposal meets the approval criteria stated in Section 33.846.070, Modifications Considered During Historic Resource Review. Modifications to all other standards are subject to the adjustment process. Modifications that are denied through historic resource review may be requested through the adjustment process.

33.445.060 Notice of Building and Housing Code Violations

When the Bureau of Development Services declares a Historic Landmark or Conservation Landmark to be a dangerous building or posts a landmark to remain vacant, they will notify the Historic Landmarks Commission of such action and of the specific code violations. The notice must be sent within five working days of the action. The notice provides the Historic Landmarks Commission and the community the opportunity to inform the owner of potential rehabilitation programs and benefits or to pursue public or private acquisition and restoration of the landmark.

Historic Landmarks

33.445.100 Designation of a Historic Landmark

Local designation of Historic Landmarks may be established by the Historic Landmark Commission through a legislative or quasi-judicial procedure.

A. **Designation by Historic Landmark Commission.** Historic Landmark designation may be established by the Historic Landmark Commission through a legislative procedure, using the approval criteria of Section 33.846.030.C.

B. **Quasi-judicial designation.** Historic Landmark designation may be established through a quasi-judicial procedure; historic designation review is required.

33.445.110 Removal of a Historic Landmark Designation

A. Requests for removal. Removal of a resource's designation as a local Historic Landmark requires a historic designation removal review, except when the resource is destroyed or relocated as specified in Subsections B and C, below.

B. Removal after destruction. If the resource is destroyed by causes beyond the control of the owner, its Historic Landmark designation is automatically removed.

C. Removal after demolition. If the resource is demolished or relocated, after approval of demolition through demolition review or after demolition delay, its Historic Landmark designation is automatically removed.

33.445.120 Historic Preservation Incentives for Historic Landmarks

Historic Landmarks are eligible to use historic preservation incentives and preservation agreements. See Sections 33.445.600 through 610.

33.445.130 Relocation of a Historic Landmark

When a Historic Landmark is relocated, the following apply:

A. The receiving site is subject to Section 33.846.060, Historic Resource Review. If the applicant wishes to retain the Historic Landmark designation at the receiving site, the receiving site is also subject to Section 33.846.030, Historic Designation Review.

B. The Historic Landmark designation is automatically removed from the sending site; see Section 33.855.075, Automatic Map Amendments For Historic resources

C. When there is a preservation agreement that requires demolition review before demolition or relocation will be allowed, the sending site is also subject to Section 33.846.080, Demolition Review.

33.445.140 Alterations to a Historic Landmark

Alterations to a Historic Landmark require historic resource review to ensure the landmark's historic value is considered prior to or during the development process.

A. When historic resource review for a Historic Landmark is required. Unless exempted by Subsection B, below, the following proposals are subject to historic resource review. Some modifications to site-related development standards may be reviewed as part of the historic resource review process; see Section 33.445.050:

1. Exterior alterations;
2. Change of exterior color when:
   a. Exterior color or material is specifically listed in the Historic Resources Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value; or
   b. Other proposed alterations to the landmark require review and the proposed alterations include a change of exterior color; or
   c. Exterior color has been specifically required through a land use review.
3. Installation or alteration of exterior signs;
4. Alteration of an interior space when that interior space is designated as a Historic Landmark; and
5. Proposals using any of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080.

B. Exempt from historic resource review.

1. Construction of a detached accessory structure with 200 square feet or less of floor area when the accessory structure is at least 40 feet from a front property line and, if on a corner lot, at least 25 feet from a side street lot line;
2. Alterations that do not require a building, site, zoning, or sign permit from the City, and that will not alter the exterior features of a resource having such features specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or

National Register nomination as attributes that contribute to the resource's historic value;

3. Alterations in landscaping unless the landscaping is identified in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the historic value of a Historic Landmark;

4. Parking lot landscaping that meets the standards of this Title and does not include a wall or a fence;

5. Repair;

6. Maintenance;

7. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, that is added to the roof of an existing building if the following are met:

    a. The area where the equipment will be installed must have a pitch of 1/12 or less;

    b. No more than 8 mechanical units are allowed, including both proposed and existing units;

    c. The proposed mechanical equipment must be set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment above the roof surface or top of parapet; and

    d. The proposed equipment must have a matte finish or be painted to match the roof.

8. Rooftop vents installed on roofs if the vent and associated elements such as pipes, conduits and covers meet the following:

    a. The area where the vent and associated elements will be installed must have a pitch of 1/12 or less;

    b. The proposed vent and associated elements must not be more than 30 inches high and no larger than 18 inches in width, depth, or diameter;

    c. The proposed vent and associated elements must be set back at least 4 feet from the edge of the rooftop for every 1 foot of height above the roof surface or top of parapet; and

    d. The proposed vent and associated elements must have a matte finish or be painted to match the roof.

9. Public Art as defined in Chapter 5.74;

10. Exterior Alterations to accommodate persons with disabilities in accordance with Chapter 11 of the Oregon Structural Specialty Code, when such alterations can be installed and removed without destroying existing materials;

11. Light wells when fully surrounded by the existing walls of the building;

12. Installation or removal of storm windows and doors; and

13. Installation or removal of screen windows and doors.

33.445.150 Demolition of a Historic Landmark

Demolition of a Historic Landmark requires one of two types of review to ensure the landmark's historic value is considered. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

A. Demolition review.

1. When demolition review is required. Unless exempted by Subsection C, below, demolition of a Historic Landmark is subject to demolition review if:

   a. It is individually listed in the National Register of Historic Places; or

   b. There is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the Historic Landmark.

2. Issuance of a demolition permit after demolition review. If the review body for demolition review approves demolition of the Historic Landmark, a permit for demolition will not be issued until the following are met:

   a. The decision in the demolition review is final;

   b. At least 120 days have passed since the date the Director of the Bureau of Development Services determined that the application was complete; and

   c. A permit for a new building on the site has been issued. The demolition and building permits may be issued simultaneously.

B. 120-day delay. Unless addressed by Subsection A, above, or exempted by Subsection C, below, all Historic Landmarks are subject to 120-day delay.

C. Exempt from demolition review and 120-day delay. The following are exempt from demolition review and 120-day delay:

1. Demolition of Historic Landmarks required to be demolished because:

   a. The Bureau of Development Services requires the demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or

   b. The Code Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.

2. Demolition of detached accessory structures no larger than 200 square feet, unless the accessory structure is identified in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the historic value of the Historic Landmark.

Conservation Landmarks

33.445.200 Designation of a Conservation Landmark

Conservation Landmarks may be designated by the Historic Landmark Commission through a legislative procedure or through a quasi-judicial procedure.

A. Designation by Historic Landmark Commission. Conservation Landmark designation may be established by the Historic Landmark Commission through a legislative procedure, using the approval criteria of Section 33.846.030.C.

B. Quasi-judicial designation. Conservation Landmark designation may be established through a quasi-judicial procedure; historic designation review is required.

33.445.210 Removal of a Conservation Landmark Designation

A. Requests for removal. Removal of a resource's designation as a Conservation Landmark requires a historic designation removal review, except when the resource is destroyed or relocated as specified in Subsections B and C, below.

B. Removal after destruction. If the resource is destroyed by causes beyond the control of the owner, its Conservation Landmark designation is automatically removed.

C. Removal after demolition. If the resource is demolished or relocated, after either approval of demolition through demolition review or after 120-day delay, its Conservation Landmark designation is automatically removed.

33.445.220 Historic Preservation Incentives for Conservation Landmarks

Conservation Landmarks are eligible to use historic preservation incentives and preservation agreements. See Sections 33.445.600 through .610.

33.445.225 Relocation of a Conservation Landmark

When a Conservation Landmark is relocated, the following apply:

A. The receiving site is subject to Section 33.846.060, Historic Resource Review. If the applicant wishes to retain the Conservation Landmark designation at the receiving site, the receiving site is also subject to Section 33.846.030, Historic Designation Review.

B. The Conservation Landmark designation is automatically removed from the sending site; see Section 33.855.075, Automatic Creation or Removal of Historic Resource Designation.

C. When there is a preservation agreement that requires demolition review before demolition or relocation will be allowed, the sending site is also subject to Section 33.846.080, Demolition Review.

33.445.230 Alterations to a Conservation Landmark

Alterations to Conservation Landmarks require historic resource review to ensure the landmark's historic value is considered prior to or during the development process.

A. When historic resource review for a Conservation Landmark is required. Unless exempted by Subsection B, below, the following proposals are subject to historic resource review.

Some may be eligible to use the Community Design Standards as an alternative; see Section 33.445.710:

1. Exterior alteration;
2. Change of exterior color when:
   a. Exterior color or material is a character defining features that is specifically listed in the Historic Resource Inventory, Conservation Landmark nomination, or National Register nomination; or
   b. Other proposed alterations to the landmark require review and the proposed alterations include a change of exterior color; or
   c. Exterior color has been specifically required through a land use review.
3. Installation or alteration of exterior signs;
4. Alteration of an interior space when that interior space is designated as a Conservation Landmark; and
5. Proposals using one of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080.

B. Exempt from historic resource review.

1. Construction of a detached accessory structure with 200 square feet or less of floor area when the accessory structure is at least 40 feet from the front property line and, if on a corner lot, at least 25 feet from a side street lot line;
2. Alterations that do not require a building, site, zoning, or sign permit from the City, and that will not alter the exterior features of a resource having such features specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as attributes that contribute to the resource's historic value;
3. Alterations in landscaping unless the landscaping is identified in the Historic Resource Inventory, Landmark nomination, or National Register nomination as an attribute that contributes to the historic value of a Conservation Landmark;
4. Parking lot landscaping that meets the standards of this Title and does not include a wall or fence;
5. Repair;
6. Maintenance;
7. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, that is added to the roof of an existing building if the following are met:
   a. The area where the equipment will be installed must have a pitch of 1/12 or less;
   b. No more than 8 mechanical units are allowed, including both proposed and existing units;

c. The proposed mechanical equipment must be set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment above the roof surface or top of parapet; and

d. The proposed equipment must have a matte finish or be painted to match the roof;

8. Rooftop vents installed on roofs if the vent and associated elements such as pipes, conduits and covers meet the following:

a. The area where the vent and associated elements will be installed must have a pitch of 1/12 or less;

b. The proposed vent and associated elements must not be more than 30 inches high and no larger than 18 inches in width, depth, or diameter;

c. The proposed vent and associated elements must be set back at last 4 feet from the edge of the rooftop for every 1 foot of height above the roof surface or top of parapet; and

d. The proposed vent and associated elements must have a matte finish or be painted to match the roof.

9. Public Art as defined in Chapter 5.74;

10. Exterior alterations to accommodate persons with disabilities in accordance with Chapter 11 of the Oregon Structural Specialty Code, when such alterations can be installed and removed without destroying existing materials;

11. Light wells when fully surrounded by the existing walls of the building;

12. Installation or removal of storm windows and doors; and

13. Installation or removal of screen windows and doors.

33.445.240 Demolition of a Conservation Landmark

Demolition of a Conservation Landmark requires one of two types of review to ensure the landmark's historic value is considered. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

A. Demolition review.

1. When demolition review is required. Unless exempted by Subsection C, below, demolition of a Conservation Landmark is subject to demolition review if there is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the Conservation Landmark.

2. Issuance of a demolition permit after demolition review. If the review body for demolition review approves demolition of the Conservation Landmark, a permit for demolition will not be issued until the following are met:

a. The decision in the demolition review is final;

b. At least 120 days have passed since the date the Director of the Bureau of Development Services determined that the application was complete; and

c. A permit for a new building on the site has been issued. The demolition and building permits may be issued simultaneously.

B. 120-day delay. Unless addressed by Subsection A, above, or exempted by Subsection C, below, all Conservation Landmarks are subject to 120-day delay.

C. Exempt from demolition review and 120-day delay. The following are exempt from demolition review and 120-day delay.

1. Demolition of Conservation Landmarks required to be demolished because:

   a. The Bureau of Development Services requires the demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or

   b. The Code Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.

2. Demolition of detached accessory structures no larger than 200 square feet, unless the accessory structure is identified in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the historic value of a Historic Landmark.

Historic Districts

33.445.300 Designation of a Historic District

Local designation of Historic Districts may be established by the Historic Landmark Commission through a legislative or quasi-judicial procedure.

A. Designation by Historic Landmark Commission. Historic District designation may be established by the Historic Landmark Commission through a legislative procedure, using the approval criteria of Section 33.846.030.C.

B. Quasi-judicial designation. Historic District designation may be established through a quasi-judicial procedure; historic designation review is required.

33.445.310 Removal of a Historic District Designation

Removal of a resource's designation as a local Historic District requires a historic designation removal review.

33.445.315 Preservation Agreements in Historic Districts

Historic resources in Historic Districts are eligible for the preservation agreement detailed in Section 33.445.600.

33.445.320 Development and Alterations in a Historic District
Building a new structure or altering an existing structure in a Historic District requires historic resource review to ensure the resource's historic value is considered prior to or during the development process.

A. When historic resource review is required in a Historic District. Unless exempted by Subsection B, below, the following proposals in a Historic District are subject to historic resource review:

1. Exterior alterations;
2. Building a new structure;
3. Installation or alteration of exterior signs;
4. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for historic resource review; and
5. Proposals using one of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080.

B. Exempt from historic resource review.

1. Construction of a detached accessory structure with 200 square feet or less of floor area when the accessory structure is at least 40 feet from a front property line and, if on a corner lot, at least 25 feet from a side street lot line;
2. Alterations that do not require a building, site, zoning, or sign permit from the City, and that will not alter the exterior features of a resource having such features specifically listed in the Historic Resource Inventory, Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value;
3. Alterations to noncontributing resources where the alterations:
   a. Affect only non-street-facing facades; and
   b. The total area altered on all facades is up to 150 square feet. Calculation of the area of the façades affected includes the sum of the area of each alteration.
4. Alterations to existing basement windows, where the alterations:
   a. Affect only non-street-facing facades; and
   b. Are limited to any combination of the following:
      (1) Replacement of windows in the same size opening, provided the window glass is recessed at least 2 inches from the outside edge of the exterior wall;
      (2) Replacement of windows in a larger or smaller opening, provided that at least half of the area of the new window opening is below grade and the

window glass is recessed at least 2 inches from the outside edge of the exterior wall. See Figure 445-1.

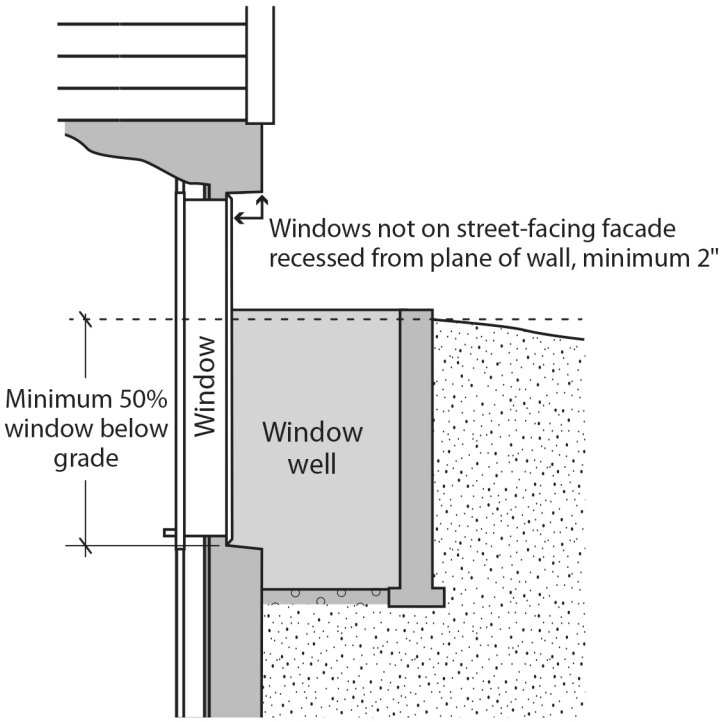
5. Parking lot landscaping that meets the standards of this Title and does not include a wall or fence;

6. Repair;

7. Maintenance;

8. Improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping, that meet the City Engineer's standards;

Figure 445-1
Basement Windows Replacement



9. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, that is added to the roof of an existing building if the following are met.

   a. The area where the equipment will be installed must have a pitch of 1/12 or less;

   b. No more than 8 mechanical units are allowed, including both proposed and existing units;

   c. The proposed mechanical equipment must be set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment above the roof surface or top of parapet; and

d. The proposed equipment must have a matte finish or be painted to match the roof.

10. Vents. On all residential structures in the RF through RM2 zones and residential structures with up to three dwelling units in other zones, vents that meet all of the following:

a. Wall vents. Vents installed on walls must meet the following. The regulations and measurements include elements associated with the vent, such as pipes and covers. The vent must:

(1) Be on a non-street facing facade;

(2) Project no more than 12 inches from the wall;

(3) Be no more than 1 square foot in area, where the area is width times height. The cumulative area of all proposed vents may be up to 2 square feet;

(4) Be at least 1 foot away from architectural features such as windows, doors, window and door trim, cornices and other ornamental features, except when located at or below finish first floor framing; and

(5) Be painted to match the adjacent surface.

b. Rooftop vents. Vents installed on roofs, and associated elements such as pipes, conduit and covers, must meet the following:

(1) Be on a flat roof;

(2) Not be more than 30 inches high and no larger than 18 inches in width, depth, or diameter;

(3) Set back from the perimeters of the building at least 4 feet for every 1 foot of height; and

(4) Painted to match the adjacent surface.

11. Solar energy systems that meet the following requirements. When solar energy systems are proposed as part of a project that includes elements subject to historic resource review, the solar energy systems is not exempt:

a. On a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface. The solar energy system must be mounted flush or on racks, with the system or rack extending no more than 5 feet above the top of the highest point of the roof. Solar energy systems must also be screened from the street by:

(1) An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or

(2) Setting the solar energy system back from the roof edges facing the street 4 feet for each foot of solar energy system height.

b. On a pitched roof. Solar energy systems may be on a pitched roof facing a rear lot line or on a pitched roof surface facing within 45 degrees of the rear lot line. See Figure 445-2. The system must be mounted flush, with the plane of the system parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline. See Figure 445-3.

12. Skylights or roof hatches that meet the following requirements:

a. The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or

b. The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 45 degrees of the rear lot line, see Figure 445-2.

Figure 445-2
Solar Energy System, Skylight and Roof Hatch Location on Rooftop

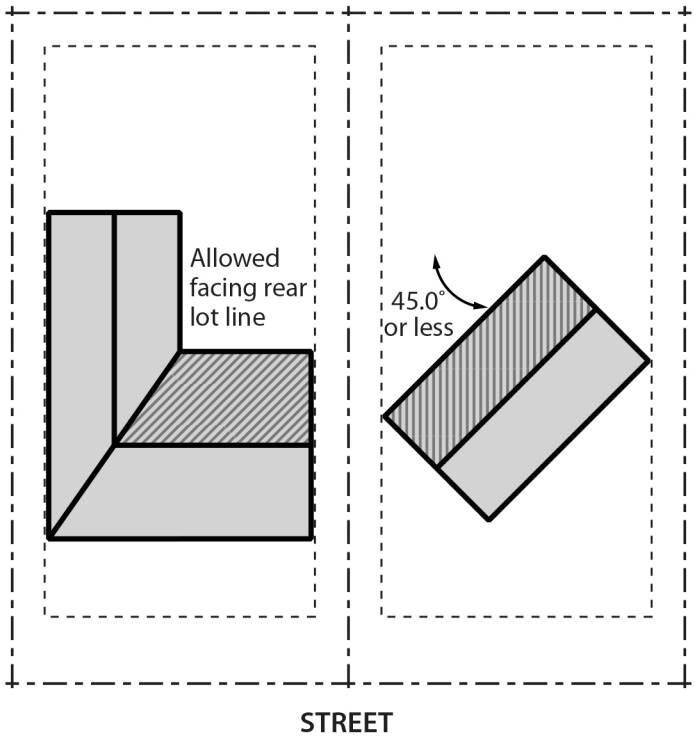
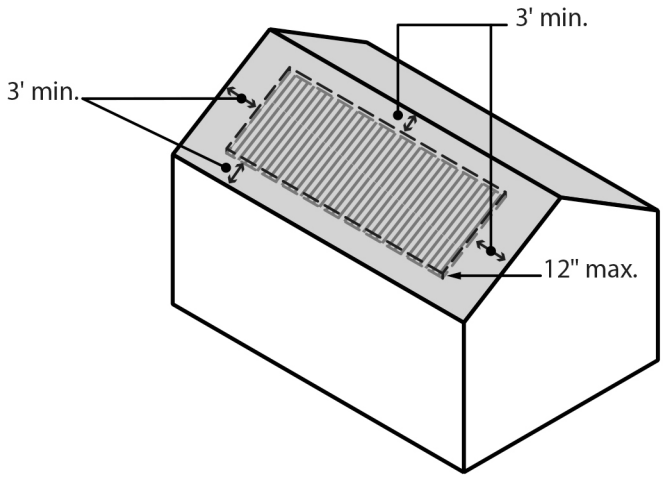


Figure 445-3
Solar Energy Systems on a Pitched Roof



13. Radon mitigation systems on non-street facing facades;
14. Eco-roofs installed on existing buildings when the roof is flat or surrounded by an existing parapet that is at least 12 inches higher than the highest part of the eco-roof surface. When eco-roofs are proposed as part of a project that includes elements subject to historic resource review, the eco-roofs are not exempt. Plants must be species that do not characteristically exceed 12 inches in height at mature growth;
15. Public Art as defined in Chapter 5.74;
16. Permitted Original Art Murals as defined in Title 4 if the mural is proposed on a building that is not identified as contributing to the historic significance of a Historic District;
17. Exterior alterations to accommodate persons with disabilities in accordance with Chapter 11 of the Oregon Structural Specialty Code, when such alterations can be installed and removed without destroying existing materials;
18. Alterations to light wells when fully surrounded by the existing walls of the building;
19. Installation or removal of storm windows and doors;
20. Installation or removal of screen windows and doors;
21. Fences, retaining walls, and decks that meet the standards of this Title; and
22. Removal of fire escapes when required by the Fire Marshal.

33.445.330 Demolition of Historic Resources in a Historic District
Historic Landmarks in a Historic District are subject to the regulations of Section 33.445.150. Conservation Landmarks in a Historic District are subject to the regulations of Section 33.445.240. Demolition of other historic resources within a Historic District requires demolition review to ensure their historic value is considered. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

A. Demolition review.

1. When demolition review is required. Unless exempted by Subsection B, below, demolition of a historic resource in a Historic District is subject to demolition review if:

   a. It is a structure that is identified as contributing to the historic significance of a Historic District; or

   b. There is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the historic resource.

2. Issuance of a demolition permit after demolition review. If the review body for demolition review approves demolition of the resource, a permit for demolition will not be issued until the following are met:

   a. The decision in the demolition review is final;

   b. At least 120 days have passed since the date the Director of the Bureau of Development Services determined that the application was complete; and

   c. A permit for a new building on the site has been issued. The demolition and building permits may be issued simultaneously.

B. Exempt from demolition review. Historic resources in Historic Districts required to be demolished because of the following are exempt from demolition review:

1. The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or

2. The Code Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.

Conservation Districts

33.445.400 Designation of a Conservation District

Conservation Districts may be designated by the Historic Landmark Commission through a legislative procedure or may be designated through a quasi-judicial procedure.

A. Designation by Historic Landmark Commission. Conservation District designation may be established by the Historic Landmark Commission through a legislative procedure, using the approval criteria of Section 33.846.030.C.

B. Quasi-judicial designation. Conservation District designation may be established through a quasi-judicial procedure; historic designation review is required.

33.445.410 Removal of a Conservation District Designation

Removal of a resource's designation as a Conservation District requires a historic designation removal review.

33.445.415 Preservation Agreements in Conservation Districts
Historic resources in Conservation Districts are eligible for the preservation agreement detailed in Section 33.445.600.

33.445.420 Development and Alterations in a Conservation District
Building a new structure or altering an existing structure in a Conservation District requires historic resource review to ensure the resource's historic value is considered prior to or during the development process.

A. When historic resource review is required in a Conservation District. Unless exempted by Subsection B., below, the following proposals in a Conservation District are subject to historic resource review. Some may be eligible to use the Community Design Standards as an alternative; see Section 33.445.710:

1. Exterior alterations;
2. Building a new structure;
3. Installation or alteration of exterior signs;
4. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for historic resource review; and
5. Proposals using one of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080.

B. Exempt from historic resource review.

1. Construction of a detached accessory structure with 200 square feet or less of floor area when the accessory structure is at least 40 feet from a front property line and, if on a corner lot, 25 feet from a side street property line;
2. Alterations that do not require a building, site, zoning, or sign permit from the City, and that will not alter the exterior features of a resource having such features specifically listed in the Historic Resource Inventory, Landmark nomination, or National Register nomination as attributes that contribute to the resource's historic value;
3. Alterations to noncontributing resources where the alterations:
   a. Affect only non-street-facing facades; and
   b. The total area altered on all facades is up to 150 square feet. Calculation of the area of the facades affected includes the sum of the area of each alteration.
4. Alterations to existing basement windows, where the alterations:
   a. Affect only non-street-facing facades; and
   b. Are limited to any combination of the following exclusive of any other exempt alterations:

(1) Replacement of windows in the same size opening, provided the window glass is recessed at least 2 inches from the outside edge of the exterior wall;

(2) Replacement of windows in a larger or smaller opening, provided that at least half of the area of the new window opening is below grade and the window glass is recessed at least 2 inches from the outside edge of the exterior wall. See Figure 445-1.

5. Parking lot landscaping that meets the standards of this Title and does not include a wall or fence;

6. Repair;

7. Maintenance;

8. Improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping, that meet the City Engineer's standards;

9. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, that is added to the roof of an existing building if the following are met.

   a. The area where the equipment will be installed must have a pitch of 1/12 or less;

   b. No more than 8 mechanical units are allowed, including both proposed and existing units;

   c. The proposed mechanical equipment must be set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment above the roof surface or top of parapet; and

   d. The proposed equipment must have a matte finish or be painted to match the roof.

10. Vents. On all residential structures in the RF through RM2 zones and residential structures with up to three dwelling units in other zones, vents that meet all of the following:

   a. Wall vents. Vents installed on walls must meet the following. The regulations and measurements include elements associated with the vent, such as pipes and covers. The vent must:

      (1) Be on a non-street facing façade;

      (2) Project no more than 12 inches from the wall;

      (3) Be no more than 1 square foot in area, where the area is width times height. The cumulative area of all proposed vents may be up to 2 square feet;

      (4) Be at least 1 foot away from architectural features such as windows, doors, window and door trim, cornices and other ornamental features, except when located at or below finish first floor framing; and

(5) Be painted to match the adjacent surface.

b. Rooftop vents. Vents installed on roofs, and associated elements such as pipes, conduits and covers, must meet the following:

(1) Be on a flat roof;

(2) Not be more than 30 inches high and no larger than 18 inches in width, depth, or diameter;

(3) Set back from the perimeters of the building at least 4 feet for every 1 foot of height; and

(4) Painted to match the adjacent surface.

11. Solar energy systems added to an existing building that is neither a Conservation Landmark or Historic Landmark that meet the following requirements:

a. Rooftop solar energy systems must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;

b. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface;

c. Photovoltaic glazing may be integrated into windows or skylights.

12. Skylights or roof hatches that meet the following requirements:

a. The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or

b. The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 45 degrees of the rear lot line, see Figure 445-2.

13. Radon mitigation systems on non-street facing facades;

14. Eco-roofs installed on existing buildings when the roof is flat or surrounded by a parapet that his at least 12 inches higher than the highest part of the eco-roof surface, and when no other nonexempt exterior improvements subject to historic resource review are proposed. Plants must be species that do not characteristically exceed 12-inches in height at mature growth;

15. Public Art as defined in Chapter 5.74;

16. Permitted Original Art Murals as defined in Title 4 if the mural is proposed on a building that is not identified as contributing to the historic significance of a Conservation District;

17. Exterior alterations to accommodate persons with disabilities in accordance with Chapter 11 of the Oregon Structural Specialty Code, when such alterations can be installed and removed without destroying existing materials;

18. Alterations to light wells when fully surrounded by the existing walls of the building;

19. Installation or removal of storm windows and doors;

20. Installation or removal of screen windows and doors;

21. Fences, retaining walls, and decks that meet the standards of this Title; and

22. Removal of fire escapes when required by the Fire Marshal.

33.445.430 Demolition of Historic Resources in a Conservation District
Historic Landmarks in a Conservation District are subject to the regulations of Section 33.445.150. Conservation Landmarks in a Conservation District are subject to the regulations of Section 33.445.240. Demolition of other historic resources in a Conservation District requires one of two types of review to ensure the resource's historic value is considered prior to or during the development process. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

A. Demolition review.

1. When demolition review is required. Unless exempted by Subsection C, below, demolition of a historic resource in a Conservation District is subject to demolition review if there is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the resource.

2. Issuance of a demolition permit after demolition review. If the review body for demolition review approves demolition of the resource, a permit for demolition will not be issued until the following are met:

   a. The decision in the demolition review is final;

   b. At least 120 days have passed since the date the Director of the Bureau of Development Services determined that the application was complete; and

   c. A permit for a new building on the site has been issued. The demolition and building permits may be issued simultaneously.

B. 120-day delay. Unless addressed by Subsection A, above, or exempted by Subsection C, below, all primary structures in Conservation Districts are subject to 120-day delay.

C. Exempt from demolition review and 120-day delay. The following are exempt from demolition review and 120-day delay:

1. Historic resources in Conservation Districts required to be demolished because:

   a. The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or

   b. The Code Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.

2. Demolition of a structure that is identified as noncontributing to the historic significance of a Conservation District.

Historic Resource Inventory Listing

33.445.500 Listing in the Historic Resource Inventory

A historic resource may be listed in the City's Historic Resource Inventory by the Historic Landmarks Commission as the result of an area planning study reviewed through a legislative procedure. Consent of the owner of the resource is required.

33.445.510 Removal of Historic Resource Inventory Listing

A. Automatic removal of listing in the Historic Resource Inventory. When a resource listed in the City's Historic Resource Inventory is demolished or destroyed by causes beyond the control of the owner, its listing in the Inventory is automatically removed.

B. Requests for removal of ranked resources. Removal of ranked resources in the City's Historic Resource Inventory is subject to the 120-day delay specified in Sections 33.445.520.B and 33.445.810.

C. Requests for removal of unranked resources. An unranked resource will be removed from the Inventory on the date that the Bureau of Development Services receives the property owner's written request to remove the resource from the Inventory.

33.445.515 Preservation Agreements for Resources Listed in the Historic Resource Inventory

Resources listed in the Historic Resource Inventory are eligible for the preservation agreement detailed in Section 33.445.600.

33.445.520 Demolition of Resources Listed in the Historic Resource Inventory

A. Demolition review.

1. When demolition review is required. Unless exempted by Subsection C, below, demolition of a resource listed in the Historic Resource Inventory is subject to demolition review if there is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the resource.

2. Issuance of a demolition permit after demolition review. If the review body for demolition review approves demolition of the resource, a permit for demolition will not be issued until the following are met:

   a. The decision in the demolition review is final;

   b. At least 120 days have passed since the date the Director of the Bureau of Development Services determined that the application was complete; and

   c. A permit for a new building on the site has been issued. The demolition and building permits may be issued simultaneously.

B. 120-day delay. Unless addressed by Subsection A, above, or exempted by Subsection C, below, Rank I, II, or III resources listed in the City's Historic Resource Inventory are subject to 120-day delay.

C. Exempt from demolition review and 120-day delay. Rank I, II, or III resources listed in the City's Historic Resource Inventory that are required to be demolished because of the following are exempt from demolition review and 120-day delay:

1. The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or

2. The Code Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.

Historic Preservation Agreements and Historic Preservation Incentives

33.445.600 Preservation Agreements

A. Purpose. Preservation agreements increase the potential for historic resources to be used, protected, renovated, and preserved. They provide a mechanism for owners to commit to good stewardship of their historic resources.

B. Eligibility for preservation agreements. All historic resources are eligible to use the preservation agreement described in this Section.

C. Covenant. Owners who wish to enter into a preservation agreement must execute a covenant with the City. The covenant may not be revoked or rescinded.
The covenant must:

1. State that the owner agrees that the historic resource is subject to demolition review, and the owner will not demolish the historic resource unless the City approves the demolition or relocation through demolition review;

2. State that the owner agrees that the historic resource may be relocated only if the City approves the relocation through the following reviews:

   a. Sending site. The sending site is subject to Section 33.846.080, Demolition Review; and

   b. Receiving site. The receiving site is subject to both Section 33.846.060, Historic Resource Review and Section 33.846.030, Historic Designation Review; and

3. Meet the requirements of Section 33.700.060, Covenants with the City.

33.445.610 Historic Preservation Incentives

A. Purpose. Historic preservation incentives increase the potential for historic resources to be used, protected, renovated, and preserved. Incentives make preservation more attractive to owners of historic resources because they provide flexibility and economic opportunities.

B. Eligibility for historic preservation incentives. Conservation Landmarks and Historic Landmarks are eligible to use the historic preservation incentives in Subsection C if the requirements of Subsection D are met. Sites with resources identified as contributing to the

historic significance of a Historic District or a Conservation District are eligible to use the incentives in Paragraphs C.3 through C.8 if the requirements of Subsection D are met.

C. Incentives. The following incentives are allowed if the requirements of Subsection D, Covenant, are met. The incentives are:

1. Transfer of density and floor area ratio (FAR). Transfer of density from a landmark to another location is allowed in multi-dwelling, commercial/mixed use, and employment zones. In multi-dwelling zones, the transfer is regulated by Subsection 33.120.210.D, Transfer of FAR. In commercial and employment zones, the transfer of FAR is regulated by Subsections 33.130.205.C and 33.140.205.C.

2. Additional density in Single-Dwelling zones. Landmarks in Single-Dwelling zones may be used as multi-dwelling structures, up to a maximum of one dwelling unit for each 1,000 square feet of site area. No additional off-street parking is required, but the existing number of off-street parking spaces must be retained. The landmark may be expanded and the new net building area used for additional dwelling units only if the expansion is approved through historic resource review.

3. Additional density in Multi-Dwelling zones. Structures located in multi-dwelling zones may be used as multi-dwelling structures, with no maximum density. No additional off-street parking is required, but the existing number of off-street parking spaces must be retained. The building may be expanded and the new net building area used for additional dwelling units only if the expansion is approved through historic resource review.

4. Daycare in residential and IR zones. Daycare is an allowed use in residential and IR zones.

5. Conditional uses in R, C, E, CI and IR zones. In R, C, E, CI, and IR zones, applications for conditional uses are processed through a Type II procedure.

6. Exemption from minimum density. Minimum housing density regulations do not apply.

7. Nonresidential uses in the RX zone. In the RX zone, except on sites that front on the Park Blocks frontages shown on Map 510-14, up to 100 percent of the net building area of a structure may be approved for Retail Sales And Service, Office, Major Event Entertainment, or Manufacturing And Production through Historic Preservation Incentive Review.

8. Nonresidential uses in the RM1, RM2, RM3, and RM4 zones. In the RM1, RM2, RM3, and RM4 zones, up to 100 percent of the net building area of a structure may be approved for Retail Sales And Service, Office, or Manufacturing And Production as follows:

   a. Review required. The nonresidential uses must be approved through Historic Preservation Incentive Review; and

   b. Previous nonresidential use required. The last use in the structure must have been in a nonresidential use category and have been allowed when established; if part of the structure was in residential use, the proposal must include at least

as many dwelling units as were part of the last allowed use or uses. If the last allowed use was residential only, the structure is not eligible for this incentive.

9. Office uses in the R5 zone. In the R5 zone, up to 100 percent of the net building area of a structure may be approved for Office use as follows:

   a. Review required. The Office use must be approved through Historic Preservation Incentive Review; and

   b. Previous Office use required. The last use in the structure must have been an Office use and must have been allowed when established; if part of the structure was in residential use, the proposal must include at least as many dwelling units as were part of the last allowed use or uses. If the last allowed use was residential only, the structure is not eligible for this incentive.

D. Covenant. The owner must execute a covenant with the City. The covenant may not be revoked or rescinded. The covenant must:

1. State that the owner agrees that the historic resource is subject to demolition review, and the owner will not demolish or relocate the historic resource unless the City approves the demolition or relocation through demolition review; and

2. Meet the requirements of Section 33.700.060, Covenants with the City.

Community Design Standards

33.445.700 Purpose

The Community Design Standards provide an alternative process to historic resource review for some proposals. For some proposals, the applicant may choose to go through the historic resource review process set out in Chapter 33.846, Historic Resource Reviews, or to meet the objective standards of Chapter 33.218, Community Design Standards. The standards for signs are stated in Title 32, Signs and Related Regulations. Proposals that do not meet the Community Design Standards—or where the applicant prefers more flexibility—must go through historic resource review.

33.445.710 When Community Design Standards May Be Used

Unless excluded by Section 33.445.720, When Community Design Standards May Not Be Used, proposals that meet all of the requirements of this section may use the Community Design Standards as an alternative to historic resource review.

A. Location. The proposal is:

1. A Conservation Landmark located outside of the Central City plan district;

2. In a Conservation District; or

3. In the Albina Community plan district shown on Map 505-1.

B. Maximum limits. The proposal is within the maximum limits of Table 445-1.

Table 445-1 Maximum Limits for Use of the Community Design Standards	
Zones	**Maximum Limit—New Dwelling Units or Floor Area**
Single Dwelling Zones	5 dwelling units
RM1 Zone	10 dwelling units
RM2, RM3, RM4, RX, C, E, & CI Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan.
Zones	**Maximum Limit—Exterior Alterations**
All except IR	• For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the facade. • For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the facade area.
IR Zone	See institution's Impact Mitigation Plan.

33.445.720 When Community Design Standards May Not Be Used.
The Community Design Standards may not be used as an alternative to historic resource review as follows:

A. For institutional uses in residential and IR zones, except when specifically allowed by an approved Impact Mitigation Plan or Conditional Use Master Plan;

B. For alterations to sites where there is a nonconforming use;

C. For mixed-use or non-residential development in the RF through RM2 zones;

D. If the site is in a Historic District or the proposal is for alteration to a Historic Landmark; and

E. For installation of solar panels on a conservation landmark.

120-Day Delay

33.445.800 Types of Procedures.
There are two types of procedure that may be required before a historic resource is demolished or a ranked historic resource is removed from the City Historic Resource Inventory. Other sections of this chapter describe when each review is required. The two types are:

A. **120-Day Delay.** See Section 33.445.810;

B. **Demolition Review.** See Section 33.846.080.

33.445.805 Supplemental Application Requirements.

A. **Applicability.** In addition to the application requirements of Section 33.730.060, a demolition review application requesting approval based on criterion 33.846.080.C.1, or on both 33.846.080.C.1 and 33.846.080.C.2, requires two copies of a written statement that includes the information listed in Subsection B. An application requesting approval based solely on criterion 33.846.080.C.2 requires two copies of a written statement that includes

the information listed in Paragraphs B.1 through B.4. Applicants may also submit any additional information relevant to the specific review and approval criteria.

B. Application requirements.

1. Statements from a licensed engineer and a licensed architect with experience in renovation, restoration, or rehabilitation as to the structural soundness of the structure and its suitability for continued use, renovation, restoration, or rehabilitation;
2. Statements from developers, real estate consultants, appraisers, or other real estate professionals experienced in rehabilitation as to the economic feasibility of restoration, renovation, or rehabilitation of existing structures or objects;
3. All studies commissioned by the owner as to profitable renovation, rehabilitation, or utilization of any structures or objects for alternative use, or a statement that none were obtained;
4. A summary of the historic preservation incentives and programs available and the extent to which they were explored by the applicant;
5. The amount paid for the property by the owner, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased;
6. The current balance of any mortgages or any other financing secured by the property and the annual debt service, if any, for the previous two years;
7. All appraisals obtained within the previous two years by the owner or applicant in connection with purchase, offerings for sale, financing or ownership of the property, or a statement that none were obtained;
8. All listings of the property for sale or rent, price asked and offers received, if any, within the previous four years, or a statement that none were obtained;
9. Itemized income and expense statements for the property for the previous two years;
10. Estimate of the cost of the proposed demolition; and
11. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.

C. Exceptions. The Director of BDS may waive items listed if they are not applicable to the specific review and the applicant may choose not to submit any or all missing information requested by the Director of BDS, as specified in Section 33.730.060.

33.445.810 120-Day Delay.

A. Purpose. 120-day delay allows time for consideration of alternatives to demolition, such as restoration, relocation, or architectural salvage. It also provides notice when a request has been made to remove a ranked resource from the Historic Resource Inventory.

B. Suspension of permit issuance. During the 120-day delay period, no permit for the demolition or alteration of a ranked resource may be issued. This suspension of permit issuance does not apply to relocation of a ranked resource during the 120-day delay period.

C. Procedure for 120-Day Delay. 120-day delay is a nondiscretionary administrative process with public notice but no hearing. Decisions are made by the Director of BDS and are final.

1. Application. The applicant must submit an application for a demolition permit or a written request to BDS to remove the ranked resource from the Historic Resource Inventory. Current or historic photographs of the features of the resource that were identified when the resource was nominated, designated, placed within a Historic District or Conservation District, or placed on the Historic Resource Inventory must be included with the application for a demolition permit or request for removal from the Historic Resource Inventory.

2. Notice of application.

   a. Posting notice on the site. Within 14 days of applying for a demolition permit or submitting a written request for removal of a ranked resource from the Historic Resource Inventory, the applicant must post a notice on the site of the historic resource proposed for demolition or removal from the Historic Resource Inventory. The posting must meet the following requirements:

      (1) Number and location of posted notices. Notice must be placed on each frontage of the site occupied by the historic resource. Notices must be posted within 10 feet of the street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. Notices are not required along street frontages that are not improved and allow no motor vehicle access;

      (2) Content of the posted notice. The notice must include the following information:

         - The date of the posted notice;
         - The address of the resource proposed for demolition or removal from the City Historic Resource Inventory;
         - A statement specifying what action triggered the 120-day delay procedure and this notice.
         - A statement that during the 120-day delay period, no building permit for the demolition or alteration of a ranked resource requested to be demolished or removed from the Historic Resource Inventory may be issued, other than a permit for relocation of the ranked resource.
         - A statement that the purpose of the 120-day delay is to allow time for notice, and if proposed for demolition, time to consider alternatives, including restoration, relocation or salvage of materials.
         - A statement that building permits may be issued after [insert 120 days after a request for Historic Resource Inventory removal is accepted by the Bureau of Development Services], or, if proposed for demolition, the date on which the demolition permit will be issued.

- The name, address, and telephone number of the owner or the party acting as an agent for the owner;

(3) Removal of the posted notice. The posted notice must not be removed until the date on which the demolition permit is issued or the resource is removed from the Historic Resource Inventory. The posted notice must be removed within 30 days of that date.

b. Mailed notice. Within 14 days of receiving the application for a demolition permit or request for removal of a ranked property from the Historic Resource Inventory, the Director of BDS will mail a notice of the proposed demolition or Historic Resource Inventory removal to all properties within 150 feet of the site of the resource, all recognized organizations within 1,000 feet of the site of the resource and to the State Historic Preservation Office. If the proposal is to demolish a resource or remove a ranked resource from the Historic Resource Inventory in a Conservation District or Historic District and the district has a Historic Advisory Committee that has been recognized by the neighborhood association, notice will also be sent to the Historic Advisory Committee. The notice will include the same information as in Subsubparagraph C.2.a.(2), above.

3. Decision.

a. Demolition permit. The Director of BDS will issue the demolition permit 120 days after receiving the application if the applicant submits a letter stating that the applicant responded to all offers to relocate the resource, or to salvage elements of the resource during demolition. The letter must also identify those who submitted offers, and the applicant's response to those offers.

b. Historic Resource Inventory removal. The Director of BDS will remove the ranked resource from the Historic Resource Inventory 120 days after a request for Historic Resource Inventory removal is accepted by the Bureau of Development Services.

(Added by Ord. No. 169987, effective 7/1/96. Amended by Ord. No. 171220, effective 6/27/97; Ord. No. 171589, effective 11/1/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 176193, effective 2/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 178832, effective 10/21/04; Ord. No. 178946, effective 1/7/05; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 182962, effective 7/31/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184016, effective 1/2/11; Ord. No. 184842, effective 9/2/11; Ord. No. 185915, effective 3/6/13.; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20.)

33.450 Light Rail Transit Station Zone

450

(Amended by: Ord. No. 167464, effective 4/15/94; Ord. No. 169763, effective 3/25/96; Ord. No. 174263, effective 4/15/00; Ord. No. 178172, effective 3/5/04; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

33.453 Interim Forest Review

453

(Added by Ord. No. 164800, effective 11/18/91. Deleted by Ord. No. 171219, effective 7/1/97.)

33.465 Pleasant Valley Natural Resources Overlay Zone

465

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Map 465-1 Pleasant Valley Natural Resources Protection Plan Area

General

33.465.010 Purpose

The purpose of the Pleasant Valley Natural Resources overlay zone is to:

- Protect and conserve significant natural resources in Pleasant Valley, recognizing that existing houses and other existing uses will continue and limited new development will occur in the zone;
- Facilitate restoration and enhancement of stream corridors, wetlands, and forests within Pleasant Valley;
- Maintain streams and riparian areas as a natural area amenity for the community of Pleasant Valley;
- Protect existing floodplains and wetlands, and restore these areas for improved hydrology, flood protection, aquifer recharge, and habitat functions;
- Protect upland habitats and enhance connections between upland and riparian habitats within Pleasant Valley and between Pleasant Valley and the nearby habitats of Powell and Clatsop Buttes and Butler Ridge;
- Maintain and enhance water quality and control erosion and sedimentation through revegetation of disturbed sites and through limits on construction, impervious surfaces, and pollutant discharges in the zone; and
- Conserve the scenic, recreational, and educational values of significant natural resources in the zone.

33.465.020 Pleasant Valley Natural Resources Report

The application of the Pleasant Valley Natural Resources overlay zone is based on the *Pleasant Valley Natural Resources Protection Plan*. The City's policy objectives for this plan are described in the report. The report includes an inventory of the significant natural resources identified within the Pleasant Valley study area and describes the functional values, or benefits, of the resources.

33.465.040 Map Symbols

The Pleasant Valley Natural Resources overlay zone is shown on the Official Zoning Maps with the "v" symbol.

33.465.050 Significant Natural Resource Area within the Pleasant Valley Natural Resources Overlay Zone

The Pleasant Valley Natural Resources overlay zone contains significant natural resources identified in the *Pleasant Valley Natural Resources Protection Plan*. The entire Pleasant Valley Natural Resources overlay zone is resource area; there is no transition area as there is with environmental overlay zones.

33.465.060 Where These Regulations Apply

The regulations of this chapter apply in the Pleasant Valley Natural Resources overlay zone.

33.465.070 When These Regulations Apply
Unless exempted by Section 33.465.080, below, the regulations of this chapter apply to the following:

A. Development;

B. All land divisions;

C. Removing, cutting, mowing, clearing, burning, or poisoning native trees and plants listed in the *Portland Plant List*;

D. Planting or removing trees and plants listed on the Nuisance Plant List and removing non-native non-nuisance trees and plants;

D. Changing topography, grading, excavating, and filling;

F. Resource enhancement; and

G. Dedication and expansions of rights-of-way.

33.465.080 Items Exempt From These Regulations
The following items, unless prohibited by Section 33.465.090, below, are exempt from the regulations of this chapter. Other City regulations such as Title 10, Erosion Control, and Title 11, Trees, must still be met. When no development or other activities are proposed that are subject to the development standards or review requirements of this chapter, tree removal allowed under the exemptions below is subject to the tree permit requirements of Title 11, Trees.

A. Change of ownership;

B. Temporary emergency procedures necessary for the protection of life, health, safety, or property.

C. Existing development, operations, and improvements, including the following activities:

1. Maintenance, repair, and replacement of existing structures, exterior improvements, roads, and utilities. Replacement is not exempt whenever coverage or utility size is increased.

2. Continued maintenance of existing gardens, pastures, lawns, and landscape perimeters; including the installation of new irrigation and drainage facilities and new erosion control features. Change of crop type or farming technique on land currently in agricultural use.

3. Changes to existing disturbance areas to accommodate outdoor activities such as gardens and play areas so long as plantings do not include plants on the Nuisance Plants List and no trees 6 or more inches in diameter are removed;

4. Alterations to buildings which do not change the building footprint and do not require adjustments to site-related development standards.

5. Operation, maintenance, and repair of the following: irrigation systems; drainage facilities and conveyance channels; stormwater detention areas; pumping stations; erosion control and soil stabilization features; and pollution reduction facilities.

Maintenance of drainage facilities includes the dredging and channel cleaning of existing drainage facilities and vegetative maintenance within the minimum floodway cross section of drainageways. This exemption applies only if all spoils are placed outside the Pleasant Valley Natural Resources overlay zone.

6. Removal of vegetation when no other activities subject to the development standards of this chapter are proposed, if the following are met:

   a. All vegetation removal activities must be surrounded or protected to prevent erosion and sediment from leaving the site or negatively impacting resources on the site. Permanent erosion control, such as replanting areas of bare soil, must be installed.

   b. The vegetation proposed for removal is one of the following:

      (1) Trees or plants listed on the Nuisance Plants List;

      (2) Dead, dying, or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or an arborist. Removing these portions is exempt only if all sections of wood more than 12 inches in diameter either:

         - Remain, or are placed, in the Pleasant Valley Natural Resources overlay zone on the same ownership on which they are cut; or
         - Are removed, if the City Forester authorizes removal of diseased wood because it will threaten the health of other trees;

      (3) Non-native non-nuisance trees and plants; and

      (4) Trees that are within 10 feet of a building and structures attached to buildings, such as decks, stairs, and carports.

7. Pruning trees in accordance with Title 11 permit requirements;

8. Development over existing paved surfaces that are over 50 feet from any identified wetland or water body; and

9. Land division and partitions of developed properties where no additional building sites are created and no additional development is proposed.

D. The following new development and improvements:

1. Planting of native vegetation listed on the *Portland Plant List* when planted with hand-held equipment;

2. Water quality monitoring stations constructed to the standards of the Bureau of Environmental Services and groundwater monitoring wells constructed to the standards of the Bureau of Water Works, where access is by foot only;

3. Utility service using a single utility pole or where no more than 100 square feet of ground surface is disturbed outside of the top-of-bank water bodies and where the disturbed area is restored to the pre-construction conditions;

4. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed on the *Portland Plant List*;

5. Soil tests performed with hand-held equipment, provided that excavations do not exceed a depth of five feet, combined diameters of all excavations do not exceed five feet, and all excavations are refilled with native soil, except as necessary for Pleasant Valley resource review;

6. Trails meeting all of the following:

   a. Construction must take place between May 1 and October 30 with hand-held equipment;

   b. Trail widths must not exceed 30 inches and trail grade must not exceed 20 percent;

   c. Trail construction must leave no scars greater than three inches in diameter on live parts of native plants;

   d. Trails must not be within 25 feet of a wetland or the top-of-bank of a water body;

   e. No impervious surface is allowed; and

   f. No native trees greater than 1 inch in diameter may be removed or cut.

7. All land divisions with tentative plans, final plans, and recorded plats showing all of the following:

   a. All building sites are at least five feet from the Pleasant Valley Natural Resources overlay zone. For the purpose of this paragraph, "building site" means an area of at least 3,500 square feet with minimum dimensions of 40 feet by 40 feet.

   b. Public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) where none of these utilities is in the Pleasant Valley Natural Resources overlay zone.

   c. Streets, driveways, and parking areas where all pavement is at least ten feet from the Pleasant Valley Natural Resources overlay zone.

33.465.090 Prohibitions

The following items are prohibited in the Pleasant Valley Natural Resources overlay zone:

A. The use, packaging, transportation, or storage of hazardous substances, except as follows:

1. Transportation of hazardous substances through the Pleasant Valley Natural Resources overlay zone on designated truck routes is allowed; and

2. Use of consumer quantities of hazardous substances within the Pleasant Valley Natural Resources overlay zone is allowed subject to the regulations of this Title. Consumer quantities of hazardous substances are packaged and distributed in a form intended or suitable for sale through retail sales outlets for consumption by individuals for purposes of personal care and household use.

B. The planting or propagation of any plant identified on the Nuisance Plants List in the *Portland Plant List*; and

C. Exterior work activities.

Development Standards

33.465.110 Purpose

These development standards are intended to:

A. Encourage sensitive development while minimizing impact on resources;

B. Provide clear limitations on disturbance within resource areas;

C. Ensure that new development and alterations to existing development are compatible with and preserve the resources and functional values protected by the Pleasant Valley Natural Resources overlay zone;

D. Provide clear planting and erosion control requirements within resource areas;

E. Limit the impacts on resources and functional values resulting from construction of certain types of utilities.

33.465.120 Procedure

A. **Generally.** Compliance with the development standards of this chapter is required for all development in the Pleasant Valley Natural Resource Overlay zone and is determined as part of the building permit or development permit application process. For proposals that cannot meet all of the standards, Pleasant Valley resource review is required. Where a proposal can meet all the standards, the applicant may choose to go through the discretionary resource review process, or to meet this objective standards of this chapter.

The development standards are Sections 33.465.150 through .180; Sections 33.465.155 through .180 address specific types or aspects of development, while 33.465.150 applies to proposals not covered by the more specific sections. A proposal may be subject to several sections. For example, constructions of a house may be subject to the General Development Standards of 33.465.150, General Standards, the standards of 33.465.155, Utility Lines, and 33.465.160, Rights of Way. If the proposal can meet the general standards and standards for the right of way dedication, but not those for utilities, Pleasant Valley resource review is required only for the utilities. To be eligible to use the development standards for an aspect of a proposal, all of the standards within the relevant section must be met.

B. **Adjustments prohibited.** Adjustments to these standards are prohibited. Proposals that do not meet all the standards within each relevant section require approval through Pleasant Valley resource review described in Sections 33.465.210 through .280.

33.465.130 Permit Application Requirements

A building permit or development permit application that is reviewed for compliance with the standards of this chapter requires more information than a permit not affected by these provisions. The information in Subsections A. through C. must be submitted with permit application plans. Submission of the information in Subsection D. is optional.

A. An existing conditions site plan including:

1. Location of all Pleasant Valley Natural Resources overlay zone lines on the site;
2. Outline of any existing disturbance area, including existing utility locations;
3. Location of any wetlands or water bodies on the site or within 50 feet of the site. Indicate the location of the top-of-bank, centerline of stream, or wetland boundary as appropriate;
4. Within the disturbance area, all trees that are at least 6 inches in diameter must be indicated by size and species. Trees outside of the disturbance area must be shown as crown cover with an indication of species composition; and
5. Topography shown by contour lines at 2-foot vertical contours in areas of slopes less than 10 percent and at 5-foot vertical contours in areas of slopes 10 percent or greater.

B. Proposed development plan including:

1. Outline of the proposed disturbance area, including all areas of proposed utility work;
2. Location and description of all proposed erosion control devises;
3. A stormwater management plan;
4. A landscape plan indicating the size, species, and location of all vegetation to be planted in the environmental zone showing that 90 percent vegetative cover will be achieved within one year; and
5. Trees proposed to be preserved and trees proposed to be removed. For trees preserved, tree protection measures, meeting the requirements of Chapter 11.60, Technical Specifications, must be shown. A tree plan may also be required to comply with the requirements of Chapter 11.50, Trees in Development Situations.

C. A mitigation plan that addresses the elements of Section 33.465.180, Mitigation.

D. Photographs of the site are not required but are encouraged to supplement the existing conditions site plan.

33.465.150 General Development Standards

The standards of this section apply to all development in the Pleasant Valley Natural Resources overlay zone except utilities subject to Section 33.465.155, rights-of-way subject to 33.465.160, land divisions and planned developments subject to Section 33.465.165, resource enhancement projects subject to Section 33.465.170, trails subject to Section 33.465.175, and mitigation subject to 33.465.180.

Standards A, B and E through N apply to new development. Standards C, D and E through N apply to alterations to existing development. All of the applicable standards must be met.

A. The maximum disturbance area allowed within the Pleasant Valley Natural Resources overlay zone on the site is determined by subtracting all portions of the site outside the Pleasant Valley Natural Resources overlay zone from the number listed in Table 465-1.

Table 465-1 Maximum Disturbance Area Allowed		
	RF Zone	**R7 Zone**
Maximum Disturbance Area	5,000 sq. ft. (1)	3,500 sq. ft. (1)
(1) Subtract the amount of area on the site outside the Pleasant Valley Natural Resources overlay zone from the number given in the table.		

B. The disturbance area must be set back at least 50 feet from the edge of any identified wetland or from the top-of-bank of any identified stream or water body within Pleasant Valley Natural Resources overlay zone;

C. For alterations to existing development, one of the following must be met:

1. The disturbance area does not exceed the limitations of Table 465-1; or
2. If the existing disturbance area exceeds the limitations of paragraph 1 above, then the existing disturbance area may not be expanded;

D. The proposed development must be set back at least 50 feet from the edge of any identified wetland or from the top-of-bank of any identified stream or water body within the Pleasant Valley Natural Resources overlay zone;

E. Tree removal and replacement standards are:

1. Native trees may only be removed as follows. In no case will the combined total diameter of all trees removed exceed 225 inches, counting only native trees that are at least 6 inches. Trees removed must be replaced as shown in Table 465-2.
   a. Within 10 feet of any existing or proposed buildings and structures, attached to buildings, such as decks, stairs, and carports; or
   b. Within 10 feet of proposed driveways or right-of way improvements; and
2. Non-native non-nuisance trees may be removed if each tree at least 6 inches in diameter is replaced as shown in Table 465-2;
3. Trees listed on the Nuisance Plants List may be removed, if each tree is replaced with one native tree; and
4. Replacement trees and shrubs required by this subsection must meet the requirements for plantings in Section 33.465.180.

Table 465-2 Tree Replacement In Pleasant Valley Natural Resources Overlay Zone		
Size of tree to be removed (inches in diameter)	**Option A (no. of native trees to be planted)**	**Option B (combination of trees and shrubs)**
At least 6 an up to 12	2	not applicable
More than 12 and up to 20	3	1 tree and 3 shrubs
More than 20 and up to 25	5	3 trees and 6 shrubs
More than 25 and up to 30	7	5 trees and 9 shrubs
More than 30	10	7 trees and 12 shrubs

F. Nuisance plants.

1. Remove plants on the Nuisance Plants List in an area on the site that is equal to 50 percent of the size of the proposed permanent disturbance area, or from the entire site, whichever is less.

2. Plant removal must occur outside of the permanent and temporary disturbance areas.

3. Nuisance plant removal entails actions such as the removal of: roots, the above ground portion of the plant, and the seeds of the plant such that existing non-nuisance or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants.

4. The cleared area must be replanted as follows:

   a. Seed the entire area of removal with a native grass seed.

   b. Install seven groundcover plants and two shrubs per 50 square feet. Groundcover plants must be a minimum size of four inch pots and the shrubs a minimum size of one gallon pots.

   c. Removed native and non-native non-nuisance trees are replanted in accordance with Section 33.465.150.F.

   d. Planting native species listed on the *Portland Plant List* is required.

G. All vegetation planted in the Pleasant Valley Natural Resources overlay zone is native and listed on the *Portland Plant List*. Plants listed on the Nuisance Plants List are prohibited;

H. Erosion control must conform to the Portland Erosion Control Manual and to Chapter 24.70, Clearing and Grading. All development between November 1 and April 30 of any year which disturbs more than 500 square feet of ground requires wet weather measures described in the Erosion Control Manual;

I. The minimum front and street building setback and garage entrance setback of the base zone may be reduced to any distance between the base zone minimum and zero. Where a side lot line is also a street lot line, the side building and garage entrance setback may be reduced to any distance between the base zone minimum and zero;

J. The maximum front building setback is the minimum front building setback of the base zone. On a lot with more than one front lot line, this standard applies to the front lot line that is farthest from Pleasant Valley Natural Resources overlay zone;

K. Fences are allowed only within the disturbance area;

L. Exterior lights must be spaced at least 25 feet apart. Incandescent lights exceeding 200 watts (or other light types exceeding the brightness of a 200-watt incandescent light) must be placed so they do not shine directly into the Pleasant Valley Natural Resources overlay zone; and

M. Mitigation for disturbance area allowed under this section is required as specified in Section 33.465.180.

33.465.155 Standards for Utility Lines

The following standards apply within the Pleasant Valley Natural Resources overlay zone to new utility lines, including stormwater conveyance facilities and outfalls, private connections to existing or new utility lines, and upgrades of existing utility lines. All of the standards must be met.

A. The disturbance area for private connections to utility lines is no greater than 10 feet wide;

B. The disturbance area for the upgrade of existing utility lines is no greater than 15 feet wide;

C. New utility lines, including stormwater conveyance facilities and outfalls, must be within a right-of-way;

D. No fill or excavation is allowed below the ordinary high water mark of a stream;

E. The Division of State Lands has approved any work that requires excavation or fill in a wetland;

F. Tree removal and replacement standards are as follows:

1. Native trees 12 or more inches in diameter may not be removed. Each native tree more than 6 but less than 12 inches in diameter removed must be replaced as shown in Table 465-2;

2. Non-native non-nuisance trees may be removed if each tree 6 or more inches in diameter is replaced as shown in Table 465-2;

3. Trees listed on the Nuisance Plant List may be removed if each tree 6 or more inches in diameter is replaced with one tree;

4. Where a utility line is approximately parallel with the stream channel, at least half of the replacement trees must be planted between the utility line and the stream channel, except where a utility easement precludes tree planting;

G. Mitigation for disturbance area allowed under this section is required as specified in Section 33.465.180. Replacement trees and shrubs required by this section must meet the requirements for plantings in 33.465.180.

33.465.160 Standards for Rights-of-Way

The following standards apply to rights-of-way within the Pleasant Valley Natural Resources overlay zone. The standards in Subsections A. through F. apply to improvements within the right-of-way. The standard in Subsection F. applies to dedications and expansions of the right-of-way. All of the applicable standards must be met.

A. Where the right-of-way crosses a stream, the crossing must be by bridge.

B. No fill or excavation may occur within the ordinary high water mark of the stream.

C. The Division of State Lands has approved any work that requires excavation or fill in a wetland.

D. Any work that will take place within the banks of a stream must be conducted between June 1 and August 31, or must be approved by the Oregon Department of Fish and Wildlife.

E. Mitigation is required as specified in Section 33.465.180.

F. The following rights-of-way are allowed in the Pleasant Valley Natural Resources overlay zone. All other rights-of-way are prohibited:

1. Streets that are shown on the *Pleasant Valley Street Network Plan*;
2. Common greens; and
3. Pedestrian connections.

33.465.165 Standards for Land Divisions and Planned Developments

The following standards apply to land divisions and planned developments in the Pleasant Valley Natural Resources overlay zone. All of the standards must be met. Subsections A. through C. must also be met and may not be modified as part of any Pleasant Valley Resource Review.

A. New lots are prohibited in the Pleasant Valley Natural Resources overlay zone except as follows:

1. Each new lot must have at least 3,500 square feet of area outside of the Pleasant Valley Natural Resources overlay zone; or
2. A new lot for an existing house may be created when all of the following are met:
   a. There is an existing house on the site that is entirely within the Pleasant Valley Natural Resources overlay zone;
   b. The existing house will remain; and
   c. The portion of the new lot that is within the Pleasant Valley Natural Resources overlay zone is no larger than required to contain the existing house, minimum required setbacks, garage, a 12-foot wide driveway and an open area of 20 feet by 20 feet.

B. New disturbance area is prohibited in the Pleasant Valley Natural Resources overlay zone, except rights-of-way and utility lines, including stormwater conveyance facilities and outfalls.

C. Area within the Pleasant Valley Natural Resources overlay zone that is outside of new lots and outside of the right-of-way must be placed entirely within environmental resource tracts.

D. The following rights-of-way are allowed in the Pleasant Valley Natural Resources overlay zone. All other rights-of-way are prohibited:

1. Streets that are shown on the *Pleasant Valley Street Network Plan*;
2. Common greens; and
3. Pedestrian connections.

E. Rights-of-way are subject to 33.465.160.

F. New utility lines, including stormwater conveyance facilities and outfalls, private connections to utility lines, and upgrades of existing utility lines are subject to 33.465.155.

G. The standards of Subsection 33.465.150 E. through K. must be met.

33.465.170 Standards for Resource Enhancement Projects

The following standards apply to resource enhancement projects within the Pleasant Valley Natural Resources overlay zone. All of the standards must be met.

A. There is no disturbance of any identified wetland, stream, or water body;

B. There is no excavation, fill, or change in the topography of the resource area;

C. No native vegetation listed on the *Portland Plant List* is removed. Non-native trees may be removed; and

D. No structures are proposed.

33.465.175 Standards for Trails

The following standards apply to trails within the Pleasant Valley Natural Resources overlay zone. All of the applicable standards must be met.

A. All trails must be set back at least 50 feet from the tops-of-bank of streams or the boundary of a wetland except as designated in the Pleasant Valley Park and Trail Plan;

B. Disturbance may not occur within 10 feet of native trees 6 or more inches in diameter;

C. Non-native non-nuisance trees may be removed if each tree 6 or more inches in diameter is replaced as shown in Table 465-2;

D. Trees listed on the Nuisance Plants List may be removed if each tree 6 or more inches in diameter is replaced with one tree;

E. Mitigation for disturbance area allowed under this section is required as specified in Section 33.465.180. Replacement trees and shrubs required by this section must meet the requirements for plantings in Section 33.465.180;

F. No fill or excavation may occur below the ordinary high water mark of the stream; and

G. The Division of State Lands has approved any work that requires excavation or fill in a wetland.

33.465.180 Standards for Mitigation

The following standards apply to required mitigation. All of the standards must be met.

A. **Size of mitigation area.** Mitigation must occur at a 2:1 ratio of mitigation area to proposed disturbance area;

B. **Location of mitigation area.**

1. Generally. Mitigation must occur in the Pleasant Valley Natural Resources overlay zone on the site where the disturbance occurs, except as allowed by B.2, below;

2. Rights-of-way and utilities in the right-of-way. If the disturbance is associated with a right-of-way or utility in the right-of-way, the mitigation must occur in the Kelley Creek watershed.

C. **Nuisance plants.** Plants listed on the Nuisance Plants List must be removed within the mitigation area;

D. **Required plants and planting densities.** One tree, three shrubs, and four other plants are required to be planted for every 100 square feet of mitigation area. Plants must be native plants selected from the *Portland Plant List*. Plants required to meet other requirements of this title count toward the mitigation plantings of this section;

E. **Plant diversity.** If more than 10 trees, shrubs or groundcover plants are used to meet the above standard, then no more than 50 percent of the trees, shrubs or groundcover plants may be of the same genus. If more than 40 trees, shrubs or groundcover plants are used, then no more than 25 percent of the plants may be of the same genus;

F. **Plant size.** Trees must be a minimum ½-inch caliper or bareroot unless they are oak or madrone which may be one gallon size. No more than ten percent of the trees may be oak or madrone. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots; and

G. The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met.

Pleasant Valley Resource Review

33.465.210 Purpose

Pleasant Valley Resource review is intended to:

A. Prevent harm to identified resources and functional values, compensate for unavoidable harm, and ensure the success of mitigation and enhancement activities;

B. Provide a mechanism to modify the development standards of this chapter if the proposed development can meet the purpose of these regulations;

C. Provide flexibility for unusual situations. The review provides for consideration of alternative designs for development that have the least impact on protected resources,

and more exacting control over development in the Pleasant Valley Natural Resources overlay zone;

D. Allow for more accurate maps and more certainty for property owners by allowing for the location of the Pleasant Valley Natural Resources overlay zone boundary to be modified when permitted changes to a resource occur or when the boundary location is determined more precisely on a specific site through a more detailed study; and

E. Provide for the replacement of resources and functional values that are lost through violations of this chapter.

33.465.220 When Pleasant Valley Resource Review is Required

Pleasant Valley resource review is required for all development in the Pleasant Valley Natural Resources overlay zone that does not meet the development standards of Sections 33.465.150 through .180 and for violations of this chapter. Pleasant Valley Resource review is also required when an applicant wishes to fine-tune the zone boundary location based on a detailed study. The City Council, Planning Commission, or Director of BDS may initiate a Pleasant Valley resource review for Pleasant Valley Natural Resources overlay zone boundary amendments to reflect permitted changes in the location or quality of resources or functional values. Removal of zone boundaries are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments. The zone boundary change procedure does not apply to changes caused by violations of this chapter. The procedure for violations of this chapter is described in Section 33.465.400.

33.465.230 Procedure

Pleasant Valley Resource reviews are processed through the following procedures:

A. Resource enhancement activities are processed through the Type Ix procedure.

B. The following are processed through the Type II procedure:

1. Roads, driveways, walkways, stormwater disposal, and buried connections to existing utility lines;
2. Major public trails;
3. Public safety facilities;
4. Mitigation;
5. Pleasant Valley Natural Resources overlay zone boundary modifications; and
6. All other uses and development in the Pleasant Valley Natural Resources overlay zone.

33.465.240 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, the following information is required for a Pleasant Valley resource review application:

A. **Supplemental site plan requirements.** One copy of each plan must be at a scale of at last one inch to 100 feet. Site plans must show existing conditions, conditions existing prior to a violation, proposed development, and construction management. A mitigation site plan is required whenever the proposed development will result in unavoidable significant

detrimental impact on the identified resources and functional values. A remediation site plan is required whenever significant detrimental impacts occur in violation of the Code and no permit was applied for. The Director of BDS may waive items listed in this subsection if they are not applicable to the specific review; otherwise they must be included. Additional information such as wetland characteristics or soil type may be requested through the review process.

1. Site plans must show the following:

   a. For the entire site:

      - 100-year floodplain and floodway boundaries;
      - Boundaries of the Pleasant Valley Natural Resources overlay zone. These boundaries may be scaled in relation to property lines from the Official City Zoning Maps;
      - Topography shown by contour lines at two-foot vertical contours in areas of slopes less than ten percent and at five-foot vertical contours in areas of slopes ten percent or greater;
      - Drainage patters, using arrows to indicate the direction of major drainage flow; and
      - Existing improvements such as structures, or buildings, utility lines, fences, etc.

   b. In areas of the site that have been or will be disturbed:

      - Distribution outline of shrubs and ground covers, with a list of most abundant species;
      - A grading plan showing proposed alteration of the ground at two-foot vertical contours in areas of slopes less than ten percent and at five-foot vertical contours in areas of slopes ten percent or greater; and
      - Trees greater than six inches in diameter, identified by species. In the case of violations also indicate those that were cut or damaged by stump diameter and species.

   c. In areas of the site that are and will remain undisturbed: Tree crown cover outline, and generalized species composition.

2. A construction management site plan including:

   - Areas that will be permanently disturbed;
   - Areas that will be temporarily disturbed, including equipment maneuvering areas and the location of perimeter controls;
   - Areas where existing topography and vegetation will be left undisturbed;
   - Location of site access and egress;
   - Equipment and material staging and stockpile areas;
   - Erosion control measures; and
   - Measures to protect trees and vegetation. Tree protection must meet the requirements of Chapter 11.60, Technical Specifications.

3. A mitigation or remediation site plan including:
   - Dams, weirs, or other in-water structures;
   - Distribution outline, species composition, and percent cover of ground covers to be seeded or planted;
   - Distribution outline, species composition, size, and spacing of shrubs to be planted;
   - Location, species, and size of each tree to be planted;
   - Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;
   - Water bodies to be created, including depth;
   - Water sources to be used, including volumes; and
   - Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

B. Supplemental narrative. The following is required:

1. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria and to evaluate development alternatives for a particular site. The alternatives must be evaluated on the basis of their impact on the resources and functional values of the site. In the case of a violation, the impact evaluation is used to determine the nature and scope of the significant detrimental impacts. To the extent that the site resources and functional values are part of a larger natural system such as a watershed, the evaluation must also consider the cumulative impacts on that system. The impact evaluation is based on the resources and functional values identified as significant in the *Pleasant Valley Natural Resources Protection Plan*;

   a. An impact evaluation includes:

      (1) Identification, by characteristics and quantity, of the resources and their functional values found on the site;

      (2) Evaluation of alternative locations, design modifications, or alternative methods of development to determine which options reduce the significant detrimental impacts on the identified resources and functional values of the site; and

      (3) Determination of the alternative that best meets the applicable approval criteria and identify significant detrimental impacts that are unavoidable.

   b. An impact evaluation for a violation includes:

      (1) Description, by characteristics and quantity, of the resources and functional values on the site prior to the violation; and

      (2) Determination of the impact of the violation on the resources and functional values.

2. Construction management plan. Identify measures that will be taken during construction or remediation to protect the remaining resources and functional values at and near the construction site and provide a description of how undisturbed areas will be protected. For example, describe how trees will be protected, erosion controlled, construction equipment controlled, and the timing of construction; and

3. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to compensate for unavoidable significant detrimental impacts that result from the chosen development alternative or violation as identified in the impact evaluation. A mitigation or remediation plan includes:
   - Resources and functional values to be restored, created, or enhanced on the mitigation or remediation site;
   - Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;
   - Construction timetables;
   - Operations and maintenance practices;
   - Monitoring and evaluation procedures;
   - Remedial actions for unsuccessful mitigation; and
   - Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

33.465.250 Approval Criteria

A Pleasant Valley resource review application will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria are met. When Pleasant Valley resource review is required because a proposal does not meet one or more of the development standards, the approval criteria will be applied only to the aspect of the proposal that does not meet the development standard or standards.

A. Resource enhancement projects. In the Pleasant Valley Natural Resources overlay zone, resource enhancement projects will be approved if the applicant's impact evaluation demonstrates that all of the following are met:

1. There will be no loss of total resource area;

2. There will be no significant detrimental impact on any resources and functional values; and

3. There will be significant improvement to or addition of at least one functional value.

B. Modification of zone boundaries. Modifications of Pleasant Valley Natural Resources overlay zone boundaries that reflect permitted changes in the location or quality of resource areas will be approved upon finding that the applicant's statement demonstrates that either Paragraph B.1 or B.2, below, are met. For the minor modification of Pleasant Valley Natural Resources overlay zone boundaries based on a more detailed site-specific study, the applicant's impact evaluation must demonstrate that Paragraph B.3, below, is met.

1. Successful mitigation. An approved mitigation plan has been successful and a new, restored, or enhanced resource exists which, depending on its degree of significance, should be included in the Pleasant Valley Natural Resources overlay zone; or

2. Approved loss of resource area. All of the following must be met:

   a. All approved development in the Pleasant Valley Natural Resources overlay zone has been completed;

   b. All mitigation required for the approved development has been successful; and

   c. The identified resources and functional values on the developed site no longer exist, or have been subject to a significant detrimental impact.

3. The proposed Pleasant Valley Natural Resources overlay zone boundary location accurately reflects the location of the resources and functional values on the site. The resources are identified in the *Pleasant Valley Natural Resources Protection Plan*.

C. Other development in the Pleasant Valley Natural Resources overlay zone. Development within the Pleasant Valley Natural Resources overlay zone will be approved if the applicant's impact evaluation demonstrates that all of the following are met:

1. Proposed development locations, designs, and construction methods have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives including alternatives outside the resource area of the Pleasant Valley Natural Resources overlay zone;

2. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

3. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for; and

4. There will be no detrimental impact to the migration, rearing, feeding or spawning of fish.

D. Corrections to violations. For corrections to violations the application must meet all applicable approval criteria stated in Subsections A. through C., above, and D.1, 2.b and 2.c, below. If these criteria cannot be met, then the applicant's remediation plan must demonstrate that all of the following are met:

1. The remediation is done in the same area as the violation; and

2. The remediation plan demonstrates that after its implementation there will be:

   a. No permanent loss of any type of resource or functional value;

   b. A significant improvement of at least one functional value; and

   c. There will be minimal loss of resources and functional values during remediation until the full remediation program is established.

E. Alternative mitigation. Where mitigation is proposed that does not meet Section 33.465.180, Mitigation, these approval criteria must be met. Mitigation will be approved if all of the following are met:

1. The proposed mitigation occurs at a minimum 2:1 ratio of mitigation area to proposed disturbance area;
2. The proposed mitigation results in a significant improvement of at least one functional value;
3. There will be no detrimental impact on identified resources and functional values in areas designated to be left undisturbed;
4. Where the proposed mitigation includes alteration or replacement of development in a stream channel, wetland, or other water body, there will be no detrimental impact related to the migration, rearing, feeding, or spawning of fish;
5. The applicant owns the mitigation site, possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program, or can demonstrate legal authority to acquire the property through eminent domain.

33.465.260 Performance Guarantees

The Director of BDS may require performance guarantees as a condition of approval to ensure mitigation or remediation. See Section 33.700.050, Performance Guarantees.

33.465.270 Special Evaluation by a Professional

A professional consultant may be hired to evaluate proposals and make recommendations if the Director of BDS finds that outside expertise is needed due to exceptional circumstances. The professional will have expertise in the specific resource or functional value or in the potential adverse impacts on the resource or functional value. A fee for these services will be charged to the applicant in addition to the application fee.

33.465.280 Modifications That Will Better Meet Pleasant Valley Resource Review Requirements

The review body may consider modifications for site-related development standards as part of the Pleasant Valley resource review process. These modifications are done as part of the Pleasant Valley resource review process and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor-area ratios, intensity of use, size of the use, number of units, or concentration of uses) are subject to the adjustment process of Chapter 33.805. In order to approve these modifications, the review body must find that the development will result in greater protection of the resources and functional values identified on the site and will, on balance, be consistent with the purpose of the applicable regulations.

Natural Resource Management Plans

33.465.310 Purpose

Natural resource management plans provide an alternative to case-by-case Pleasant Valley resource reviews. These plans provide the means to evaluate the cumulative effects of development and mitigation proposed at different times and in different places within the same large ecosystem. These plans are of particular value in areas of multiple ownership. These plans also provide opportunities for coordination with, or joint adoption by, other local governments; special districts; and regional, state, and federal agencies.

33.465.320 Scope
Natural resource management plans must cover large ecosystems such as forests, creeks, sloughs, or watersheds. These plans must address all resources and functional values conserved and protected by the Pleasant Valley Natural Resources overlay zone within the plan boundaries. The plan must also address al significant detrimental impacts of uses allowed by the plan.

33.465.330 Procedure
Adoption and amendment of natural resource management plans is a legislative procedure. Whenever natural resource management plan provisions conflict with other provisions of this chapter, the natural resource management plan provisions supersede. Non-conflicting provisions supplement the provisions of this chapter.

33.465.340 Components
The applicant must submit a natural resource management plan with the following components:

- **A.** Management objectives to maintain or enhance resources and functional values;
- **B.** Lists of allowed and prohibited uses;
- **C.** Maps of areas where these uses are allowed and prohibited;
- **D.** Types of mitigation or enhancement required;
- **E.** Maps of areas reserved for these mitigation or enhancement actions;
- **F.** Timetables for development, mitigation, and enhancement; and
- **G.** Procedures and criteria for approving uses.

33.465.350 Approval Criteria for Adoption and Amendment
A natural resource management plan, or an amendment to a natural resource management plan, will be approved if it meets the following approval criteria:

- **A.** Compliance with Sections 33.465.310 through .350;
- **B.** Compliance with Statewide Planning Goals and the Portland Comprehensive Plan; and
- **C.** If the natural resource management plan is approved as part of a plan district, the criteria for adoption of plan districts in Section 33.500.050 are met.

Corrections to Violations of This Chapter

33.465.400 Purpose
The purpose of Sections 33.465.400 and .405 is to ensure the timely restoration and remediation of natural resources and functional values that have been degraded due to a violation of this chapter.

These sections establish a process to determine which review requirements will be applied to remedy a violation that takes place in the Pleasant Valley natural resources overlay zone. The type of review required depends on the circumstances of the violation. Section 33.465.405 details methods for correcting such violations and Title 3 of the City Code details the enforcement penalties.

33.465.405 Correction Options

Applicants must choose one of the following options to correct violations of this chapter.

A. When these options may be used.

1. If all of the following are met, the applicant may choose Option One, Option Two, or Option Three:

   a. Tree removal:

      (1) Only non-native trees have been removed;

      (2) No more than 12 diameter inches of native trees have been removed; or

      (3) No more than one of the following has been removed;

         - A Madrone 4 inches or less;
         - A Garry Oak 4 inches of less; or
         - A Pacific Yew 2 inches or less;

   b. The proposal will remove all illegal development; and

   c. The proposal will replant illegal clearing.

2. If any of the following apply, the applicant may not use Option One, but may choose either Option Two or Option Three:

   a. Tree removal. More than 12 diameter inches of native trees have been removed;

   b. More than one of the following has been removed:

      (1) A Madrone 4 inches or less;

      (2) A Garry Oak 4 inches or less;

      (3) A Pacific Yew 2 inches or less;

   c. Any of the following has been removed:

      (1) A Madrone larger than 4 inches;

      (2) A Garry Oak larger than 4 inches; or

      (3) A Pacific Yew larger than 2 inches.

3. If the applicant cannot meet Options One or Two, Option Three must be used.

4. If the violation also violates a condition of approval of a land use review and no trees have been removed, the applicant may choose Option One or the process described in Section 33.730.140. The applicant may not choose Options Two or Three.

5. If the violation also violates a condition of approval of a land use review, and trees have been removed, the applicant must use the process described in section 33.730.140. The applicant may not choose one of the options in this section.

B. Option One, Remove and Repair. This option results in removal of illegal development and replanting and repair of any damage. All of the requirements of this subsection must be met, and the notice and review procedure described in Sections 33.465.410 through 33.465.430 must be followed. Adjustments and modifications to these requirements are prohibited.

1. All items and materials placed in the area of violation are removed using hand-held equipment and no new disturbance area is created;

2. Any soil compaction resulting from the violation is tilled or otherwise broken up to a depth of 6 inches prior to planting; and

3. Violation remediation planting. The area to be planted is the area disturbed by the violation. All of the following must be met:

   a. The area disturbed by the violation activity must be replanted;

   b. One tree, 1 shrub, and 5 groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List*;

   c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or 7 additional plants as described in B.3.b must be planted on the site for every 50 square feet disturbed;

   d. Any plant listed on the Nuisance Plants List on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;

   e. Trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3- to 5-gallon size. No more than 10 percent of the trees may be oak or madrone. Shrubs must be a minimum of 1-gallon size. All other species must be a minimum of 4-inch pots; and

   f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.

4. For violations involving the removal of trees, three native trees must be planted on the site for each tree removed, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3- to 5-gallon size.

C. Option Two, Retain and Mitigate. This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met and the notice and review procedure described in Sections 33.465.410 through 33.465.430 must be followed. Adjustments and modifications to these standards are prohibited.

1. The applicable standards of Section 33.465.150 through .170 must be met; and

2. Violation remediation planting. The area to be planted is the area disturbed by the violation. Where development is approved for the area disturbed by the violation, an area of the same size elsewhere on the site must be planted. All of the following must be met:

a. The area disturbed by the violation activity must be replanted;

b. One tree, 1 shrub, and 5 groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List*.

c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or 7 additional plants as described in C.2.b must be planted on the site for every 50 square feet disturbed;

d. Any plant listed on the Nuisance Plants List in the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;

e. Trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3- to 5-gallon size. No more than 10 percent of the trees may be oak or madrone. Shrubs must be a minimum of 1-gallon size. All other species must be a minimum of 4-inch pots; and

f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.

3. For violations involving the removal of trees, three native trees must be planted on the site for each tree removed, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3- to 5-gallon size.

D. Option Three, Pleasant Valley Resource Review. This option requires Pleasant Valley resource review, using the approval criteria and procedures below:

1. Approval criteria. The approval criteria of Subsection 33.465.250.D must be met.

2. Review procedures. Reviews are processed as follows:

a. Type III. The following situations require a Type III review:

(1) The removal of trees that exceeds the quantity of standard 33.465.150.E.

(2) Any development, exterior alteration, or exterior improvement within a wetland, stream channel, drainageway, or waterbody.

b. Type II. All other Pleasant Valley resource reviews to correct violations of this chapter are processed through a Type II procedure.

c. All Pleasant Valley resource reviews must provide the information required in Section 33.465.240, Supplemental Application Requirements.

33.465.407 Recurring Violations of This Chapter

A. Recurring violations on a site. Sites where there has been more than one violation of this chapter while in the same ownership may be subject to fines under Title 3.

B. Recurring violations by an individual or business. Individuals or businesses who have committed more than one violation of this chapter may be subject to fines under Title 3.

Notice and Review Procedure

33.465.410 Purpose

The purpose of this notice and review procedure is to provide for participation by the applicant and the public in the process of permitting development in areas having identified significant resources and functional values.

33.465.420 When These Regulations Apply

These regulations apply when a building permit or development permit application is requested within the resource area of the Pleasant Valley Natural Resources overlay zone and is subject to the development standards of Section 33.465.110 through .180. These regulations do not apply to building permit or development permit applications for development that has been approved through Pleasant Valley resource review.

33.465.430 Procedure

Applications for building permits or development permits that qualify under 33.465.420 will be processed according to the following procedures:

A. Application. The applicant must submit a site plan with an application for a permit. The site plan must contain all information required by 33.465.130, Permit Application Requirements, and any additional information required for a building permit or development permit review.

B. Notice of an application.

1. Notice on website. Upon receipt of a complete application for a building or development permit, the Director of BDS will post a notice of the application on the BDS website and mail a notice of the request to all recognized organizations within 400 feet of the site. The posted notice of the application will contain at least the following information:

    a. A statement that a building or development permit has been applied for that is subject to the development standards of Section 33.465.110 through .180.

    b. The legal description and address of the site;

    c. A copy of the site plan;

    d. The place where information on the matter may be examined and a telephone number to call;

    e. A statement that copies of information on the matter may be obtained for a fee equal to the City's cost for providing the copies; and

    f. The notice will remain on the website until the permit is issued and administrative decision is made, or until the application is withdrawn.

2. E-mailed notice to recognized neighborhood associations. At the time a notice is posted on the BDS website, the Director of BDS will e-mail information about the internet posting to all recognized neighborhood associations and neighborhood

coalition offices within 400 feet of the site. When an e-mail address is not available, the notice will be mailed to the neighborhood association and coalition office.

C. Posting the site and marking development. Thea applicant must post notice information on the site and identify disturbance areas as specified below.

1. Posting notice on the site. The applicant must place a public notice about the request on the site when the application is deemed complete by the Bureau of Development Services. A posted notice must be placed on each frontage of the site. If a frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. Notices are not required along street frontages that are not improved and allow no motor vehicle access. The posted notice will contain the same information as the notice posted on the internet.

2. Marking proposed development on site. Prior to inspection of the site, the applicant will mark all trees over six inches diameter to be removed on the site and the building and pavement outlines with high visibility tape. The extent of the disturbance area must be marked with orange construction fencing or similar highly visible material. For corrections to violations, the disturbance area and remediation area to be planted must be identified with high visibility tape or similar high visibility material area to be planted must be identified with high visibility tape or similar high visibility material.

D. Site inspection. A BDS inspector will inspect the site prior to issuance of the permit and will complete one of the following:

1. An inspection report that confirms the accuracy of the site plan and conformance with the applicable development standards; or

2. A check sheet identifying the deficiencies in the plan. Deficiencies must be corrected before a building permit is approved, or they may be addressed through Pleasant Valley resource review as described in Sections 33.465.210 through 33.465.280.

E. Comments. Any interested person may comment on the permit application by writing and specifically identifying errors or non-compliance with development standards.

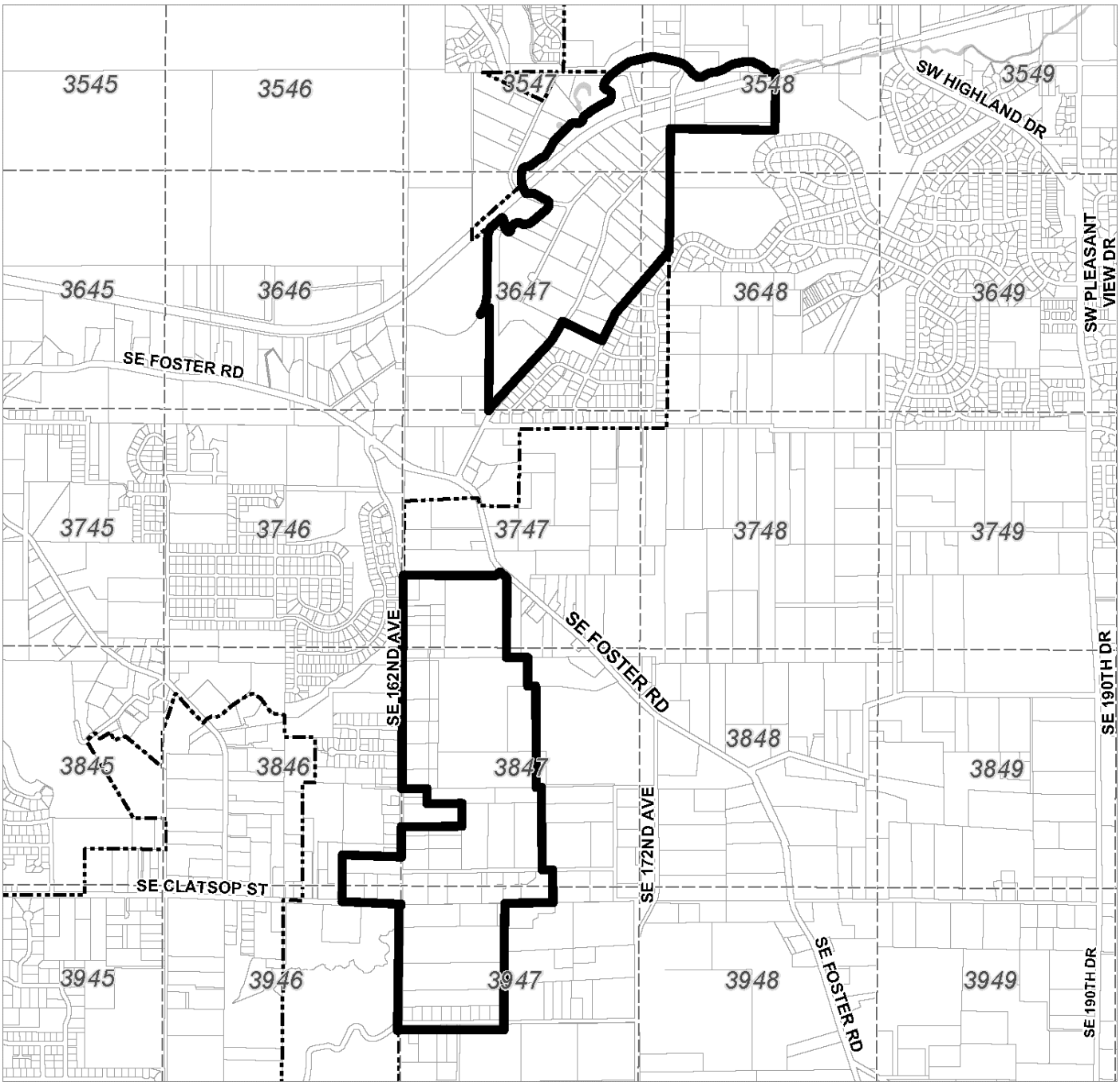
F. Response to comments. If a comment is received, the Director of BDS will respond in writing or in a manner suitable to the comment. The response will specifically address each comment that concerns compliance with the development standards of Section 33.465.150 through .180. The Director of BDS will recheck permits for compliance with development standards and approve the permit if compliance is reaffirmed or when identified deficiencies are corrected, and when all applicable standards and regulations of the Zoning Code are met.

(Added by: Ord. No. 178961, effective 6/13/05. Amended by: Ord. No. 181357, effective 11/9/07; Ord. No. 183534, effective 7/1/10; Ord. No. 184235, effective 11/26/10; Ord. No. 183534, effective 7/1/11; Ord. No. 185915, effective 5/1/13; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20.)

Pleasant Valley Natural Resources Protection Plan Area

Map 465-1

Map Revised January 1, 2015



City Boundary

Protection Plan Area

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

NORTH

0 1,200 2,400

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.470 Portland International Airport Noise Impact Zone

470

Sections:

33.470.010 Purpose
33.470.020 Short Name and Map Symbol
33.470.030 Where These Regulations Apply
33.470.035 Corrections
33.470.040 Regulations for Residential Uses

33.470.010 Purpose

The Portland International Airport Noise Impact Overlay Zone reduces the impact of aircraft noise on development within the noise impact area surrounding the Portland International Airport. The zone achieves this by limiting residential densities and by requiring noise insulation, noise disclosure statements, and noise easements.

33.470.020 Short Name and Map Symbol

The Portland International Airport Noise Impact Overlay Zone is also referred to as the PDX Noise zone, and is shown on the Official Zoning Maps with a letter "x" map symbol (for PDX).

33.470.030 Where These Regulations Apply

The regulations of the chapter apply within the Portland International Airport Noise Impact

Overlay Zone. There are several contours within the zone. The boundaries of the 65 DNL and 68 DNL noise contours are based on the 1990 Portland International Airport Noise Abatement Plan. The 55 DNL noise contour is based on the 2035 50th Percentile Forecast Noise Exposure Map in the 2010 Portland International Airport Master Plan Update.

A set of quarter-section maps, known as the PDX Noise Zone Maps, is available for viewing at the Development Services Center. The maps are the official reference maps for the PDX Noise Zone regulations. The maps show the 55 DNL noise contour and each successively higher noise contour in one DNL increments.

33.470.035 Corrections

An owner may request that the Planning and Sustainability Director initiate a correction to the location of the noise contours shown on the PDX Noise Zone Maps for their property. The owner must show, and the Director must find, that the noise contours do not conform with the location shown in the 1990 Portland International Airport Noise Abatement Plan Update for the location of the 65 and 68 DNL contours, or the 2010 Portland International Airport Master Plan Update for the location of the 55 DNL contour. Corrections are processed as stated in Section 1.01.037 of the Portland City Code.

33.470.040 Regulations for Residential Uses

A. Noise disclosure statement in the 55, 65, and 68 DNL. The regulations of this subsection apply to sites in the 55, 65, and 68 DNL contours. Before a building permit is issued for new residential construction or reconstruction where the total cost of improvements is 75

percent or more of the total assessed improvement value of the site, the owner must sign the City's noise disclosure statement. The noise disclosure statement acknowledges that the property is located within the 55, 65, or 68 DNL noise contour and signifies the owner's awareness of the associated noise levels. The noise disclosure statement must be recorded in the County records by the owner. A packet containing the noise disclosure statement is available at the Development Services Center.

B. Noise easement in the 65 and 68 DNL. The regulations of this subsection apply to sites in the 65 and 68 DNL contours. Before a building permit is issued for new residential construction or reconstruction where the total cost of improvements is 75 percent or more of the total assessed improvement value of the site, the owner must dedicate a noise easement to the Port of Portland. The easement authorizes aircraft noise impacts over the grantor's property at levels established by the DNL noise contour. Any increase of the DNL noise level above that stated on the easement will not void nor be protected by the easement. The easement forms are available at the Development Services Center.

C. Noise insulation required in 65 and 68 DNL. The regulations of this subsection apply to sites in the 65 and 68 DNL contours. New dwelling units allowed by this chapter within the 65 and 68 DNL contours must be constructed with sound insulation or other means to achieve a day/night average interior noise level of 45 dBA. Reconstructed dwelling units where the total cost of improvements is 75 percent or more of the total assessed improvement value of the site must also meet this standard. Garages and similar accessory structures that do not include living area are not subject to this requirement.

1. Certified by acoustical engineer. An engineer registered in Oregon who is licensed in acoustical engineering must certify that the building plans comply with the performance standard for sound insulation prior to the issuance of a building permit.

2. City provides list. The City, in consultation with the Port of Portland, will provide a list of at least three registered engineers licensed in acoustical engineering.

3. Port of Portland pays for sound insulation certification. At an owner's request, the Port of Portland is responsible for the costs of the noise insulation certification of dwelling units submitted by an engineer on the City list. The Port of Portland will pay for the cost of the certification required by this section, but not design, materials, or labor costs associated with installing the sound insulation. The owner has the option to retain any registered engineer licensed in acoustical engineering not on the list, at the owner's expense.

D. Residential use and density.

1. Within the 68 DNL noise contour. Where any part of a site is within the 68 DNL noise contour, it is subject to the following:

   a. New residential uses.

      (1) New residential uses prohibited. New residential uses are prohibited within the 68 DNL or higher noise contour except as allowed specifically by this subsection. If a site is divided by a 68 DNL noise contour all dwelling units must be located entirely outside the 68 DNL noise contour.

(2) Exemption. Sites that had a Farm and Forest, Limited Single Family, Low Density Single Family, or Medium Density Single Family Comprehensive Plan Map designation on January 1, 1981 or a County Residential Comprehensive Plan designation or zoning on that date are exempt from this prohibition. Dwelling units added to these sites must meet the requirements of this chapter for residential development within the 65 DNL contour.

b. Replacement housing.

(1) Existing housing within the 68 DNL noise contour may be replaced within 5 years if it is damaged or destroyed by fire or other causes beyond the control of the owner. A houseboat that is intentionally removed from its slip by the owner may be replaced within 5 years. A manufactured dwelling that is intentionally removed from a manufactured dwelling park may be replaced within 5 years.

(2) Natural disasters. The replacement time of 5 years is extended to 15 years for manufactured dwelling parks if:

- Manufactured dwelling units are damaged or destroyed by a natural disaster such as a flood, earthquake, fire or other causes beyond the control of the manufactured dwelling park owner; and
- At least 30 percent of the manufactured dwelling units in the manufactured dwelling park are either destroyed or significantly damaged. A unit is significantly damaged if the repair cost is 75 percent of the value of the unit.

2. Within the 65 DNL noise contour. Where a site is within the 65 DNL noise contour, it is subject to the following:

a. Sites that have a residential Comprehensive Plan Map designation are prohibited from developing to a residential density higher than that of the R10 zone.

b. Except as provided in paragraph D.3, sites that have a commercial Comprehensive Plan Map designation are prohibited from developing to a residential density higher than that of the RM2 zone.

3. In the Hayden Island plan district, residential density may be transferred as specified in 33.532.240.

(Amended by: Ord. No. 164244, effective 7/1/91; Ord. No. 165376, effective 5/29/92; Ord. No. 174263, effective 4/15/00; Ord. No. 176469, effective 7/1/02; Ord. No. 178509, effective 7/16/04; Ord. No. 182429, effective 1/16/09; Ord. No. 183124, effective 9/18/09; Ord. No. 184521, effective 5/13/11; Ord. No. 189805, effective 3/1/20.)

33.471 Prime Industrial Overlay Zone

471

Sections:

General
33.471.010 Purpose
33.471.020 Map Symbol
33.471.030 Applying the Prime Industrial overlay zone
33.471.040 Initiating a Quasi-judicial Comprehensive Plan Map Amendment
Use Regulations
33.471.050 Self-Service Storage
33.471.060 Commercial Outdoor Recreation
33.471.070 Major Event Entertainment
33.471.080 Parks and Open Areas Uses

General

33.471.010 Purpose

The purposes of the Prime Industrial overlay zone are to protect land that has been identified in the Comprehensive Plan as Prime Industrial, and to prioritize these areas for long-term retention. Prime Industrial Land is suited for traded-sector and supportive industries and possesses characteristics that are difficult to replace in the region. In Portland, Prime Industrial land consists of the Portland Harbor, Columbia Corridor, and Brooklyn Yard industrial districts. These freight-hub districts include Oregon's largest seaport, rail hub, and airport. Existing and potential multimodal freight access in these districts support interregional transport, exporting industries, and associated industrial businesses and activities. The regulations protect these areas by preventing, or requiring an off-set for, conversion of the land to another zone or use that would reduce industrial development capacity.

33.471.020 Map Symbol

The Prime Industrial overlay zone is shown on the Official Zoning Maps with the "k" symbol.

33.471.030 Applying the Prime Industrial overlay zone

The Prime Industrial overlay zone is to be applied to all land designated as Prime Industrial in the Comprehensive Plan except for land that is zoned Open Space.

33.471.040 Initiating a Quasi-judicial Comprehensive Plan Map amendment.

In the Prime Industrial overlay zone, an applicant is prohibited from initiating a quasi-judicial Comprehensive Plan Map amendment unless the amendment is from Mixed Employment to Industrial Sanctuary.

Use Regulations

33.471.050 Self-Service Storage

Self-Service Storage is prohibited in the Prime Industrial overlay zone.

33.471.060 Commercial Outdoor Recreation
In the I and EG zones, Commercial Outdoor Recreation uses are limited to 20,000 square feet. More than 20,000 square feet in Commercial Outdoor Recreation use on a site is prohibited.

33.471.070 Major Event Entertainment
Major Event Entertainment is prohibited in the Prime Industrial overlay zone.

33.471.080 Parks and Open Areas
Parks and Open Areas are prohibited in the Prime Industrial overlay zone except for the following:

A. Parks and Open Areas that are 2 acres or less in size are allowed;

B. Nature preserves are allowed;

C. Recreational trails and boat launching areas are allowed. Trailheads, parking areas, bathroom facilities, educational kiosks and other development or facilities that are accessory to a recreational trail and boat launching areas are limited to 2 acres per site; and

D. Off-site mitigation is allowed if the mitigation is for impacts that occur in the Prime Industrial overlay zone.

(Adopted by: Ord. No. 188177, effective 5/24/18. Amended by: Ord. No. 188958, effective 5/24/18.)

33.475 River Overlay Zones

475

Sections:

General
33.475.010 Purpose
33.475.020 River Overlay Zones
33.475.030 Where These Regulations Apply
33.475.040 When These Regulations Apply
33.475.050 Supplemental Permit Application Requirements
River General Overlay Zone
33.475.200 Use Regulations
33.475.210 River Setback
33.475.215 Marine Passenger Docks and Marine Passenger Terminals
33.475.220 Landscaping
33.475.230 Exterior Lighting
33.475.240 Public Viewpoints
33.475.250 Nonconforming Uses and Development
33.475.260 Property Line Adjustments
River Environmental Overlay Zone
33.475.400 Use Regulations
33.475.410 Environmental Report
33.475.420 Review Procedures
33.475.430 Prohibitions
33.475.440 Development Standards
33.475.450 Corrections to Violations of River Environmental Overlay Zone Development Standards
Clean Up of Contaminated Sites
33.475.500 Removal or Remediation of Hazardous Substances
Map 475-1 Central Reach River Overlay Boundary
Map 475-2 Willamette River Top of Bank
Map 475-3 Governor Tom McCall Waterfront Park and Eastbank Crescent

General

33.475.010 Purpose

The River Overlay zones generally promote the protection, conservation, restoration, enhancement and maintenance of the economic, natural, scenic, and recreational qualities of lands along the central reach of the Willamette River. This purpose is achieved by applying regulations that control development of land, change of use and intensification of use. The regulations reflect the desired character of the central reach of the Willamette River — a character that includes:

- A healthy river and watershed;
- A thriving riverfront with regional gathering spaces, active and passive recreational uses, maritime and commercial activities, and a welcoming mixed-use community; and

- Access to, along and in the river.

The River Overlay Zones also implement the City's responsibilities under ORS 390.310 to 390.368.

33.475.020 River Overlay Zones

A. Purpose. The River Overlay zones implement the land use pattern identified in the *Central City 2035 Plan* (2018). There are two River Overlay zones each with their own purpose:

1. River General. The River General overlay zone allows for uses and development that are consistent with the base zoning and allows for public use and enjoyment of the riverfront.

2. River Environmental. The River Environmental overlay zone protects, conserves and enhances important natural resource functions and values while allowing environmentally sensitive development. The purpose of the zone is to limit the impacts from development and vegetation maintenance on the natural resources and functional values contained within the overlay zone. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site's protected resources. Mitigation is required for unavoidable impacts and is intended to have no net loss of natural resource features or functions over time. The River Environmental overlay zone applies to specific natural resource areas identified in a detailed study titled Willamette River Central Reach *Natural Resources Protection Plan* (2017). This overlay zone always applies in combination with one of the other River Overlay zones.

B. Map symbols. The River Overlay Zones are shown on the official zoning maps with the following symbols:

Overlay Zone	Map Symbol
River General	g*
River Environmental	e

33.475.030 Where These Regulations Apply

The regulations of this chapter apply to the land and the water within the Central Reach portion of the Willamette Greenway Plan boundary shown on Map 475-1 and designated on the Official Zoning Maps with the River General (g*) and the River Environmental (e) overlay zones. The regulations of this chapter do not apply to the River General (g) overlay zone located within the Greenway Overlay zone boundary shown on Map 440-1. See Chapter 33.440, Greenway Overlay zones for regulations that apply to the River General (g) overlay zone within the Greenway Overlay zone boundary.

33.475.040 When These Regulations Apply

A. River General overlay zone. The regulations in Sections 33.475.200 through 33.475.260 apply to any changes to land or development in the River General overlay zone including rights-of-way.

B. River Environmental overlay zone. The regulations in 33.475.400 through 33.475.450 apply in the River Environmental overlay zone as follows:

1. Unless exempted by Paragraph B.2., the regulations apply to:

   a. Development;

b. Planting, removing, cutting, mowing, clearing, burning or poisoning trees or vegetation;

c. Changing topography, grading, excavation or filling; and

d. Resource enhancement.

2. Exemptions. The following items are exempt from the River Environmental overlay zone regulations:

a. Change of ownership;

b. Temporary emergency procedures necessary for the protection of life, health, safety, or property;

c. Changes to the interior of a building where there are no exterior alterations;

d. Operation, maintenance, alterations, repair, and replacement of existing structures, exterior improvements, irrigation system, stormwater facilities, non-potable water systems, roads, utilities, public trails and paths, public viewpoints, public interpretive facilities, and erosion control measures. Alterations, repair and replacement is not exempt whenever total square footage, building coverage or utility size is increased;

e. Dredging, channel maintenance, and the removal of materials from the river as follows:

(1) Dredging, channel maintenance, and the removal of material within the federal navigation channel.

(2) Dredging, channel maintenance, and the removal of materials outside the federal navigation channel as follows:

- Dredging and the removal of materials in waters that are 35 feet deep or deeper, measured from the ordinary high water mark; or
- Channel, slip and berth maintenance that has been approved by the U.S. Army Corps of Engineers.

(3) The placement of dredged materials within the River Environmental overlay zone is not exempt.

f. Removal of structures and debris located landward of the ordinary high water mark of the Willamette River, streams or drainageways, or more than 30 feet from the edge of a wetland;

g. Installation of temporary erosion control measures;

h. Alterations to buildings that do not change the building footprint and do not require adjustments to site-related development standards;

i. Continued maintenance of existing gardens, lawns, and other planted areas, including the installation of new plants except those listed on the *Nuisance Plants List*;

j. Changes to existing disturbance areas to accommodate outdoor activities such as events, play areas and gardens as long as plantings do not include plants on the *Nuisance Plants List* and no trees 1.5 or more inches in diameter are removed;

k. Development located on an existing dock, wharf, or pier. A dock, wharf, or pier includes the gangway that provides access to the dock, wharf or pier;

l. Removal or pruning of trees that are not more than 1.5 inches in diameter and other vegetation that is not listed as native on the *Portland Plant List*. The removal or pruning must be done with handheld equipment. Temporary disturbance area located within and riverward of the river setback must be replanted to meet the relevant subarea standards of Table 475-1, and temporary disturbance area located outside and landward of the river setback must be replanted to meet the subarea 3 standard of Table 475-1.

m. Planting of native vegetation listed on the *Portland Plant List* when planted with hand held equipment or equipment with a wheel surface-to-ground pressure of no more than 7.5 psi;

n. Public street and sidewalk improvements meeting all of the following:

(1) Improvements must be within an existing public right-of-way used by truck or automobile traffic; and

(2) Streets and sidewalks must not exceed the minimum width standards of the Bureau of Transportation Engineering.

o. Groundwater monitoring wells constructed to the standards of the Oregon Water Resources Department and water quality monitoring stations when access is by foot only;

p. Installation of security cameras provided that no more than 100 square feet of ground surface is disturbed landward of top of bank, no ground is disturbed riverward of the top of bank, no native trees are removed, and disturbed area is planted with the following (top of bank is shown on Map 475-2):

(1) Three shrubs per 100 square feet; and

(2) Grass and forb seed mix at a ratio of 30 pounds per acre restored to pre-construction conditions;

q. Utility service using a single utility pole or where no more than 100 square feet of ground surface is disturbed landward of the top of bank, no ground is disturbed riverward of top of bank, and disturbance area is planted with the following (top of bank is shown on Map 475-2):

(1) Three shrubs per 100 square feet; and

(2) Grass and forb seed mix at a ratio of 30 pounds per acre;

r. Utilities installed above or below developed portions of the public right-of-way, and stormwater management facilities within the public right-of-way provided

that no ground is disturbed riverward of top of bank (top of bank is shown on Map 475-2);

s. Installation of fencing in the following situations:

(1) Fencing on an existing paved surface;

(2) Fencing around stormwater facilities that meet the Stormwater Management Manual; or

(3) Temporary fencing to protect resource enhancement project planting areas, prevent access to hazardous material spill areas or contaminated sites, or to close off or control the use of illegal trails. The fence must be removed within five years;

t. Installation of signage provided no trees over 1.5 inches in diameter are removed; and

u. Removal of trash, provided that native vegetation is not removed or damaged. This includes removal of trash from the river bed and from the water. Removal of trash does not include the removal or remediation of hazardous substances.

C. Removal or Remediation of Hazardous Substances. The regulations in 33.475.500 apply to actions to remove or remediate hazardous substances that have been approved or selected under Oregon or federal cleanup law. The regulations in 33.475.500 only apply to the portions of the site where the removal or remediation actions will occur; development or exterior alterations on other portions of the site outside of the removal or remediation areas must meet all other applicable regulations and procedural requirements of this chapter. Remedial actions within public rights of way and actions not approved or selected by a state or federal cleanup authority must meet all other applicable regulations and procedural requirements of this chapter and may not use 33.475.500. The applicant conducting the removal or remediation action may choose to meet the regulations of 33.475.500 or all other applicable regulations of this chapter.

33.475.050 Supplemental Permit Application Requirements

The following information is required when a permit for development or exterior alteration in the River Overlay Zones is reviewed for compliance with this chapter.

A. Supplemental site plan. The following supplemental site plans are required when a permit for development or exterior alteration within the River Overlay zones is reviewed for compliance with this chapter. Five copies of each required site plan must be submitted. The site plans must show the entire site, must be drawn accurately to a scale that is between 1 inch to 50 feet and 1 inch to 10 feet, and must show all property lines with dimensions, a north arrow and a date. Additional site plans that show only a portion of the site may be submitted. All copies of site plans must be suitable for reproduction on paper no smaller than 8.5 x 11 inches and no larger than 36 x 48 inches; and

1. An existing conditions site plan including:

a. Location of all base zone and overlay zone lines on the site;

b. Location of the top of bank, river setback line and the landscaping sub areas;

c. Outline of any existing development, including existing river bank stabilization treatments, stormwater treatment facilities, environmental enhancement or mitigation areas, and trails and paths;

d. Extent of the 100-year floodplain;

e. The location, size including trunk and canopy crown diameter, and species of trees that are 1.5 inches or greater in diameter that are within the area where ground disturbance or vegetation removal will occur, or that are within 50 feet of the area where ground disturbance and vegetation removal will occur;

f. Vegetation other than trees within the area where ground disturbance or vegetation removal will occur, and vegetation other than trees within 50 feet of the area where ground disturbance and vegetation removal will occur. Vegetation may be shown as the area of cover with a list and percent cover of plant species present; and

g. Topography shown by contour lines at 2 foot vertical contours in areas of slopes less than 10 percent and at 5 foot vertical contours in areas of slopes 10 percent or greater.

2. A proposed development or exterior alterations plan including:

a. Outline of the proposed project area, including:

(1) limits of the temporary and permanent disturbance areas, equipment staging and maneuvering areas, ingress and egress areas, and areas to be left undisturbed;

(2) areas of ground disturbance, stockpiling or grading;

(3) outfalls and river bank stabilization treatments;

(4) trails and paths;

(5) areas of vegetation to be left undisturbed including the root protection zone for trees;

(6) environmental enhancement or mitigation areas,

b. Location and size (cubic yards) of fill to be placed within the 100-year floodplain;

c. Location and description of all proposed erosion control measures;

d. Location and description of all proposed stormwater management facilities;

e. Location of proposed fencing and identification of where the fencing is temporary and where it is permanent;

f. Location of exterior lighting; and

g. A landscaping plan indicating the size, species, and location of all vegetation to be planted.

B. Photos of the site. Submission of photographs of the site are not required but are encouraged to supplement the existing conditions site plan.

River General Overlay Zone

33.475.200 Use Regulation

There are no special use restrictions in the River General overlay zone.

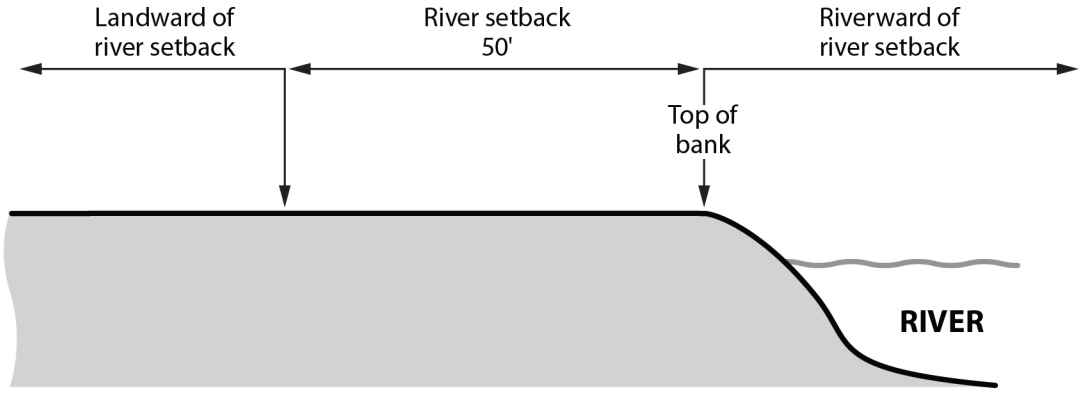
33.475.210 River Setback

A. Purpose. The purpose of the river setback is to keep structures separated from the river in areas where the land is not being reserved for river-dependent and river-related uses. Separating structures from the river facilitates protection, maintenance, restoration, preservation and enhancement of the natural, scenic, historic and recreational qualities of the Willamette River in the Central Reach by reserving space for the conservation and enhancement of natural vegetation and the opportunity for public access. In addition, OAR 660-015-0005 requires the establishment of a setback line.

B. General. The requirements of this section focus on whether the development is river-dependent or river-related. The focus is not on the primary use of the land. For example, in the River General overlay zone, a marine transportation terminal is a river-dependent primary use, but not all development associated with the terminal is river-dependent. The dock is river-dependent, but the parking lot and offices are not.

C. The river setback. The river setback extends from the top of the bank to a point 50 feet landward of the top of bank. See Figure 475-1. Top of bank is shown on Map 475-2. Where top of bank is not shown on Map 475-2, top of bank is determined as described in 33.910.030, Definitions, and 33.930.150, Measuring Top of Bank. Where alteration to the river bank carried out to meet 33.475.440.H results in the top of bank shifting landward, the applicant may choose to measure the setback from the original top of bank. When this occurs, a survey of the original top of bank line and new top of bank line must be submitted for verification that the top of bank has been measured according to the standard in 33.930.150, Measuring Top of Bank, and then recorded with the County recorder. In all cases the river setback line must be at least 5 feet landward of the new top of bank line.

Figure 475-1
River Setback



D. River setback standards.

1. Development landward of the river setback. Development, exterior alterations, excavations, and fills landward of the river setback are not required to be river-dependent or river-related.

2. Development within or riverward of the river setback. Except as follows, development, exterior alterations, excavations, and fills within or riverward of the river setback must be river-dependent or river-related:

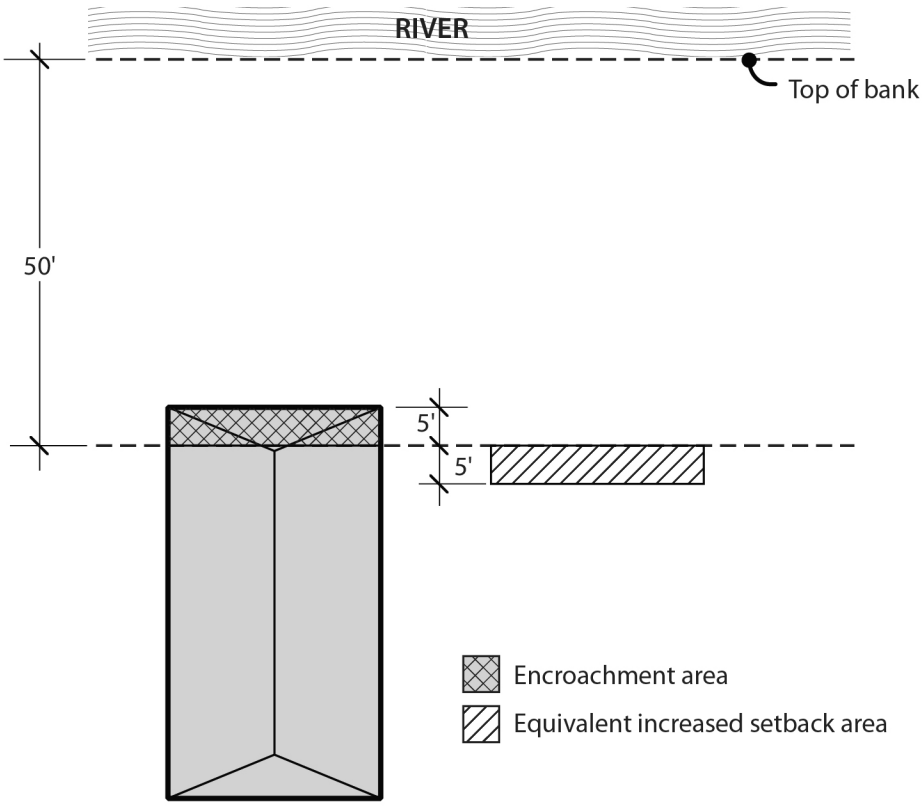
   a. Development, exterior alterations, excavations, and fills that are not river-dependent or river-related are allowed to encroach into the river setback as described in Subsection E. Development, exterior alterations, excavations, and fills located riverward of the setback must be river-dependent or river-related;

   b. Development within a Historic or Conservation landmark located within or riverward of the river setback is not required to be river-dependent or river-related, and the floor area of the landmark and the exterior improvement area associated with the landmark can be increased up to a total of 10 percent within the river setback when the alteration does not bring the building or exterior improvement area closer to the river.

   c. All other development, exterior alterations, excavations, and fills that are not river-dependent or river-related are allowed if approved through a Greenway Goal Exception.

E. Encroachment into the setback. Development that is not river-dependent or river-related may encroach up to 5 feet into the river setback provided that the setback is increased by an area equivalent in size to the encroachment area. The area that is increased must be located adjacent to the original setback. See Figure 475-2.

Figure 475-2
Encroachment into the River Setback



33.475.215 Marine Passenger Docks and Terminals

A. **Purpose.** River-related development provides goods or services that are directly associated with river-dependent land or waterway use. River-related development is typically allowed within the river setback, however certain river-related development associated with a marine passenger dock, while river-related in nature, does not need to be fully located within the river setback. In order to ensure that these particular types of river-related development do not overwhelm or dominate within the river setback, the total amount of footprint allowed within the setback is limited. The limitation will ensure that the river setback can accommodate other river-related or river-dependent development and provide opportunities for recreation, public access, and the conservation and enhancement of natural, scenic and historic resources.

B. **Standard.** Passenger waiting and queuing areas, security checkpoints, and machine shops associated with marine passenger docks for subregional travel or marine passenger terminals for regional travel are limited to a 5,000 square foot footprint within or riverward of the river setback.

33.475.220 Landscaping

The following regulations apply in the River General overlay zone. Adjustments are prohibited.

A. Purpose. The landscaping regulations are intended to increase vegetation along the Willamette River. Adding a diversity of vegetation within the river setback will improve multiple ecosystem functions, increase fish and wildlife habitat, provide shade, cool the air, and create visual diversity. The regulations are also intended to accommodate safe and enjoyable public access to and along the Willamette River.

B. Required landscaping.

1. Governor Tom McCall Waterfront Park and the Eastbank Crescent beach, shown on Map 475-3, are exempt from this Section.

2. Required landscaping for all other areas. For areas not exempt from this section, land within and riverward of the river setback that is not covered with a building or other structure or developed with a trail or viewing area must be landscaped to meet Table 475-1, Landscaping Planting Density. Subareas are shown on Figure 475-3 and described below. There are three planting densities allowed within each subarea. The applicant may choose which planting density standard to apply within each subarea, and more than one planting density may occur on a site. For example, the applicant may choose planting density 1 for all the subareas, or planting density 2 for subarea 1, planting density 3 for subarea 2, and planting density 1 for subarea 3.

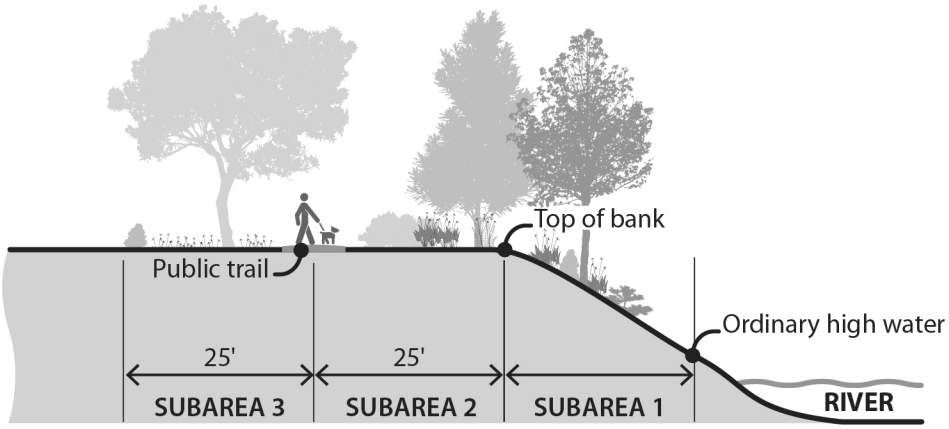
   a. Subareas:

      (1) Subarea 1. Subarea 1 extends from the ordinary high water mark to the top of bank of the Willamette River.

      (2) Subarea 2. Subarea 2 extends from the top of bank to a point 25 feet landward of the top of bank of the Willamette River.

      (3) Subarea 3. Subarea 3 extends from a point 25 feet landward of the top of bank to a point 50 feet landward of the top of bank of the Willamette River (top of bank is shown on Map 475-2). When the setback area is increased in conformance with 33.475.210.E., Encroachment into the setback, Subarea 3 extends into the increased setback area.

Figure 475-3
Landscaping Area



b. Vegetation planted to meet the resource enhancement standards of 33.475.440.H or the mitigation standards of 33.475.440.L may be counted towards meeting the landscaping standard.

c. Exceptions.

(1) Landscaping is not required within portions of sites where contamination removal or remediation actions meet the standards of 33.475.500;

(2) Trees and shrubs are not required within utility easements but the area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre;

(3) Trees and shrubs are not required within a scenic (s) overlay zones but the area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre. Trees may not be planted within a scenic (s) overlay zones; or

(4) If the area to be landscaped within subarea 1 has an average slope of 30 percent or steeper (30 percent slope represents a rise over run ratio of 1:3.3) and the area with an average slope of 30 percent or steeper is armored with rip rap, or the area within subarea 1 has rip rap that is at least four feet deep, then the required subarea 1 landscaping may be planted on an area of the site that is landward of the river setback but within the River overlay zones, or the applicant may pay a revegetation fee-in-lieu as described below. If the landscaping will be provided on-site, the total area outside of subarea 1 to be landscaped must be equivalent in size to the area that would have been required to be landscaped in subarea 1. More than one landscaped area may be provided to achieve the total, but other required landscaping may not count toward the total:

- Revegetation fee-in-lieu use and administration. The revegetation fee is collected by Bureau of Development Services and is administered by the Bureau of Environmental Services (BES). The fees collected are used for revegetation projects on public or private property within the same reach of the Willamette River as the site. The reaches are shown on Map 475-1.
- Calculation of required fee-in-lieu contributions. Applicants must contribute the cost to purchase and plant trees, shrubs and groundcover plants as set out in the next bullet. The cost to purchase and plant trees and plants will be adjusted annually as determined by the Director of BES based on current market prices for materials, labor and maintenance.
- Required fee-in-lieu contribution. The applicant must contribute the cost to purchase, plant and maintain one tree, three shrubs and four ground cover plants per 100 square feet of required planting area before a building permit will be issued. The fee calculation will be rounded up to the next multiple of $10. The minimum area to be used in this calculation is 100 square feet. Calculations that are not a multiple of 100 will be rounded up to the next multiple of 100.

Table 475-1
Landscaping Planting Density

Subarea	Planting Density 1: Small Trees[1]	Planting Density 2: Medium Trees[1]	Planting Density 3: Large Trees[1]
Landscaping Subarea 1	One tree, three shrubs, and four other ground cover plants must be planted for every 100 square feet. Trees may be clustered. All plants must be native.	One tree, six shrubs, and eight other ground cover plants must be planted for every 200 square feet. Trees may be clustered. All plants must be native.	One tree, nine shrubs, and 12 other ground cover plants must be planted for every 300 square feet. Trees may be clustered. All plants must be native.
Landscaping Subarea 2	One tree and one of the following two options for every 100 square feet. Trees must be separated from other trees by at least 20 feet on center. Shrub species must not exceed 3 feet in height at maturity. Option 1: Three shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or Option 2: Three shrubs and four other groundcover plants.	One tree and one of the following two options for every 200 square feet. Trees must be separated from other trees by at least 20 feet on center. Shrub species must not exceed 3 feet in height at maturity. Option 1: Six shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or Option 2: Six shrubs and eight other groundcover plants.	One tree and one of the following two options for every 300 square feet. Trees must be separated from other trees by at least 20 feet on center. Shrub species must not exceed 3 feet in height at maturity. Option 1: Nine shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or Option 2: Nine shrubs and 12 other groundcover plants.
Landscaping Subarea 3	One tree for every 100 square feet and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre. Trees must be separated from other trees by at least 20 feet on center. Shrubs or other ground cover are not required, however if they are included they must meet the standards for Landscaping Subarea 2.	One tree for every 200 square feet and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre. Trees must be separated from other trees by at least 20 feet on center. Shrubs or other ground cover are not required, however if they are included they must meet the standards for Landscaping Subarea 2.	One tree for every 300 square feet and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre. Trees must be separated from other trees by at least 20 feet on center. Shrubs or other ground cover are not required, however if they are included they must meet the standards for Landscaping Subarea 2.

[1]Tree size is based on Title 11.60.020.C Canopy Size

C. Landscaped area site preparation. Before installing the required landscaping, the following standards must be met:

1. All prohibited and nuisance plants listed on the *Portland Plant List* must be removed within and riverward of the river setback.

2. All structures and debris located within and riverward of the river setback must be removed except for river-dependent and river-related structures, non-conforming development, erosion control measures, flood control facilities, large wood, and bioengineered structures. Examples of bioengineered structures include bundles of plant materials or soil cells wrapped in biodegradable fabrics.

3. If the area to be planted is not currently vegetated, the soil must be amended with 12 inches of growing medium. If the planting area is in subarea 1 has an average slope of 30 percent or steeper (30 percent slope represents a rise over run ratio of 1:3.3), and is armored with rip rap, the growing medium may be placed in planting wells. The composition of the growing medium must meet one of the following:

   a. For all planting areas located outside of the flood hazard area, the growing medium must be a blend of loamy soil, sand, and compost that is 30 to 40 percent plant material compost (by volume); or

   b. For all planting areas located within the flood hazard area, the growing medium must be a blend of loamy soil, sand, small gravels and compost. A landscape architect or civil engineer must certify that the growing medium is adequate to support the establishment and growth of vegetation, and is heavier than water.

4. Placement of the growing medium is not allowed when the ground is frozen or saturated; and

5. Temporary erosion control measures are required until permanent stabilization measures are functional. Temporary erosion control measures must be biodegradable or removed after permanent stabilization measures are functional or within 3 years, whichever is sooner.

D. Plant requirements. Trees must be a minimum ½-inch caliper, bareroot, or live stakes, unless they are oak or madrone, which may be one gallon size. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent. For planting areas over 600 square feet, at least two different tree species and sizes, three different shrub species, and four different groundcover species must be used.

33.475.230 Exterior Lighting

A. Purpose. The standards for exterior lighting are intended to:

- Avoid or minimize light glare and light spill from artificial lighting and associated negative impacts on fish and wildlife and their habitats;
- Reduce light pollution and glare impacts on residential developments;
- Maintain public safety and security along public trails, in parks, along public streets, and on piers and gangways; and
- Provide flexibility for river-dependent operations associated with docks.

B. General standards. The following standards apply to all exterior lights located within the River General overlay zone.

1. Exterior lights must not project light upward or to the side of the fixture; and
2. The top and sides of all exterior light fixtures must be shielded with 100 percent opaque materials.

C. Additional standards for areas near the Willamette River. The following standards apply to all permanent exterior lights located within and riverward of the river setback, and all permanent exterior lights located within 25 feet landward of the river setback. Exterior lights within Governor Tom McCall Waterfront Park, and exterior lights within public streets are exempt from this Subsection:

1. Exterior lights are allowed only if the lights are for the following uses or development:
   a. Park and Open Area uses;
   b. The major public trail;
   c. A public viewing area; or
   d. River-dependent or river-related development.
2. Structures that support exterior light fixtures must be set back at least 5 feet from the top of bank of the Willamette River unless the structure that supports the exterior light fixture is located on a dock, pier and gangway, and must be setback at least 30 feet from any other stream, drainageway, wetland or water body (top of bank is shown on Map 475-2);
3. Structures that support exterior light fixtures must be spaced at least 25 feet apart;
4. Lamps must fall below 3000K or within an S/P ratio range of 1 to 1.2; and
5. Exterior lights must not project directly into the Willamette River.

33.475.240 Public Viewpoints

a. Purpose. Public viewpoints provide stopping places along major public trails where the public can view and enjoy the natural, scenic, historic, cultural, recreational and economic qualities of the Willamette River.

B. Viewpoint Requirement. All sites with a designated viewpoint(s) in the *Central City Scenic Resources Protection Plan* are required to provide a public viewing area(s). The viewpoint design is addressed through the Central City Fundamental Design Guidelines. In addition, the viewpoint must comply with the Use of Trail, Hours of Use, Trespass and Trail Maintenance and Liability sections of Chapter 33.272, Major Public Trails. The Trails Maintenance and Liability section is applicable when the viewpoint is located along the physically contiguous trail segment.

33.475.250 Nonconforming Uses and Development

Nonconforming uses and development in the River General overlay zone are subject to the regulations and reviews of Chapter 33.258, Nonconforming Situations. The additional regulations

stated below apply to development within or riverward of the river setback that is not river-dependent or river-related:

A. The development may continue;

B. The development may be changed to an allowed river-dependent or river-related development by right;

C. The development may be changed to another nonconforming development if within the existing building. If outdoors, it may not be changed to another nonconforming development; and

D. The development may be expanded, but not within or riverward of the river setback. Expansion includes adding additional floor area.

33.475.260 Property Line Adjustments

Property line adjustments may not result in a property that is in more than one river overlay zone, unless the second overlay is the River Environmental overlay zone. Adjustments are prohibited.

River Environmental Overlay Zone

33.475.400 Use Regulation

There are no special use restrictions associated specifically with the River Environmental overlay zone. However, any use restrictions that apply as a result of an accompanying River overlay zone also apply within the River Environmental overlay zone.

33.475.410 Environmental Report

The application of the River Environmental overlay zone is based on a detailed study titled *Willamette River Central Reach Natural Resources Protection Plan* (2017). The report identifies the type, location, extent and relative condition of natural resource features and describes the functional values they provide within the study area. Functional values are the benefits provided by resources. The values for each resource site are described in the inventory section of the report.

33.475.420 Review Procedures

Development and exterior alterations will be reviewed through one of the following tracks:

A. **Standards.** Several specific types of development and exterior alterations are allowed within the River Environmental overlay zone if the proposal meets certain standards. The standards are intended to encourage sensitive development while providing clear limitations on disturbance, including tree removal, and minimizing impacts on resources and functional values. Adjustments to the standards are prohibited. Modification of the standards may be approved through River Review. When a proposal can meet the standards, the applicant may choose to meet the objective standards of this section or go through the discretionary River Review process. When there are no applicable standards, the proposal must be approved through River Review. Compliance with the standards is determined as part of the building permit or development permit application process. The standards are listed in 33.475.440.

B. **Review.** River Review is required when the proposed development or exterior alteration is subject to the River Environmental overlay zone regulations and the development or exterior alteration either does not meet the River Environmental overlay zone development standards or there are no River Environmental overlay zone development standards that apply to the proposal. The process and approval criteria for River Review can be found in Chapter 33.865, River Review.

33.475.430 Prohibitions

The following are prohibited within the River Environmental overlay zone:

A. The packaging or storage of hazardous substances except as follows:

1. Use of consumer quantities of hazardous substances is allowed. Consumer quantities of hazardous substances are packaged and distributed in a form intended or suitable for sale through retail sale outlets for consumption by individuals for purposes of personal use; and

2. Marine vessel fueling stations are allowed.

B. The planting or propagation of any plant listed on the *Nuisance Plant List*; and

C. Dumping of trash or yard debris.

33.475.440 Development Standards

Unless exempted by 33.475.040.B.2., the standards in this Section apply to development and exterior alterations in the River Environmental overlay zone. All of the applicable standards must be met. Modification of any of these standards requires approval through River Review.

A. **Standards for rail rights of way.** The following standards apply to rail rights-of-way:

1. The disturbance area associated with the development of a rail right-of-way must occur within a corridor that is not more than 20 feet wide. No disturbance is allowed outside of the 20-foot-wide corridor;

2. Disturbance associated with the rail corridor or development of the rail corridor must not occur riverward of the top of bank of the Willamette River, within the river channel, or within 30 feet of the top of bank of any other stream, wetland, or water body (top of bank is shown on Map 475-2);

3. Tree removal is allowed as specified in Subsection K.; and

4. Mitigation is required as specified in Subsection L.

B. **Standards for utility lines.** The following standards apply to new utility lines and upgrades to existing utility lines, including stormwater conveyance facilities, and private connections to utility lines:

1. The disturbance area for the installation of a utility line or upgrade to an existing utility line, including utility trenching, must be no more than 15 feet wide;

2. The disturbance area must not occur riverward of the top of bank of the Willamette River, within the river channel, or within 30 feet of the top of bank of any other stream, wetland, or other water body (top of bank is shown on Map 475-2);

3. Tree removal is allowed as specified in Subsection K.;

4. The temporary disturbance area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; and

5. Exemption. If a proposed utility line or upgrade to an existing utility line runs through an area that has already been approved as a permanent disturbance area, or allowed by standards of this section, it is exempt from Paragraphs B.1. and B.2.

C. Standards for stormwater outfalls. The following standards apply to the installation of stormwater outfalls:

1. The disturbance area associated with the installation or replacement of a stormwater outfall must not be more than 15 feet wide;

2. When constructed open channels or vegetated swales are proposed, the slope between the stormwater source and the water body must not exceed 15 percent at any point;

3. If an outfall riprap pad is used it must be planted with live stakes of native plant stock, one-half inch in diameter. Stakes must be installed at a density of three stakes per square yard. Detailed specifications for installing live stakes are found in the Erosion Control Manual;

4. Tree removal is allowed as specified in Subsection K.; and

5. Mitigation is required as specified in Subsection L.

D. Standards for placement of piles. The following standards apply to the placement of up to four new single piles or two new multiple-pile dolphins for each 100 feet of shoreline:

1. The placement of the piles or dolphins must be associated with a river-dependent or river-related use;

2. An equal number of piles or dolphins as are placed in the River Environmental overlay zone, plus one, must be removed from the River Environmental overlay zone within the Central Reach. The boundaries of the Central Reach are shown on Map 475-1; and

3. If the applicant does not own the property where the pile or dolphin removal will occur, the applicant must have an easement or deed restriction sufficient to allow the necessary removal.

E. Standards for trails. The following standards apply to the construction of a new major public trail and alterations to an existing major public trail:

1. The trail must be setback at least 10 feet, and disturbance associated with construction of the trail must be setback at least 5 feet, from the top of bank of the Willamette River or a stream (top of bank is shown on Map 475-2);

2. The trail and disturbance associated with construction of the trail must be setback at least 30 feet from the top of bank of a wetland or other water body;

3. The total width of the trail must be no more than 16 feet;

4. The total width of disturbance area must be no more than 24 feet;

5. Tree removal is allowed as specified in Subsection K; and

6. Temporary disturbance area located within and riverward of the river setback must be replanted to meet the relevant subarea standards of Table 475-1, and temporary disturbance located outside and landward of the river setback is replanted to meet the subarea 3 standard of Table 475-1. Trees may not be planted within a scenic (s) overlay zone.

F. Standards for public viewing areas. The following standards apply to the construction of a public viewing area:

1. The viewing area must be associated with a viewpoint designated in the *Central City Scenic Resources Protection Plan*;

2. The total disturbance area must be no more than 800 square feet in area;

3. The permanent disturbance area associated with the viewing area must not be more than 500 square feet in area;

4. The total disturbance area must not be located below the top-of-bank of the Willamette River (top of bank is shown on Map 475-2), stream, or any other water body, and must not be located within 30 feet of a wetland;

5. Tree removal is allowed as specified in Subsection K.; and

6. Temporary disturbance area located within and riverward of the river setback must be replanted to meet the relevant subarea standards of Table 475-1, and temporary disturbance located outside and landward of the river setback is replanted to meet the subarea 3 standard of Table 475-1. Trees may not be planted within a scenic (s) overlay zone.

G. Standards for view corridors. The following standards apply to pruning or removing vegetation in a scenic (s) overlay zone.

1. Tree removal and pruning is allowed as specified in Subsection K.; and

2. Temporary disturbance areas must be replanted with three shrubs per 100 square feet and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre.

H. Standards for resource enhancement. The following standards apply to resource enhancement projects:

1. There must be no excavation, fill, or construction activity below ordinary high water mark of any river, stream, wetland or other water body;

2. The riverbank may be re-graded if the slope after grading is shallower than the slope prior to grading and the slope is no greater than 20 percent (20 percent slope represents a rise to run ratio equal to 1:5);

3. Rock armoring must not be used on the surface between the top of bank and the ordinary high water mark of any water body except as required surrounding outfalls (top of bank is shown on Map 475-2);

4. No structures are proposed landward of the top of bank except trails that meet the regulations of 33.475.440.E, and structures associated with public viewing areas that meet the regulations of 33.475.440.F.;

5. All nuisance plants listed on the *Portland Plant List* must be removed;

6. Tree removal is allowed as specified in Subsection K.; and

7. Temporary disturbance area located within and riverward of the river setback must be replanted to meet the relevant subarea standards of Table 475-1, and temporary disturbance located outside and landward of the river setback is replanted to meet the subarea 3 standard of Table 475-1. Trees may not be planted within a scenic (s) overlay zone.

I. Standards for site investigative work. The following standards apply to site investigative work. Site investigative work includes soil tests and test pits, land surveys, and groundwater and water quality monitoring stations.

1. No more than 100 square feet of disturbance area is allowed per test pit or monitoring station;

2. Disturbance associated with site investigative work must be temporary;

3. No trees are removed; and

4. Temporary disturbance area must be planted with three shrubs per 100 square feet and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre.

J. Standards for other development in a City of Portland park. The following standards apply to development in a City of Portland park that is not subject to another set of development standards contained in this Section.

1. The total disturbance area must not be more than 2,200 square feet;

2. Disturbance area must not be located below the top-of-bank of the Willamette River (top of bank is shown on Map 475-2), streams, or other water body, or located within 30 feet of a wetland;

3. Tree removal is allowed as specified in Subsection K.; and

4. Mitigation is required as specified in Subsection L.

K. Standards for removal or pruning of vegetation. The following standards apply to the removal or pruning of vegetation:

1. All vegetation removal activities must be surrounded or protected to prevent erosion and sediment from leaving the site or negatively impacting resources on the site;

2. The removal or pruning must be conducted with handheld equipment or equipment with a wheel surface-to-ground pressure of no more than 7.5 psi;

3. Temporary disturbance area located within and riverward of the river setback must be replanted to meet the relevant subarea standards of Table 475-1, and temporary

disturbance located outside and landward of the river setback is replanted to meet the subarea 3 standard of Table 475-1;

4. The vegetation that is removed or pruned is limited to the following:

   a. Vegetation listed on the *Nuisance Plant List*;

   b. Dead, dying or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or certified arborist. All sections of wood more than 12 inches in diameter must be placed in the River Environmental overlay zone of the ownership within which the wood was cut unless the City Forester authorizes the removal because the wood is diseased and will threaten the health of other trees;

   c. Vegetation that exceeds the height restriction of a view corridor with special height restrictions designated in the *Central City Scenic Resources Protection Plan*;

   d. Trees that are not native trees on the *Portland Plant List*; or

   e. Madrone, Garry Oak or Pacific Yew that are less than 6 inches in diameter, or other native trees on the *Portland Plant List* less than 12 inches in diameter may be removed if the removal or pruning is in conjunction with development or an exterior alteration approved under the standards of this section as follows:

      (1) Within a rail right-of-way or within 10 feet of the rail right-of-way;

      (2) Within a utility line corridor;

      (3) Within the disturbance area for installation or replacement of stormwater outfalls;

      (4) Within a major public trail;

      (5) Within a public viewing area associated with viewpoints designated in the *Central City Scenic Resources Protection Plan*;

      (6) Within a scenic (s) overlay;

      (7) Within a resource enhancement area; or

      (8) Within the disturbance area associated with development in a City of Portland park.

5. Trees removed must be replaced as shown in Table 475-2 and must meet the following:

   a. Replacement vegetation must meet all of the following:

      (1) Trees must be a minimum ½-inch caliper, bareroot or live stakes, unless they are oak or madrone, which may be one gallon size. No more than ten percent of the trees may be oak or madrone. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent;

(2) The planting must occur within the River Overlay Zones. Trees must not be planted within a scenic (s) overlay zone. If the vegetation is not planted on the applicant's site, then the applicant must own the property or have an easement or deed that ensures the vegetated area will not be developed; and

(3) The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met; and

b. Vegetation planted to meet the landscaping requirements of 33.475.220 may be counted towards meeting the tree replacement standard.

Table 475 – 2
Tree Replacement in River Environmental Overlay Zone

Size of tree to be removed (inches in diameter)	Option A (no. of native trees to be planted)	Option B (combination of native trees and shrubs)
At least 1.5 and up to 6	1	Not applicable
More than 6 and up to 12	2	Not applicable
More than 12 and up to 20	3	1 tree and 3 shrubs
More than 20 and up to 25	5	3 trees and 6 shrubs
More than 25 and up to 30	7	5 trees and 9 shrubs
More than 30	10	7 trees and 12 shrubs

L. Standards for mitigation. The following standards apply to mitigation required by Subsections A., C., and J.

1. Mitigation must occur at a 1.5:1 ratio of mitigation area to project impact area. Project impact area is the total area within the River Environmental overlay zone where structures will be built, vegetation will be removed, or ground disturbance will occur as a result of the proposal. Mitigation area is not counted as part of the project impact area;

2. Mitigation must occur in the River Environmental overlay zone within the Central Reach. The boundaries of the Central Reach are shown on Map 475-1.;

3. If the mitigation area is not on the site where the project occurs, then the applicant must own the property or possess a legal instrument, such as an easement or deed restriction that is approved by the City as sufficient to ensure the right to carry out, monitor, and maintain the mitigation;

4. Nuisance plants identified on the *Portland Plant List* must be removed within the area to be replanted. Trees removed to meet this Paragraph must be replaced as specified in Subsection J.;

5. Plantings required for tree removal, as specified in Subsection J., can be counted towards mitigation if the planting is located within the River Environmental overlay zone or in an area that is contiguous to the River Environmental overlay zone;

6. Required planting density standards are specified in Table 475-3. Trees may be clustered. Trees must not be planted within a view corridor shown on Map 480-1.

Plants must be selected from the *Portland Plant List*;

Table 475-3 Planting Density			
	Small Trees[1]	**Medium Trees[1]**	**Large Trees[1]**
Planting Density	One tree and one of the following two options for every 100 square feet: Option 1: Three shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or Option 2: Three shrub and four other groundcover plants.	One tree and one of the following two options for every 200 square feet: Option 1: Six shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or Option 2: Six shrub and eight other groundcover plants.	One tree and one of the following two options for every 300 square feet: Option 1: Nine shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or Option 2: Nine shrub and 12 other groundcover plants.

[1] Tree size is based on Title 11.60.020.C Canopy Size

7. For planting areas over 600 square feet, at least two different tree species and sizes, three different shrub species, and four different groundcover species must be used; and

8. Trees must be a minimum ½-inch caliper, bareroot or live stake, unless they are oak or madrone, which may be one gallon size. No more than ten percent of the trees may be oak or madrone. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent.

M. Standards for application of soil amendments. The following standards apply to the application of soil amendments:

1. The depth of the soil amendment must be no more than 12 inches;

2. The soil must not be applied below the ordinary high water mark of the Willamette River, streams, or other water body, or within 30 feet of a wetland;

3. The composition of the growing medium must meet one of the following:

   a. For all planting areas located outside of the flood hazard area, the growing medium must be a blend of loamy soil, sand, and compost that is 30 to 40 percent plant material compost (by volume); or

   b. For all planting areas located within the flood hazard area, the growing medium must be a blend of loamy soil, sand, small gravels and compost. A landscape architect or civil engineer must certify that the growing medium is adequate to support the establishment and growth of vegetation, and is heavier than water.

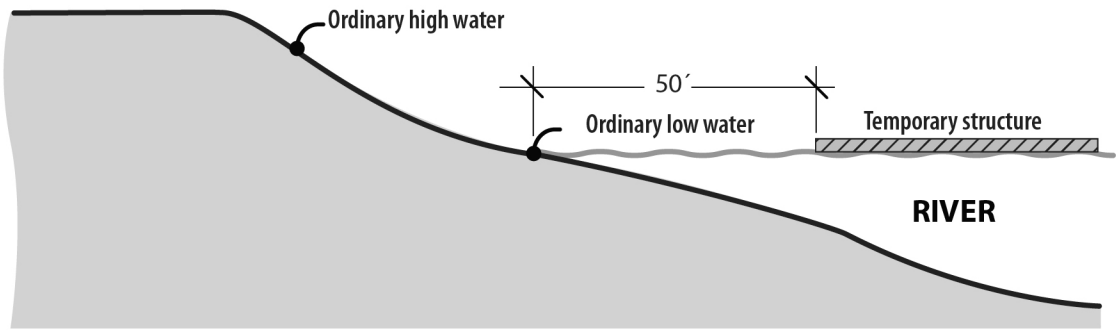
4. Placement of soil is not allowed when the ground is frozen or saturated; and

5. Temporary erosion control measures are required until permanent stabilization measures are functional. Temporary erosion control measures must be biodegradable or removed after permanent stabilization measures are functional or within 3 years, whichever is sooner.

N. Standards for placement of temporary floating structures. The following standards apply to temporary floating structures:

1. The structure and all work necessary to install and remove the structure is allowed in the Willamette River only between July 1 and October 31;
2. The structure must be located within the OS zone;
3. There are no more than 8 temporary floating structures in the Central Reach at one time;
4. The structure is free-floating or is attached to an existing dock, pier or piling. Free-floating means that the structure is anchored to the river bottom and is not accessible from the riverbank via anything other than the water;
5. The dimensions of the entire temporary structure must not be greater than 12 feet by 50 feet;
6. The structure has no walls and no roof;
7. The structure is at least 50 feet away from the riverbank. The 50 feet is measured horizontally from the ordinary low water mark. See Figure 475-4; and
8. The hours of operation are between 6 am and 10 pm.

Figure 475-4
Floating Structures



33.475.450 Corrections to Violations of River Environmental Overlay Zone Development Standards

A. Purpose. The purpose of the correction regulations is to ensure the timely restoration of natural resources and functional values that have been degraded due to a violation of the River Environmental overlay zone standards.

These regulations establish a process to determine which review requirements will be applied to remedy a violation that takes place in the River Environmental overlay zone. The type of review required depends on the circumstances of the violation. Section 33.475.450.B details methods for correcting such violations and Title 3 of the City Code details the enforcement penalties.

B. Correction Options. Applicants must choose one of the following options to correct environmental code violations.

1. When these options may be used.

   a. If all of the following are met, the applicant may choose Option One, Option Two, or Option Three:

      (1) No more than 12 diameter inches of trees were removed;

      (2) No ground disturbance occurred riverward of the top of bank of the Willamette River (top of bank is shown on Map 475-2) or within 30 feet of the top of bank of a stream, wetland or other water body;

      (3) The correction will remove all illegal development; and

      (4) The correction will replant illegal clearing.

   b. If any of the following occurred, the applicant may not use Option One, but may choose either Option Two or Option Three:

      (1) More than 12 diameter inches of trees were removed;

      (2) A Madrone, Garry Oak, or Pacific Yew larger than 6 inches was removed; or

      (3) Disturbance occurred riverward of the top of bank of the Willamette River (top of bank is shown on Map 475-2), or within 30 feet of the top of bank of a stream, wetland or other water body.

   c. If the applicant cannot meet Options One or Two, Option Three must be used.

   d. If the violation also violates a condition of approval of a land use review, no trees have been removed, and disturbance did not occur riverward of the top of bank of the Willamette River or within 30 feet of the top of bank of a stream, wetland or other water body, the applicant may choose Option One or the process described in Section 33.730.140. The applicant may not choose Options Two or Three.

   e. If the violation also violates a condition of approval of a land use review, trees have been removed, and disturbance occurred riverward of the top of bank of the Willamette River or within 30 feet of the top of bank of a stream, wetland or other water body, the applicant must use the process described in Section 33.730.140. The applicant may not choose one of the options in this section.

2. Option One, Remove and Repair. This option results in removal of illegal development and replanting and repair of any damage. All of the requirements of this paragraph must be met. Adjustments and modifications to these requirements are prohibited.

   a. All items and materials placed in the area of violation are removed and no new disturbance area is created;

   b. Any soil compaction resulting from the violation is tilled or otherwise broken up to a depth of 6 inches prior to planting;

c. Violation remediation planting. The area to be planted is the area disturbed by the violation. All of the following must be met:

(1) The area disturbed by the violation activity must be replanted to meet the standards of Table 475-3;

(2) For planting areas over 600 square feet, at least two different tree species and sizes, three different shrub species, and four different groundcover species must be used. All plants must be native;

(3) A second area, equal in size to the area disturbed by the violation activity, must also be replanted to meet the standards of Table 475-3;

(4) Any Nuisance or Prohibited Plants listed on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;

(5) Trees must be a minimum ½ inch in diameter, bareroot or live stake, unless they are oak, madrone, or conifer, which may be three- to five-gallon size. No more than 10 percent of the trees may be oak or madrone. Trees must not be planted within a Scenic (s) overlay zone. Trees may be clustered. Shrubs must be a minimum of two-gallon size. All other species must be a minimum of four-inch pots;

(6) The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met; and

(7) For violations involving the removal of trees, two times the number of diameter inches removed must be planted on the site, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum one inch in diameter unless they are oak, Madrone, or conifer, which may be three- to five-gallon size.

3. Option Two, Retain and Mitigate. This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met. Adjustments and modifications to these standards are prohibited.

a. The applicable standards of paragraphs 33.475.440 must be met;

b. Violation remediation planting. The area to be planted is the area disturbed by the violation. Where development is approved for the area disturbed by the violation, an area of the same size elsewhere on the site must be planted. All of the following must be met:

(1) The area disturbed by the violation activity must be replanted to meet the standards of Table 475-3;

(2) For planting areas over 600 square feet, at least two different tree species and sizes, three different shrub species, and four different groundcover species are used. Plants must be native and selected from the *Portland Plant List*.

(3) A second area, equal in size to the area disturbed by the violation activity, must also be replanted to meet the standards of Table 475-3;

(4) Any Nuisance or Prohibited Plants listed on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;

(5) Trees must be a minimum ½ inch in diameter, bareroot or live stake, unless they are oak, madrone, or conifer, which may be three- to five-gallon size. No more than 10 percent of the trees may be oak or madrone. Trees must not be planted within a scenic (s) overlay zone. Trees may be clustered. Shrubs must be a minimum of two-gallon size. All other species must be a minimum of four-inch pots; and

(6) The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met; and

c. For violations involving the removal of trees, two times the number of diameter inches removed must be planted on the site, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum one inch in diameter unless they are oak, Madrone, or conifer, which may be three- to five-gallon size.

4. Option Three, River Review. This option requires River Review, using the approval criteria and procedures below:

a. Approval criteria. The applicable approval criteria of Subsection 33.865.120 must be met.

b. Review procedures. Reviews are processed as follows:

(1) Type III. A Type III review is required for any development, exterior alteration, or exterior improvement within a wetland, stream channel, drainageway, or water body.

(2) Type II. All other reviews to correct violations are processed through a Type II procedure.

(3) All River Reviews must provide the information required in Section 33.865.040, Supplemental Application Requirements.

Clean Up of Contaminated Sites

33.475.500 Removal or Remediation of Hazardous Substances

A. General. The following regulations are substantive requirements that apply to actions taken to remove or remediate hazardous substances. All of the regulations must be met unless one or more are demonstrated to be impracticable pursuant to subsection G, below.

B. Where these regulations apply. The regulations of this section apply to the portion of the site located within the boundaries of the removal or remediation action.

C. Review procedure.

1. Except as described in paragraph C.2, compliance with these regulations is processed through a Type II procedure.

2. If the action to remove or remediate hazardous substances is subject to this Code but exempt from procedural requirements, the action must comply with the substantive requirements of these regulations to the extent required under state or federal law and the person performing the action must notify the City that the action is exempt. A person conducting a cleanup otherwise exempted from the procedural requirements may choose to obtain a permit.

D. Relationship to other regulations in this chapter. Actions to remove or remediate hazardous substances that are approved or selected under Oregon or federal cleanup law are exempt from the procedural requirements of Chapter 33.475. Any part of an action that is not in itself a remedial or removal action must meet all other applicable regulations and procedural requirements of this chapter.

E. Regulations that apply to actions to remove or remediate hazardous substances. The following regulations apply to proposals for the removal or remediation of hazardous substances:

1. The removal or remedial actions and the final remedy must not preclude the use of the site consistent with the uses allowed by the base zone or an approved conditional use. If the site is within the River Industrial overlay zone or riverward of the river setback, the final remedy must allow the use of the site for river-dependent or river-related activities unless the site is found to be unsuitable for river-dependent or river-related uses. Generally, this means that the final remedy must allow development of major public trails, dredging necessary to establish or maintain navigation to and from riverfront sites, the placement of piles or dolphins, or the development of a marine facility, dock, or wharf or other river-dependent or river-related structure;

2. Buildings, structures and equipment required as part of removal or remediation actions must be located and designed taking into account the purpose of the river setback standard which is to keep structures at least 50 feet away from the top of bank of the river, reserve space for public access to the river and development of major public trails, and allow for natural resource enhancement (top of bank is shown on Map 475-2); and

3. Water quality treatment facilities must be located outside of the River Environmental overlay zone.

F. Regulations that apply to actions to remove or remediate hazardous substances that occur in specific areas. The following regulations apply to actions within the River Environmental overlay zone to remove or remediate hazardous substances based on specific locations:

1. The following regulations apply to areas landward of the top of bank (top of bank is shown on Map 475-2):

   a. Disturbance of the ground and removal of native vegetation must be avoided outside of the actual soil removal areas. If avoiding disturbance or native

vegetation removal is not practicable, disturbance and removal must be minimized.

b. Where ground disturbance or removal of native vegetation cannot be avoided, the area must be replanted. The replanting standards are as follows:

(1) Nuisance and prohibited plants identified on the *Portland Plant List* must be removed within the area to be replanted and within 10 feet of any plantings;

(2) Planting density. The replanting area must meet one of the following plant and planting density standards specified in Table 475-4. Trees may be clustered. Trees must not be planted within a view corridor designated in the Scenic Resources Protection Plan, shown on Map 480-1.

Table 475-4
Planting Density

	Small Trees[1]	**Medium Trees[1]**	**Large Trees[1]**
Planting Density	One tree and one of the following two options for every 100 square feet: Option 1: Three shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or Option 2: Three shrub and four other groundcover plants.	One tree and one of the following two options for every 200 square feet: Option 1: Six shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or Option 2: Six shrub and eight other groundcover plants.	One tree and one of the following two options for every 300 square feet: Option 1: Nine shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or Option 2: Nine shrub and 12 other groundcover plants.

[1] Tree size is based on Title 11.60.020.C Canopy Size

(3) Plant diversity. For planting areas over 600 square feet, at least two different tree species and sizes, three different shrub species, and four different groundcover species are used;

(4) Plant size. Trees must be a minimum ½-inch caliper or bareroot unless they are oak or madrone, which may be one gallon size. No more than ten percent of the trees may be oak or madrone. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent; and

(5) The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met.

c. Tree replacement. Trees that are 1.5 inches or greater in diameter that are removed must be replaced based on Table 475-5:

Table 475-5 Tree Replacement in Hazardous Substance Cleanup Sites		
Size of tree to be removed (inches in diameter)	**Option A (no. of native trees to be planted)**	**Option B (combination of native trees and shrubs)**
At least 1.5 and up to 12	2	Not applicable
More than 12 and up to 20	3	1 tree and 3 shrubs
More than 20 and up to 25	5	3 trees and 6 shrubs
More than 25 and up to 30	7	5 trees and 9 shrubs
More than 30	10	7 trees and 12 shrubs

(1) Size. The replacement trees must be a minimum ½-inch diameter or bareroot unless they are oak or madrone, which may be one gallon size. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent.

(2) Type. The replacement trees must be native trees selected from the *Portland Plant List*;

(3) Location. All replacement trees must be planted within the River Environmental overlay zone, within 50 feet of the River Environmental overlay zone, or within 50 feet of the top of bank of the Willamette River in the Central Reach (top of bank is shown on Map 475-2). The person conducting the cleanup must own the property where the trees are planted or have an easement or deed restriction sufficient to ensure the success of the tree planting; and

(4) Replacement trees can be counted toward meeting the requirements of subsubparagraph G.1.b(2).

d. All vehicle areas and construction staging areas installed for purposes of conducting the removal and remediation actions must be removed from the River Environmental overlay zone when they are no longer necessary for remedy construction. All such areas must be removed by the time the project is complete and the areas must be replanted according to the standards of subparagraph G.1.b, above.

2. The following regulations apply to the area between the top of bank and the ordinary high water mark:

a. When there is an alteration to the area between top of bank and the ordinary high water mark that is greater than 500 square feet or includes more than 50 cubic yards or excavation or fill, changes the ground contours, results in the removal of buildings, requires engineering of the river bank or includes in-water work, the following should be met (top of bank is shown on Map 475-2):

(1) The area between the top of bank and the ordinary high water mark where the alteration occurs must be designed using biotechnical techniques including soil bioengineering (top of bank is shown on Map 475-2). Figures 475-5 and 475-6 show examples of biotechnical techniques. In addition to using biotechnical techniques, the following requirements apply:

- Rock armoring or other hard surface armoring methods must not be used between the top of bank and the Ordinary High Water Mark except as needed surrounding outfalls. This is not intended to preclude using rock or other hard surface stabilization methods below the surface if necessary to contain hazardous substances or to preclude the use of rocks or gravel as part of the biotechnical technique;
- The bank must be sloped or terraced in a way that allows the establishment and maintenance of vegetation as the primary soil stabilization method;
- If the site is currently used for public recreation, including access to a beach or the river, the bank must be sloped or terraced in a way that allows for at least one public access way to the beach or river;
- Large wood, including root wads, tree boles and logs, must be used to reduce localized erosion, improve bank stabilization, and improve ecological values and, if the site is currently used for public recreation, support continued use of beaches and the river; and
- At least eighty percent of the area between the top of bank and the ordinary high water mark that is being altered as a result of the remedy must be planted with shrubs. At least one tree must be planted for every 400 square feet of altered area. All of the area that is not planted with shrubs or trees must be fully covered with ground cover plants. All plants must be selected from the *Portland Plant List* and should be appropriate for the conditions on the site. The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met.

(2) If biotechnical techniques are not practicable, as described in 33.475.500.G, and rock armoring is used on the surface between the top of bank and the Ordinary High Water Mark, then the slope of the bank must be shallow enough to allow a combination of rock and vegetation (top of bank is shown on Map 475-2). At a minimum, live native willow or dogwood stakes should be planted in adequate soil, in the interstices between the rocks at a ratio of three stakes for every square yard of rock armoring.

b. When there is a minor alteration of less than 500 square feet or less than 50 cubic yards of excavation or fill to the area between the top of bank and the ordinary high water mark, the regulations of paragraph G.1, above apply (top of bank is shown on Map 475-2).

3. In the area that is riverward of the Ordinary High Water Mark, the following apply:

a. Avoid in-water permanent structures that will impact the navigation channel or will preclude river-dependent or river-related development from accessing and utilizing the river for public recreation, transportation, tourism, or the transport, transfer and conveyance of goods and materials to and from the upland site;

b. Integrate large wood, or other natural wave deflection structures or techniques that mimic the function of large wood, into the near-shore environment. Rock armoring, chemically treated wood, articulated block, and industrial debris is discouraged;

c. If the area is a beach or is a shallow water depositional area, then the final design should include all of the following:

(1) At least six inches depth of substrate that is ½-inch rounded gravel or smaller in size should be placed over capping material;

(2) The submerged slope should be no steeper than 1:7 (rise to run ratio); and

(3) Public access from major public trails or abutting upland sites to the river should not be precluded.

d. If the area is not a beach or is not a shallow water depositional area, then the final substrate should be rounded rock no larger than 6 inches (D100=6") with an average gradation size of 3 inches (D50=3"). Angular rock is discouraged.

G. Demonstration of Impracticability. A person conducting a cleanup may be exempted from compliance with any requirement in this section if the person demonstrates that compliance with the requirement is not capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project remedial purposes. The person must still comply with that requirement to the extent practicable and remains subject to all other applicable requirements. To demonstrate impracticability the applicant must submit an engineering analysis, a cost schedule and any other information, such as desired future use of the site, that supports a demonstration that a requirement cannot be fully met.

Figure 475-5
Example 1: Upland and In-Water Contamination Cleanup

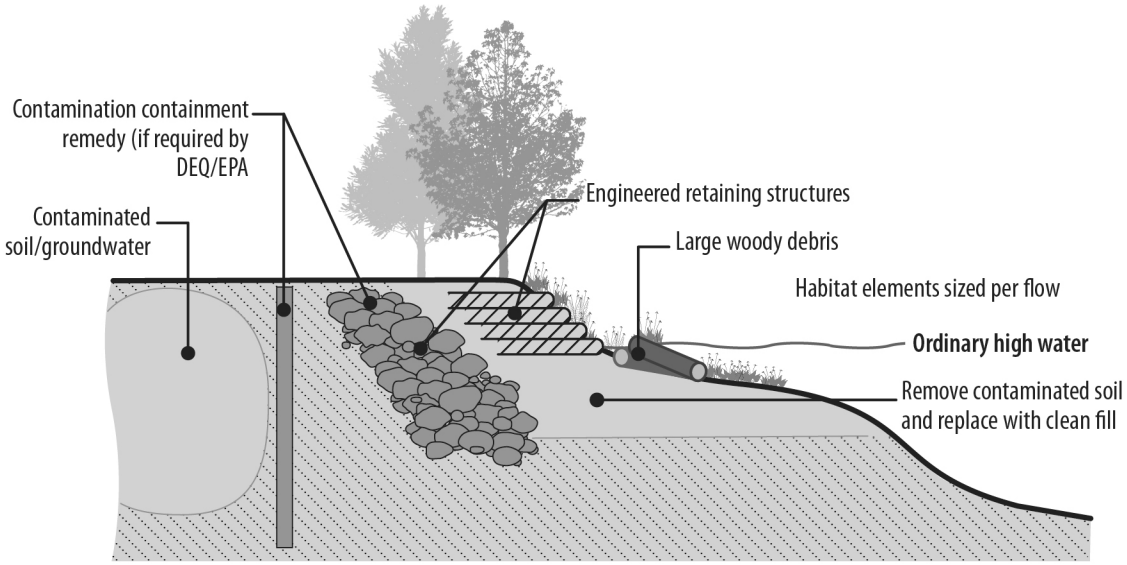
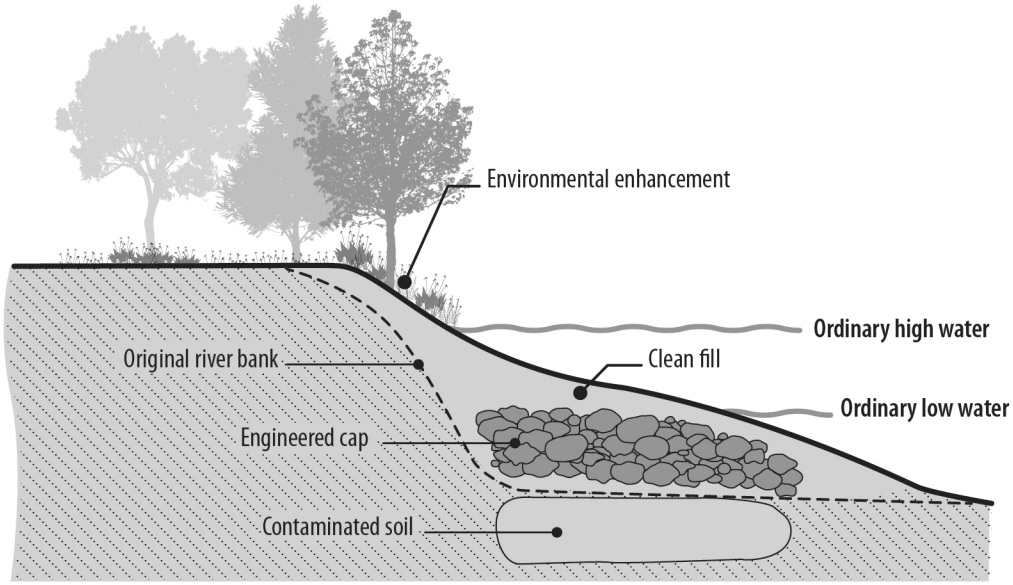


Figure 475-6
Example 2: In-Water Contamination Cleanup



(Added by: Ord. No. 189000, effective 7/9/18. Amended by: Ord. No. 190023, effective 8/10/20.)

Central Reach
River Overlay Boundary

Map 475-1

Map Revised August 10, 2020

Legend

Central Reach
River Overlay Boundary

NORTH

0 1,800 3,600

Scale in Feet

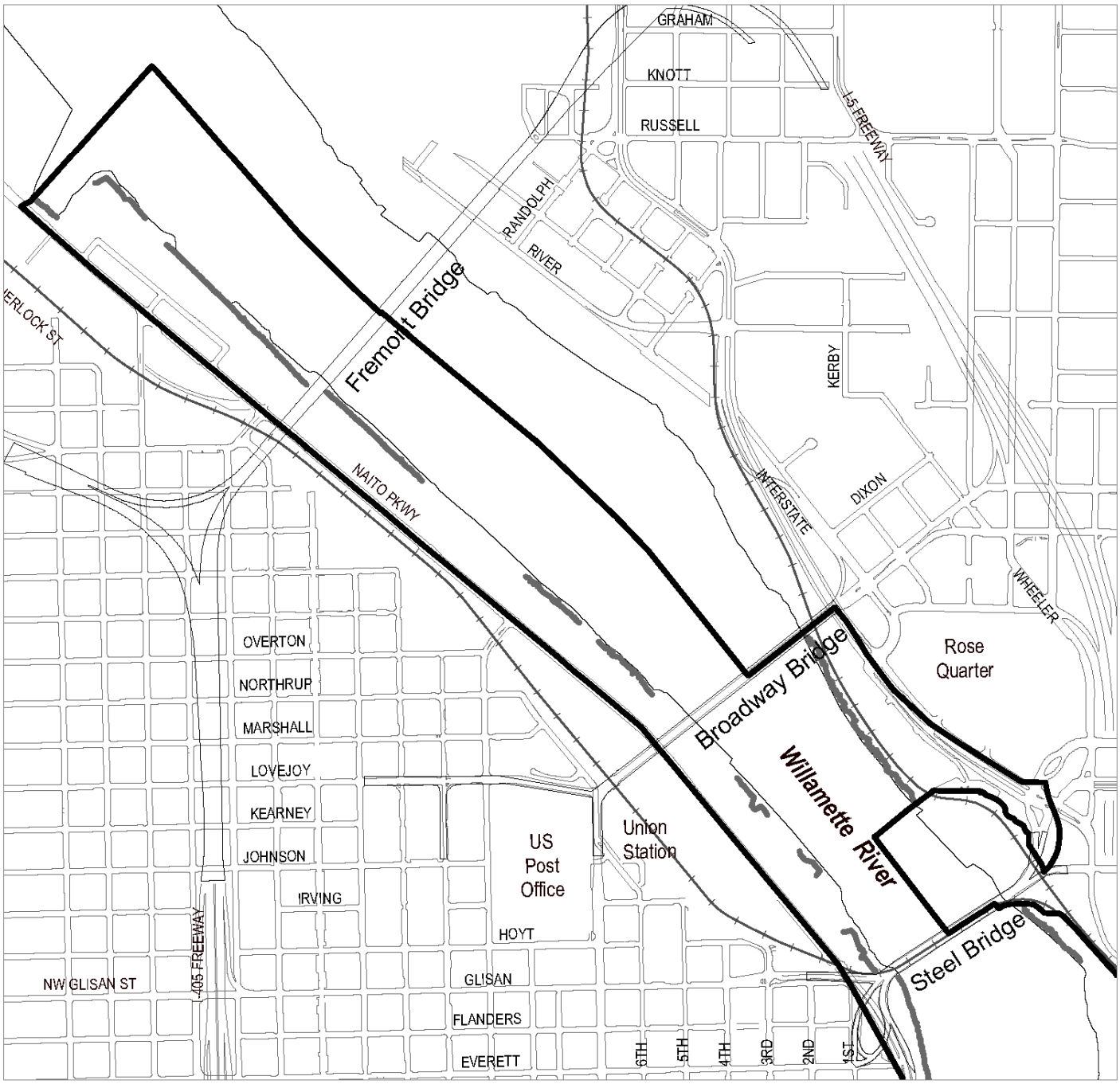
Bureau of Planning and Sustainability
Portland, Oregon

Central Reach
Top of Bank

Map 475-2

Map 1 of 3

Map Revised August 10, 2020



Legend

Central Reach River Overlay Boundary

Top of Bank (where mapped)

NORTH

0 800 1,600

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Central Reach
Top of Bank

Map 475-2

Map 2 of 3

Map Revised August 10, 2020

Legend

Central Reach River Overlay Boundary

Top of Bank (where mapped)

NORTH

0 800 1,600

Scale in Feet

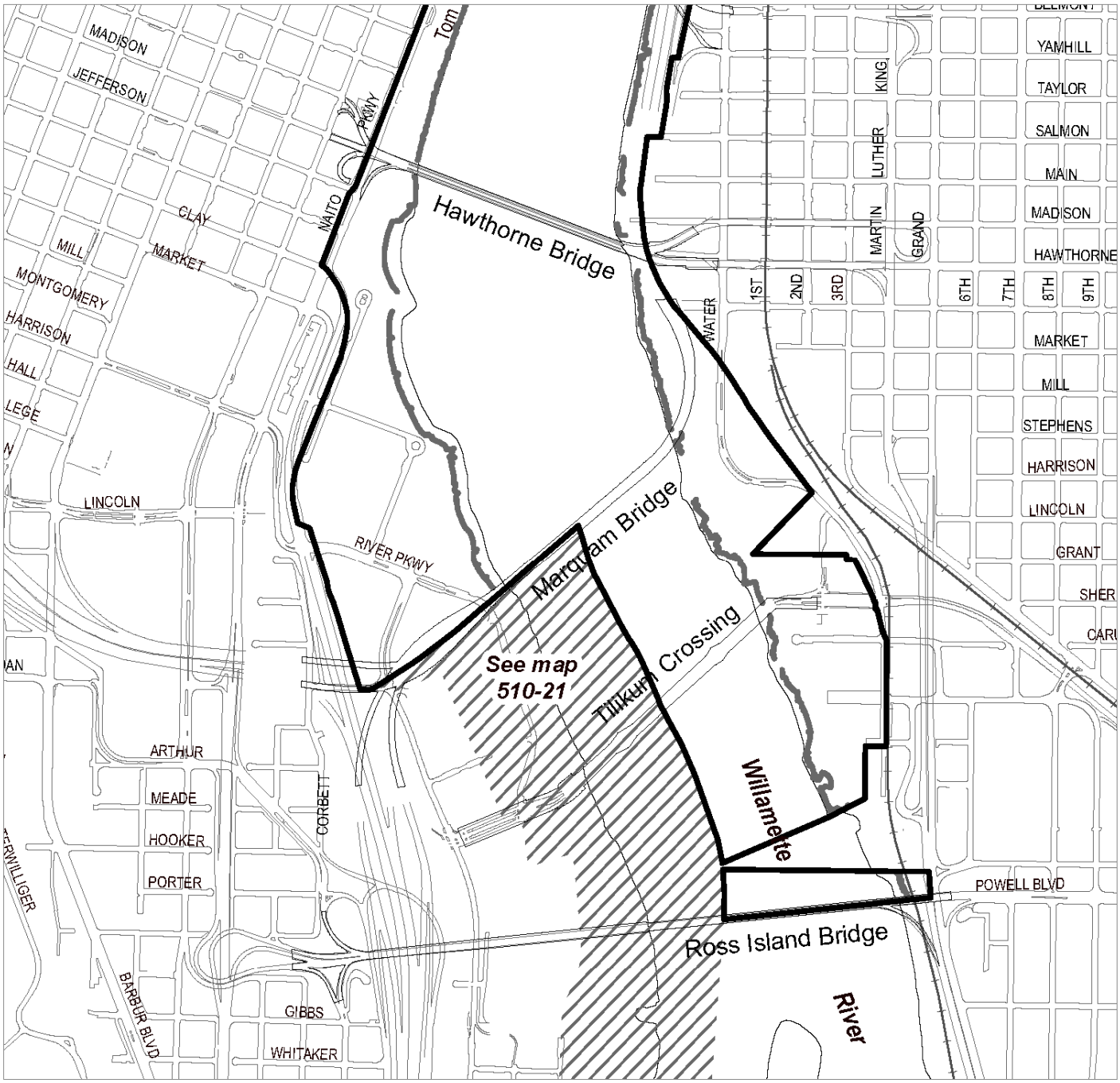
Bureau of Planning and Sustainability
Portland, Oregon

Central Reach
Top of Bank

Map 475-2

Map 3 of 3

Map Revised August 10, 2020



Legend

Central Reach
River Overlay Boundary

Top of Bank (where mapped)

NORTH

0 800 1,600

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Areas Exempt from Landscaping Requirements

Map 475-3

Map Revised August 10, 2020

Legend

Central Reach River Overlay Boundary

Exempt Areas

NORTH

0 1,800 3,600

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.480 Scenic Resource Zone

480

Sections:

33.480.010 Purpose
33.480.020 Map Symbol
33.480.030 Application of the Scenic Resource Zone
33.480.040 Development Standards
33.480.050 Tree Removal Review

33.480.010 Purpose

The Scenic Resource zone is intended to:

- Protect Portland's significant scenic resources that provide benefits to the public as identified by the City in the *Scenic Resources Protection Plan* (1991) and the *Central City Scenic Resources Protection Plan* (2017);
- Enhance the appearance of Portland to make it a better place to live and work;
- Create attractive entrance ways to Portland and its districts;
- Improve Portland's economic vitality by enhancing the City's attractiveness to its citizens and to visitors; and
- Implement the scenic resource policies, goals, and objectives of Portland's Comprehensive Plan.

The purposes of the Scenic Resource zone are achieved by establishing height limits within view corridors to protect significant views and by establishing additional landscaping and screening standards to preserve and enhance identified scenic resources.

33.480.020 Map Symbol

The Scenic Resource zone is shown on the Official Zoning Maps with a letter "s" map symbol.

33.480.030 Application

The Scenic Resource zone is to be applied to all significant scenic resources identified in the *Scenic Resources Protection Plan* or the *Central City Scenic Resources Protection Plan*. Any changes to land or development, including rights-of-way, within the Scenic Resource zone are subject to the regulations of this chapter.

33.480.040 Development Standards

The development standards of the Scenic Resource zone apply based on the mapping designations shown in the *Scenic Resources Protection Plan* or the *Central City Scenic Resources Protection Plan*. The standards for each subsection below apply only to areas with that designation in the respective plan. The resource is defined as the width of the right-of-way or top of bank to top of bank for scenic corridors. Setbacks are measured from the outer boundary of the right-of-way unless specified otherwise in the ESEE Analysis and as shown on the Official Zoning Maps. In some cases, more than one development standard applies. For example, within a scenic corridor, a view corridor standard will apply where a specific view has been identified
for protection.

A. View Corridors. All development and vegetation with a view corridor designation in the *Scenic Resources Protection Plan* or the *Central City Scenic Resources Protection Plan* are subject to the regulations of this Subsection.

1. Purpose. The intent of the view corridor designation is to establish maximum heights within view corridors to protect views from designated viewpoints.

2. Standard. All development within the designated view corridors are subject to the height limits of the base zone, overlay zone, or plan district, except when a more restrictive height limit is established by the view corridor. In those instances, the view corridor height limit applies to both development and vegetation. Removal of trees or limbs necessary to maintain the view corridor is allowed. When no development is proposed, tree removal is subject to the requirements of Title 11, Trees. Public safety facilities are exempt from this standard.

B. Scenic Corridors. All development and vegetation with a scenic corridor designation in the *Scenic Resources Protection Plan* or the *Central City Scenic Resources Protection Plan* are subject to the regulations of this Subsection.

1. Purpose. The scenic corridor designation is intended to preserve and enhance the scenic character along corridors, and where possible, scenic vistas from corridors. This is accomplished by limiting the length of buildings, preserving existing trees, providing additional landscaping, preventing development in side setbacks, screening mechanical equipment, and restricting signs. Property owners and others are encouraged to make every effort to locate buildings, easements, parking strips, sidewalks, and vehicle areas to preserve the maximum number of trees.

2. Standards.

   a. Scenic corridor setback. A scenic corridor setback per Table 480-1 applies along street lot lines that abut the Scenic Corridor identified in the *Scenic Resources Protection Plan*.

Table 480-1
Scenic Corridor Setback [1]

Zone	Minimum Setback from Street Lot Line
IR, CI	1’ per 2’ of building height, not less than 10’
RM2	3’
EG1, IH	5’
EG2, IG2	25’
All other base zones	20’

[1] Larger minimum setbacks in overlay zone and plan district supersede this setback

   b. Side building setbacks. Buildings, garages, and covered accessory structures are not allowed within the side building setbacks within the first 100 feet from the designated resource.

   c. Structure length. No more than 80 percent of the length of any site can be occupied by structures, excluding fences, as measured parallel to the scenic corridor. This standard applies to an entire attached housing project rather than to individual units.

d. Limiting blank facades. Long, blank facades create uninteresting elements along a scenic corridor. This standard applies to all portions of buildings within 100 feet of the designated resource. Residential structures are exempt from this standard. Blank facades must be mitigated for in at least one of the following ways:

(1) The maximum length of any building facade is 100 feet.

(2) Two rows of trees, one deciduous and one evergreen, must be planted on 30-foot centers along the length of the building between the structure and the protected resource.

(3) Facades facing the scenic corridor must have a minimum of 40 percent of surface area in glass. Mirrored glass with a reflectance greater than 20 percent is prohibited.

e. Landscaping. The entire required scenic corridor setback must be landscaped to at least the L1 level unless the more stringent standards below or in other chapters of this Title apply. Up to 25 percent of the entire area of the scenic corridor setback may be used for vehicle and pedestrian areas except that each lot is allowed at least a 9-foot wide driveway or parking area and a 6-foot wide pedestrian area. Additionally, areas within the adjacent right of way must be landscaped to standards approved by the City engineer. The required landscaping in the setback and adjacent right of way must be provided at the time of development, except as allowed in B.2.e(1) below.

(1) When alterations are made to a site with an existing nonconforming use, allowed use, limited use, or conditional use, and the alterations are over the threshold stated in 33.258.070.D.2.a, the site must be brought into conformance with the landscape standards above. The value of the alterations is based on the entire project, not individual building permits. The cost of the upgrades required by this chapter may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the upgrades required by this chapter must be completed first.

(2) Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site and adjacent right of way. If the ground lease is adjacent to a right of way within the scenic corridor, the upgrades required by this chapter also apply to the right of way adjacent to the ground lease.

(3) Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in 33.258.070.D.2.b, the landscape standards above, are also included.

f. Screening. All exterior garbage cans, garbage and recycling collection areas, and mechanical equipment (including heat pumps, air conditioners, emergency generators, and water pumps) must be screened from view or not visible from the designated scenic corridor. Small rooftop mechanical equipment, including vents, need not be screened if the total area of such equipment does not exceed

10 square feet
per structure.

g. Fences and hedges. The total maximum height of fences, hedges, and berms within the scenic corridor setback, and when allowed in the adjacent right of way is 3-1/2 feet. This provision does not apply to any required screening and buffering.

h. Preservation of trees. This provision does not apply if the property is regulated by state statutes for forest management practices. All trees 6 or more inches in diameter that are within the scenic corridor setback and right of way must be retained unless removal conforms to one or more of the following standards:

(1) The tree is located within a view corridor designated in the *Scenic Resources Protection Plan* (1991) or the *Central City Scenic Resources Protection Plan* (2017);

(2) The tree is located within the footprint or within 10 feet of existing or proposed buildings and structures attached to buildings, such as decks, stairs, and carports, or within 10 feet of a proposed driveway;

(3) The tree is determined by an arborist to be dead, dying or dangerous;

(4) The tree is on the *Nuisance Plants List*;

(5) The tree must be removed due to installation, repair, or maintenance of water, sewer, or stormwater services. For new installation of services, tree removal allowed under this provision is limited to a single 10 foot wide utility corridor on each site;

(6) The tree is within a proposed roadway or City-required construction easement, including areas devoted to curbs, parking strips or sidewalks, or vehicle areas;

(7) The tree is within 20 feet of a Radio Frequency Transmission Facility antenna that is a public safety facility. The distance to the antenna is measured vertically and horizontally from the edge of the antenna. See Figure 480-1; or

(8) The tree is at least 6 and up to 12 inches in diameter and does not meet any of the other standards of this subparagraph, but is replaced within the scenic corridor setback or adjacent right of way according to Table 480-2. Replacement plantings must meet Section 33.248.030, Plant Materials.

Figure 480-1
Measuring from an RF Transmission Facility Antenna

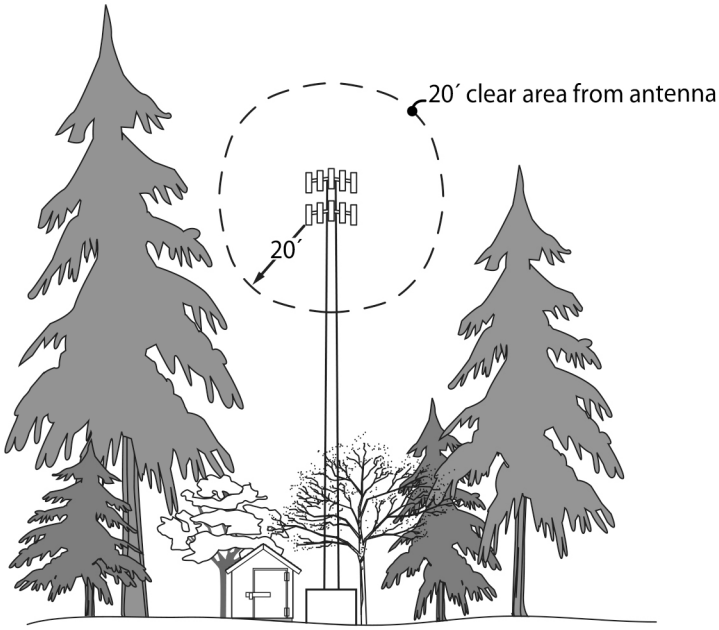


Table 480-2 Tree Replacement Requirements In Scenic Overlay Zone		
Applicants may choose either Option A or Option B [1]		
Size of tree to be removed (inches in diameter)	Option A (no. of trees to be planted)	Option B (combination of trees and shrubs)
Up to 9	1 tree	Not applicable
More than 9 and up to 12	3 trees	2 trees and 2 shrubs
More than 12	Tree Review Required (see 33.480.050 below)	

[1] Trees and Shrubs must be species listed in the Scenic Resources Protection Plan

33.480.050 Tree Removal Review

A. Tree removal without development. When no development is proposed, tree removal allowed by the standards of Subparagraph 33.480.040.B.2.h is subject to the tree permit requirements of Title 11, Trees.

B. Tree removal in development situations. When tree removal is proposed as part of development, the standards of Subparagraph 33.480.040.B.2.h apply in addition to the tree preservation standards of Title 11, Trees.

C. Trees that do not qualify for removal under Subparagraph 33.480.040.B.2.h may be removed if approved through tree review as provided in Chapter 33.853, Tree Review. However, where the tree removal would require environmental review, only environmental review is required.

(Amended by: Ord. No. 163957, effective 4/12/91; Ord. No. 166572, effective 6/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 171718, effective 11/29/97; Ord. No. 173528, effective 7/30/99; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177368, effective 5/17/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 179092, effective 4/1/05; Ord. No. 181357, effective 11/9/07; Ord. No. 184524, effective 7/1/11; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20.)

500s

Plan Districts

33.500 Plan Districts in General

33.505 Albina Community Plan District

33.508 Cascade Station/Portland International Center (CS/PIC) Plan District

33.510 Central City Plan District

33.515 Columbia South Shore Plan District

33.520 Division Street Plan District

33.521 East Corridor Plan District

33.526 Gateway Plan District

33.530 Glendoveer Plan District

33.531 Guild's Lake Industrial Sanctuary Plan District

33.532 Hayden Island Plan District

33.533 Healy Heights Plan District

33.534 Hillsdale Plan District

33.536 Hollywood Plan District

33.537 Johnson Creek Basin Plan District

33.538 Kenton Plan District

33.540 Laurelhurst-Eastmoreland Plan District

33.545 Lombard Street Plan District

33.550 Macadam Plan District

33.555 Marquam Hill Plan District

33.560 North Cully Plan District

33.561 North Interstate Plan District

33.562 Northwest Plan District

33.563 Northwest Hills Plan District

33.564 Pleasant Valley Plan District

33.565 Portland International Airport Plan District

33.566 Portland International Raceway Plan District

33.567 Powell Boulevard Plan District

33.570 Rocky Butte Plan District

33.575 Sandy Boulevard Plan District

33.580 South Auditorium Plan District

33.583 St. Johns Plan District

33.585 Swan Island Plan District

A list of symbols that appear on the Official Zoning Maps and their corresponding Zoning Code chapters is contained in the front of the Zoning Code, following the Table of Contents, under “Index of Symbols on the Official Zoning Maps”.

33.500 Plan Districts in General

500

Sections:

33.500.010 Purpose
33.500.020 Establishment and Removal of Plan Districts
33.500.030 Scope of Plan Districts
33.500.040 Relationship to Other Regulations
33.500.050 Adoption Criteria
33.500.060 Review
33.500.070 Plan District Maps

33.500.010 Purpose

Plan districts address concerns unique to an area when other zoning mechanisms cannot achieve the desired results. An area may be unique based on natural, economic or historic attributes; be subject to problems from rapid or severe transitions of land use; or contain public facilities which require specific land use regulations for their efficient operation. Plan districts provide a means to modify zoning regulations for specific areas defined in special plans or studies. Each plan district has its own nontransferable set of regulations. This contrasts with base zone and overlay zone provisions which are intended to be applicable in large areas or in more than one area. However, plan districts are not intended for small areas or individual properties.

33.500.020 Establishment and Removal of Plan Districts

A plan district may be established or removed as the result of an area planning study, reviewed through the legislative procedure.

33.500.030 Scope of Plan Districts

Plan district regulations are applied in conjunction with a base zone. The plan district provisions may modify any portion of the regulations of the base zone, overlay zone, or other regulations of this Title. The provisions may apply additional requirements or allow exceptions to general regulations.

33.500.040 Relationship to Other Regulations

When there is a conflict between the plan district regulations and base zone, overlay zone, or other regulations of this Title, the plan district regulations control. The specific regulations of the base zone, overlay zones, or other regulations of this Title apply unless the plan district provides other regulations for the same specific topic.

33.500.050 Adoption Criteria

A plan district may be established if all the following adoption criteria are met:

A. The area proposed for the plan district has special characteristics or problems of a natural, economic, historic, public facility, or transitional land use or development nature which are not common to other areas of the City;

B. Existing base and overlay zone provisions are inadequate to achieve a desired public benefit or to address an identified problem in the area;

C. The proposed plan district and regulations are the result of a legislative study or plan documenting the special characteristics or problems of the area and how a plan district will best address relevant issues; and

D. The regulations of the plan district are in conformance with the Comprehensive Plan and continue to meet the general purpose and intent of the base zone and any overlay zones applied in the district, and do not prohibit uses or development allowed by the base zone without clear justification.

33.500.060 Review
Plan districts and their regulations will be reviewed periodically to determine whether they are still needed, should be continued or amended. Plan districts and their regulations will be reviewed as part of the process for the update of the Comprehensive Plan. All plan districts located wholly or partially within each Community and Neighborhood Plan Study Area will be reviewed.

33.500.070 Plan District Maps
The boundaries of each plan district established are shown on maps located at the end of each chapter. In addition, plan district boundaries are identified on the Official Zoning Maps.

(Amended by: Ord. No. 167650, effective 6/10/94.)

33.505 Albina Community Plan District

505

Sections:

General
33.505.010 Purpose
33.505.020 Where These Regulations Apply
Development Standards
33.505.230 Attached Houses on Vacant Lots in R5 Zoned Areas
Map 505-1 Albina Community Plan District

General

33.505.010 Purpose

The Albina Community plan district implements the Albina Community Plan. The plan district's provisions are intended to provide additional opportunities for owner-occupied housing that can serve as less expensive alternatives to lower-density houses and that do not involve demolition of existing sound housing.

33.505.020 Where These Regulations Apply

The regulations of this chapter apply to the Albina Community plan district. The boundaries of the plan district are shown on Map 505-1 at the end of this chapter, and on the Official Zoning Maps.

Development Standards

33.505.230 Attached Houses on Vacant Lots in R5 Zoned Areas

A. **Purpose.** The increased density permitted by this section encourages infill development in areas that are generally well served by existing public services. The increase allows the area to absorb additional growth without creating market pressure that might lead to the early removal of existing sound housing. The increased density will lower the cost of housing while increasing opportunities for owner-occupied housing. Required design review of new development ensures that the new housing will make a positive contribution to the neighborhood's character.

B. **Attached houses.** Attached houses are allowed in the R5 zone if all of the following are met. Adjustments to Subparagraphs B.1 through B.4, below, are prohibited:

1. The proposed attached housing development will be on a lot or lot of record that was created at least five years ago;
2. There has not been a dwelling unit on the lot or lot of record for at least five years;
3. A land division creating an individual lot for each attached housing unit is recorded; and

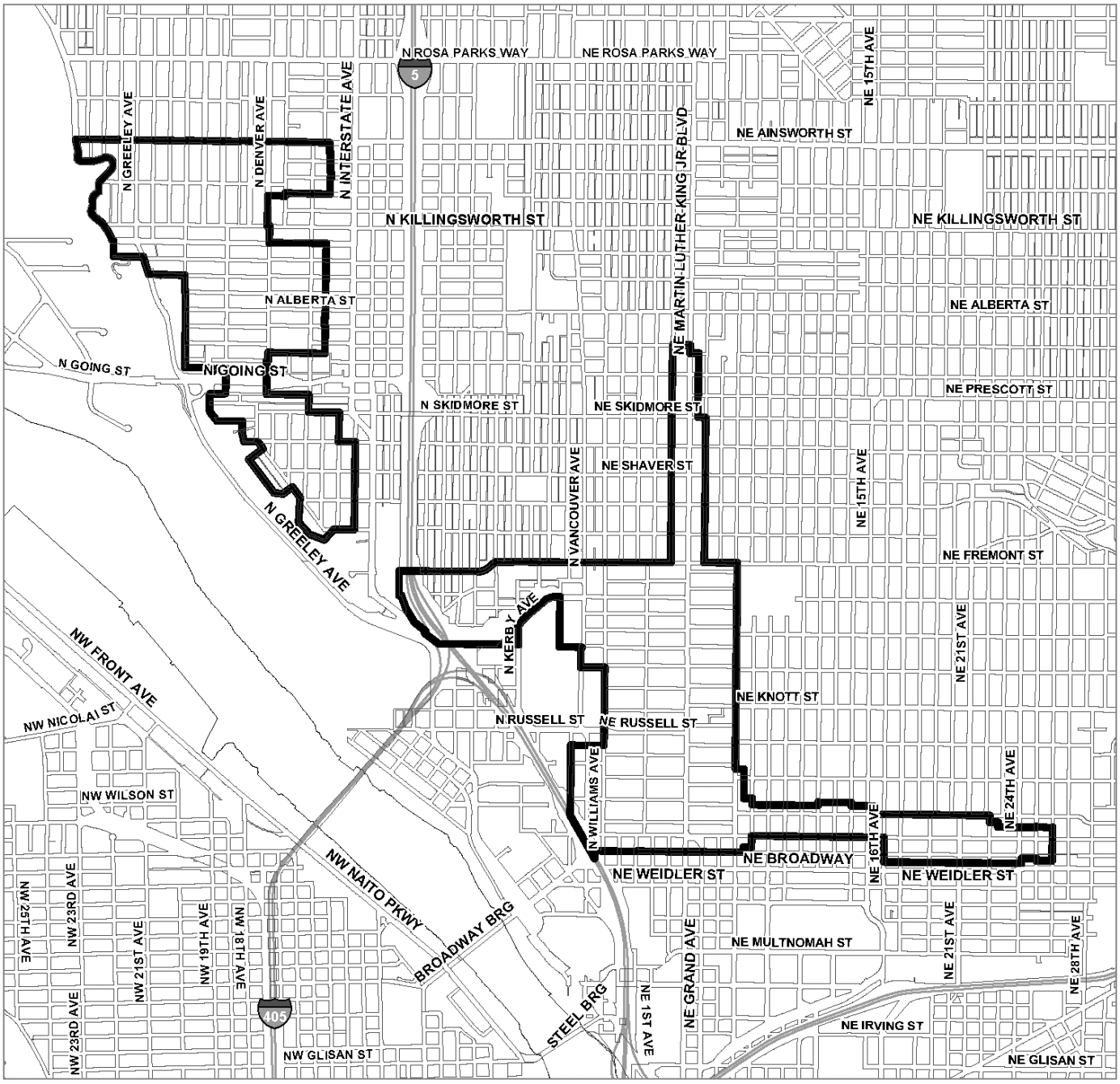
4. The proposed attached housing development meets all development standards for attached housing development in the R2.5 zone.

(Added by Ord. No. 167054, effective 10/25/93. Amended by: Ord. No. 167650, effective 6/10/94; Ord. No. 170916, effective 2/19/97; Ord. No. 171589, effective 11/1/97; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 177028, effective 12/14/02; Ord. No. 182072, effective 8/22/08; Ord. No. 182429, effective 1/16/09; Ord. No. 185915, effective 5/1/13; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20.)

Albina Community Plan District

Map 505-1

Map Revised July 24, 2015



Plan District Boundary

NORTH

0 1,800 3,600

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.508 Cascade Station/Portland International Center Plan District

508

General
- 33.508.010 Purpose
- 33.508.020 Where These Regulations Apply
- 33.508.030 Relationship to Other Regulations and Agencies
- 33.508.040 Special Definitions

Use Regulations
- 33.508.120 Additional Allowed Uses
- 33.508.130 Additional Prohibited Uses
- 33.508.140 Use Regulations in the Park Blocks

Development and Design Standards
- 33.508.200 Purpose
- 33.508.210 Prohibited Development in Subdistrict A
- 33.508.215 Limitations on Development in Park Blocks
- 33.508.220 Maximum Development/Transportation Capacity
- 33.508.230 Development and Design Standards in Subdistrict A
- 33.508.240 Development and Design Standards in Subdistrict B
- 33.508.260 Parking
- 33.508.267 Signs
- 33.508.270 Sumps, Septic Tanks and On-Site Disposal Systems
- 33.508.280 Street Requirements in Subdistrict A
- 33.508.290 Open Space Plan
- 33.508.295 Archaeological Resource Protection

Environmental Overlay Zones
- 33.508.300 Purpose
- 33.508.310 Relationship to Other Environmental Regulations
- 33.508.320 Where and When These Regulations Apply
- 33.508.340 Exemptions
- 33.508.350 Development Standards
- 33.508.360 Special Provisions for Wildlife Hazard Management

Notice and Review Procedure for Permits within Environmental Overlay Zones
- 33.508.392 Purpose
- 33.508.395 When These Regulations Apply
- 33.508.397 Procedure

Map 508-1 CS/PIC Plan District and Subdistricts

General

33.508.010 Purpose

The Cascade Station/Portland International Center (CS/PIC) plan district regulations encourage the development of a commercially viable mix of office, retail, hotel, entertainment, and industrial employment uses while protecting significant environmental and archaeological features of the area. The development of these uses fosters a vibrant, mixed-use environment served by two major regional transportation facilities: the Portland International Airport and the Airport Light Rail. Development is clustered around the plan district's two light rail stations, the Park Blocks and key streets throughout the area. Requirements for buildings along the Park Blocks and key focal intersections increases the activity level at those areas and provides an attractive pedestrian environment.

All uses and activities allowed within the plan district complement and serve ongoing airport operations and related airport service uses both within and outside plan district boundaries. These regulations also minimize or eliminate conflicts with airport operations and related uses.

The plan district's proximity to the Columbia Slough and the Columbia Slough Trail are recognized by inclusion of special development guidelines and bicycle-pedestrian connections. The plan district regulations also protect significant identified environmental and open space resources within the plan district consistent with the requirements of airport operations, while maintaining or enhancing the capacity of public and private infrastructure within and serving the district.

The plan district has two distinct areas: Subdistricts A and B:

Subdistrict A is served with two light rail stations and will develop into a vibrant mixed-use commercial area with strong design features, formal open space and multi-modal activity. Uses will include both larger format anchor tenants and small scale retailers that support office workers and regional shoppers. The mix of uses allowed in Subdistrict A is intended to create a critical economic mass of commercial and office development.

The remainder of the plan district, which is Subdistrict B, allows a wide range of employment opportunities. The primary development objective in this area is to encourage a wide range of industrial and related uses, including services related to the Airport and other business and service/employment opportunities compatible with existing and future airport operations and related uses in the area. The addition of airport-related service uses and activities as allowed uses serves and strengthens the Portland International Airport as the primary air transportation hub within the region.

33.508.020 Where These Regulations Apply

The regulations of this chapter apply to the Cascade Station/Portland International Center plan district. The boundaries of the plan district are shown on Map 508-1 at the end of this chapter and on the Official Zoning Maps. The two subdistricts (A and B) are also shown on Map 508-1.

33.508.030 Relationship to Other Regulations and Agencies

This chapter contains only the City's regulations for the plan district. Activities which the City regulates through this chapter may also be regulated by other agencies. In particular, because the entire plan district is owned by the Port of Portland and was originally purchased for aviation use, the Federal Aviation Administration (FAA) will review development proposals and amendments to this chapter to ensure that there will be no adverse impacts on airport operations. The regulations of this

plan district have been designed to address FAA issues. City approval does not imply approval by other agencies.

33.508.040 Special Definitions

These definitions are used only in the CS/PIC plan district.

Lot. In this plan district, a lot includes both "lot" as defined in Chapter 33.910, Definitions, and "lease lot." A lease lot is a parcel of land that is created as a result of a ground lease or sublease and which is clearly defined by a metes and bounds legal description and is a recorded document in the public record. References to lot lines, lot area, percentage of lot, and so on, are based on this definition of lot, but otherwise have the same meanings as in Chapter 33.910.

Street. As defined in 33.910, but does not have to be a dedicated street or in a tract. Streets include those streets shown in Figure 508-8, Street Requirements in Subdistrict A.

Story. A single floor of activity—other than parking—in a building. A story is not defined by a particular height.

Use Regulations

33.508.120 Additional Allowed Uses

A. Subdistrict A. The following additional uses are allowed in Subdistrict A, up to the maximums allowed in Table 508-1:

1. Office Uses;
2. Major Event Entertainment, exhibition and meeting areas are allowed if built in conjunction with a hotel;
3. Retail Sales and Service
   a. Hotels, Motels and Theatres
   b. Other Retail Sales And Service with the following limitations:
      (1) Generally, a single retail use may not occupy more than 60,000 square feet of floor area per story, not including exterior display and storage;
      (2) Exception. Three buildings that do not meet the standard of (1) above are allowed as follows:
         - One building may contain a single retail use that occupies up to 90,000 square feet of floor area per story;
         - One building may contain a single retail use that occupies up to 185,000 square feet of floor area per story; and
         - One building may contain a single retail use that occupies up to 205,000 square feet of floor area per story; and
4. Quick Vehicle Servicing.

B. Subdistrict B. The following additional uses are allowed in Subdistrict B, up to the maximums allowed in Table 508-1:

1. Office Uses;
2. Aviation and Surface Passenger Terminals, except parking for passengers; and
3. Car rental facilities including operations, service, storage and refueling facilities.

33.508.130 Additional Prohibited Uses

A. In plan district. The following uses are prohibited in the plan district:

1. Household Living;
2. Group Living;
3. Self Service Storage;
4. Commercial Outdoor Recreation;
5. Community Service;
6. Schools;
7. Medical Centers;
8. Religious Institutions;
9. Vehicle Repair; and
10. Detention Facilities.

B. Subdistrict A. In Subdistrict A, the following uses are prohibited:

1. Industrial Uses;
2. Sale or lease of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, travel trailers, and other recreational vehicles. Offices for sale or lease of vehicles, where the vehicles are displayed or stored elsewhere are allowed; and
3. Commercial Parking.

C. Subdistrict B. In Subdistrict B, the following uses are prohibited:

1. Quick Vehicle Servicing; and
2. Parking for passengers using Aviation and Surface Passenger Terminals.

33.508.140 Use Regulations in the Park Blocks

All uses in the Park Blocks are subject to the use regulations of Chapter 33.100, Open Space Zone. See Section 33.508.215, Limitations on Development in the Park Blocks and Section 33.508.290, Open Space Plan.

Development and Design Standards

33.508.200 Purpose

These development standards help to foster mixed-use transit-supportive development within the plan district, particularly near the two light rail stations while also encouraging the development of a retail center that includes both large- and small-format retail users. Light rail and transit access help to ensure that the plan district will serve as a hub of activity and an important international gateway to Portland. An urban character with a connected street pattern and building orientation standards that orient development at the Park Blocks to pedestrians is also an important objective for the district, particularly adjacent to the light rail stations.

A significant constraint on development in this plan district is potential future traffic congestion on the roads and interstate freeway surrounding the site, especially during the evening peak hour. To address this constraint, and to take advantage of the site's two light rail stations and its high level of regional accessibility, the square footage limitations in this chapter are linked to development capacity by square footage, and trip generation.

33.508.210 Prohibited Development in Subdistrict A

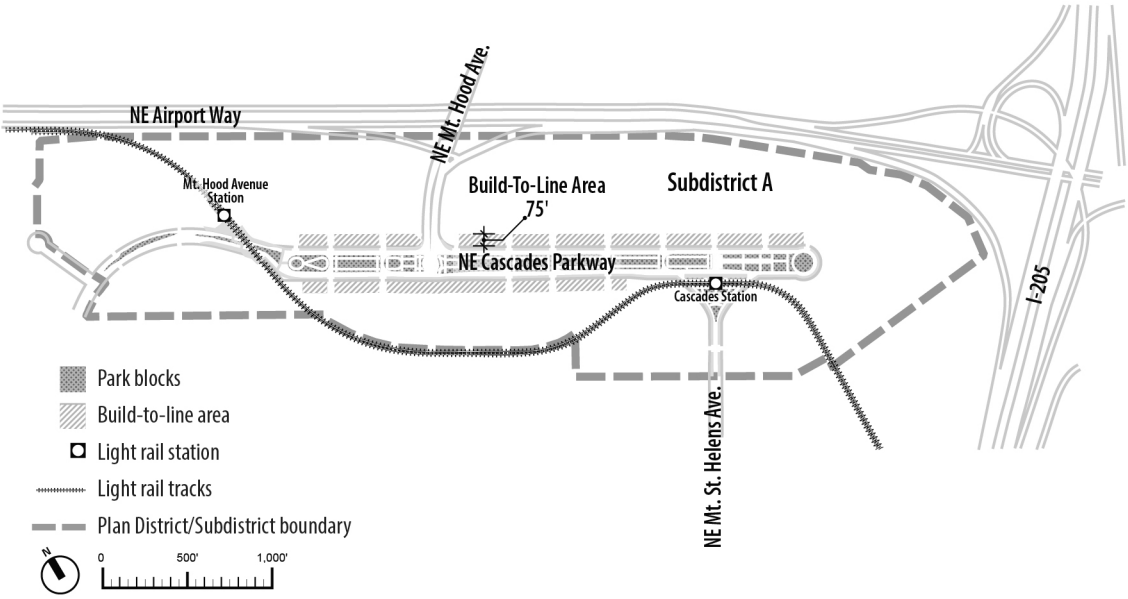
The following regulations apply to Subdistrict A:

- **A. Exterior display and storage.** Exterior display and exterior storage are prohibited. Outdoor seating for restaurants, delis and pedestrian-oriented accessory uses, such as flower, food or drink stands, are exempt from this prohibition.
- **B. Drive-through facilities.** Drive-through facilities are prohibited within 200 feet of a light rail station platform. Direct vehicular access to these facilities, including stacking lane entrances, from NE Cascades Parkway is prohibited.
- **C. Quick Vehicle Service.** Quick Vehicle Service facilities are prohibited in the following locations:
  1. South of NE Cascades Parkway; and
  2. East of NE Mt. Hood Avenue.

33.508.215 Limitations on Development in Park Blocks

In order to preserve the sense of openness and views within the Park Blocks, but still allow for small-scale structures such as restrooms, utility sheds, and other such structures, not more than 500 square feet of total floor area may be built within the Park Blocks, shown on Figure 508-1.

Figure 508-1
Park Blocks and Build-To-Line Area



33.508.220 Maximum Development/Transportation Capacity

A. Purpose. Development in the plan district is organized around both transportation constraints and opportunities: the capacity of the streets and freeways, and the two light rail stations within the plan district. The regulations of this section ensure that development will not overburden infrastructure, while creating a market incentive to encourage transit use and to choose a mix of complementary uses that maximize the potential for on-site local trips and spread auto trips throughout the day.

The regulations of this section limit the impact of the plan district's development on the vehicular system by setting maximum allocations of allowable development in the district. The limits are based on different types of allocations (for example, square footage, acres or hotel rooms).

B. Limitations on the amount of development allowed.

1. The regulations of this section address the amounts of each use that are allowed; all other regulations of this Title must also be met.

2. Adjustments to the regulations in this section are prohibited.

3. Development in the plan district is allowed as follows:

   a. Proposals that are within the limits of Table 508-1 are allowed. No transportation analyses are required for development within the limits of Table 508-1;

b. Trades from one category to another are allowed as specified in Table 508-1;

c. Applicants may request approval of a proposal that exceeds the limits of Table 508-1 by submitting a Transportation Impact Analysis (TIA). See Subsection C.

4. As building permits are issued and when conversions are made as specified in Table 508-1, BDS will maintain records as to the amounts remaining in each use category.

5. Transferring trips or allocations between Subdistrict A and B is prohibited.

C. Cascade Station/Portland International Center Transportation Impact Analysis Review. An applicant may propose development that exceeds the allocation limits of Table 508-1 through a land use review that is based on a Transportation Impact Analysis (TIA). This approach allows an applicant more flexibility but is more complex to use. In addition to the application requirements of Section 33.730.060, the applicant must prepare a TIA that includes the elements and analysis listed in 33.852.105. The TIA may be used to exceed the maximum allocation limits in Table 508-1 or to establish lower trip generation rates. The TIA may not be used to exceed the total trips in Table 508-1.

Table 508-1
Use Allocations and Respective Allowable Conversion Relationships

Use	Base Use Allocations Allowed	Minimum Allocations After Trades	Allowable Trades [3]
Subdistrict A			
Office, Meeting Rooms and Exhibition Areas greater than 20,000 square feet [1], Daycare, Colleges	1,115,000 sq. ft.	557,500 sq. ft.	370 sq. ft. office to 1 hotel room
Hotel, Meeting Rooms and Exhibition Areas less than 20,000 square feet [1]	250 rooms	250 rooms	1 hotel room to 370 sq. ft. office
Quick Vehicle Servicing [2]	1 facility, up to 12 fueling positions	None	1 facility to 72,000 sq. ft. office [4]
Retail Sales And Service, including Restaurants	807,500 sq. ft.	403,750 sq. ft.	900 sq. ft. retail to 700 sq. ft. office 470 sq. ft. retail to 1 hotel room
Total Trips Subdistrict A: 2,085			
Subdistrict B			
Office, Meeting Rooms and Exhibition Areas greater than 20,000 square feet [1], Daycare, Colleges	304,000 sq. ft.	152,000 sq. ft.	100 sq. ft. office to 400 sq. ft. industrial 370 sq. ft. office to 1 hotel room
Hotel, Meeting Rooms and Exhibition Areas less than 20,000 square feet [1]	260 rooms	130 rooms	1 hotel room to 370 sq. ft. office 1 hotel room to 1,500 sq. ft. industrial
Retail Sales And Service, including Restaurants	30,000 sq. ft.	15,000 sq. ft.	900 sq. ft. retail to 700 sq. ft. office 470 sq. ft. retail to 1 hotel room

Table 508-1 Use Allocations and Respective Allowable Conversion Relationships			
Use	**Base Use Allocations Allowed**	**Minimum Allocations After Trades**	**Allowable Trades [3]**
Industrial Uses	2,100,000 sq. ft.	1,050,000 sq. ft.	400 sq. ft. industrial to 100 sq. ft. office 1,500 sq. ft. industrial to 1 hotel room
Car Rental Facilities (including operations, service, storage and refueling facilities), Aviation and Surface Passenger Terminals, Commercial Parking	100 acres (No maximum limit on building square footage)	None	None
Total Trips Subdistrict B: 1,426			
Total Trips Subdistricts A and B: 3,511			

Notes:
[1] Conference facilities, such as exhibition and meeting areas, are classified as Major Event Entertainment Uses. In this plan district, they are allowed only if built in conjunction with a hotel (see 33.508.120.A). If the net building area devoted to these uses is less than 20,000 square feet, it is considered accessory to the hotel, and is regulated by the plan district as a hotel, so there is no maximum square footage. If, however, the net building area is 20,000 square feet or more, it is regulated the same as Office Uses, and is subject to the same maximum square footage as office uses.
[2] Fueling positions are the maximum number of vehicles that can be fueled simultaneously. Therefore, 12 fueling positions would allow 12 cars to fuel at one time. For example, if each pump had two fueling areas/nozzles (one each side), there could be up to 6 pumps.
[3] Allowable trades read from left to right only. For example, Subdistrict A Retail can be traded to Subdistrict A Office at a ratio of 900 sq. ft. of retail to 700 sq. ft. of office. However, Subdistrict A Office cannot be traded to Subdistrict A Retail as there is no such ratio listed. Trades down to the minimums are allowed. Trades below the minimums are prohibited.
[4] Quick Vehicle Service is not divisible; the facility may be converted to 72,000 sq. ft. of office, but fractions (such as trading 6 fueling positions to 36,000 sq. ft. of office) are not allowed.

33.508.230 Development and Design Standards in Subdistrict A

A. Purpose. These provisions ensure that the location and scale of buildings, parking and circulation areas within Subdistrict A provide a convenient and attractive environment for pedestrians, transit users, customers and employees that come to the area. The focus for design in Subdistrict A includes the Cascades Parkway and Mt. Hood Avenue light rail station areas and the Park Blocks. Transit-supportive building and site design and pedestrian linkages are sought near the station areas as a means to link the station areas and development elsewhere in the subdistrict. The light rail stations, Park Blocks and retail, office, and entertainment uses work together to create a unique place.

B. Where these regulations apply. The regulations of Subsection C apply to all development in Subdistrict A of the plan district. The regulations of Subsection D apply to development in the Build-To Line Area shown on Figure 508-1. The regulations of Subsection E apply to development in the Cascades Parkway Station Area shown on Figure 508-4. The regulations of Subsection F apply to development in the Mt. Hood Avenue Station Area shown on Figure 508-5.

C. All areas of Subdistrict A. All development in Subdistrict A of the plan district must meet the following:

1. Building height.

   a. Where all of the floor area is in Office uses, or where there is more than one use category in the building, the building must have at least two stories and be at least 25 feet high;

   b. Where all of the floor area is in a single use other than Office, Quick Vehicle Service or Retail Sales And Service uses, the building must be at least 25 feet high;

   c. Where all of the floor area is in Retail Sales And Service uses, the following must be met:

      (1) Buildings at the corners of NE Mt. St. Helens and the northern NE Cascades Parkway must be at least 25 feet height. See Figure 508-4;

      (2) Buildings at all other locations must be at least 18 feet high.

2. Ground Floor Windows.

   a. Purpose. Blank walls on the ground level of buildings are limited in order to:

      - Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
      - Encourage continuity of retail and service uses;
      - Encourage surveillance opportunities by restricting fortress-like facades at street level; and
      - Avoid a monotonous pedestrian environment.

   b. Required amount of window area. This standard must be met on street facing facades on the ground level that are 50 feet or closer to the curb of a street. Windows must be at least 40 percent of the length and 20 percent of the ground level wall area. Ground level walls include all exterior wall areas up to 9 feet above the finished grade.

   c. Qualifying window features.

      (1) Generally. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than 3 feet above the adjacent exterior grade.

      (2) Hotel uses. Hotel room windows may be used to meet this standard along private streets. The bottom of the windows must be no more than 3 feet above the adjacent exterior grade.

d. Exceptions.

(1) Where all of the floor area is in Quick Vehicle Service uses or Convention and Conference Facilities, the regulations of this section do not have to be met;

(2) Buildings with more than 60,000 square feet of net building area in a single Retail Sales And Service use do not have to meet the regulations of this section; and

(3) Street facing facades 50 feet or closer to the NE Mt. Hood Avenue ramp, NE Airport Way, and the I-205 right-of-way are not subject to the regulations of this section.

3. Awning at main entrance. There must be an awning or other projection from the building at the main entrance to provide weather protection. The awning or other projection must:

a. Cover at least 48 square feet;

b. Be at least 6 feet back from the curb of a street; and

c. Project at least 6 feet out from the building face. If the sidewalk is too narrow to allow 6 feet out from the building face and 6 feet back from the curb, then the awning or other projection must project to a line 6 feet back from the curb.

Other awnings or projections are encouraged, but are not required to meet this standard.

4. Landscaping must meet the standards of Section 33.565.220, Landscaping, that apply in the Airport Subdistrict.

D. Build-To Line Area. Buildings on lots with frontage on public or private streets within the Build-To Line Area (BTLA) shown on Figure 508-1 must meet the regulations of this subsection. However, sites in Subarea 5 in Figure 508-8 are exempt from these regulations.

1. Building location.

a. Purpose. These standards require buildings to be built around the Park Blocks. The Park Blocks and the adjacent Build-To-Line Area create focal points of the plan district, and the intent is to focus transit oriented development in these areas. In addition, these regulations foster an active pedestrian environment within the first 75 feet from NE Cascades Parkway and the portion of NE Mt. St. Helens Avenue north of the Park Blocks where buildings are located close to the street and there are limited gaps between buildings.

b. Where these regulations apply. The regulations of this paragraph apply to development on lots where the frontage within the Build-To Line Area is more than 62 feet long.

c. Setbacks.

(1) Minimum setback. The minimum building setback is 2 feet. The setback area must be paved with sidewalk materials to create an expanded sidewalk area;

(2) Maximum setback. For at least 80 percent of the length of the street lot line, there must be a building wall or pedestrian amenity within 6 feet of the front lot line. Where a pedestrian amenity is used to meet this standard, areas up to 500 square feet or 20 feet deep may be used. Larger pedestrian amenities are allowed, but may not be used to meet this standard. See Figure 508-2.

(3) Corner lots. Except as specified in D.1.c(4), buildings with more than one street lot line frontage must meet the standards of D.1.c(1) and (2) on all street lot lines.

(4) Exception. Buildings with street lot line frontage on both NE Cascades Parkway and a Type B street must meet the standards of D.1.c(1) and (2) on the NE Cascades Parkway street lot line frontage, but do not have to meet the standards on the Type B street lot line frontage. However, surface parking is not allowed within 50 feet of the street lot line frontage on the Type B street within the BTLA. See Figure 508-3.

Figure 508-2
Build-To-Line Setback Illustration

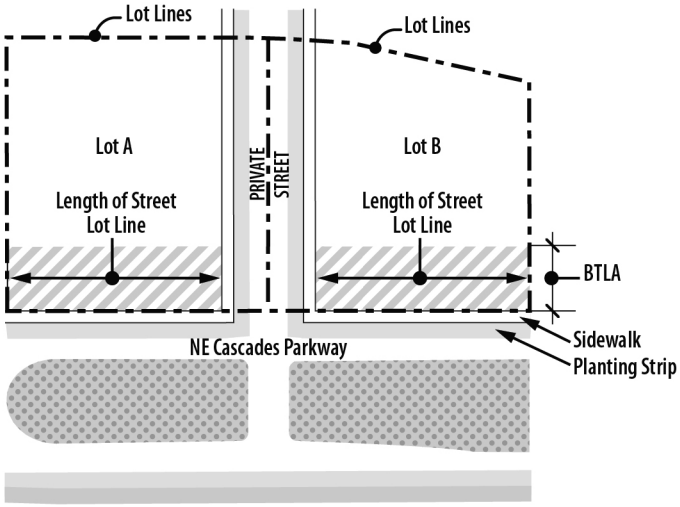
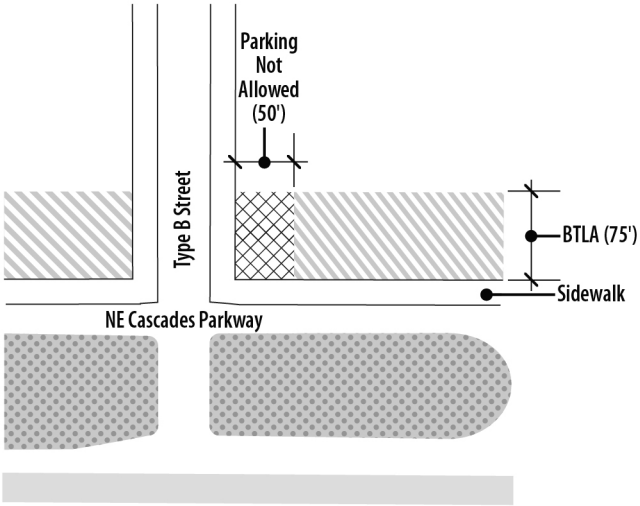


Figure 508-3
Build-To-Line Setback Exception Illustration



2. Location of parking.

   a. Structured parking. If any portion of a building is within the Build-To Line Area, and there is parking on the ground floor, the following must be met:

      (1) Purpose. These standards ensure that the ground level of buildings in the Build-To Line Area contain active uses to support the pedestrian character of the area.

      (2) The parking may not be in the portion of the building closest to the street lot line; there must be a use other than parking between the parking and the street lot line.

      (3) On corner lots, the parking may not be in the portion of the building closest to either street lot line. There must be a use other than parking between the parking and the both street lot lines.

   b. Surface parking.

      (1) Required setback. Surface parking area must be set back at least 12 feet from street lot lines. Parking lot landscaping may be located within 12 feet of street lot lines.

      (2) Frontage limitation. Where surface parking areas are adjacent to a street lot line, the following must be met. Surface parking is considered to be adjacent to a street lot line, regardless of setback, when there is no building or pedestrian plaza between the street lot line and the parking area:

         - No more than 62 feet of the frontage, measured along the street lot line, may be used for surface parking areas; and
         - The 62 feet of frontage includes adjacent surface parking areas, driveways, and other areas for vehicle parking and maneuvering, where

those areas also are adjacent to the street lot line. These areas must be separated by buildings.

3. Building entrances.

a. Single tenant buildings. There must be at least one main entrance that meets the standards of D.3.c.

b. Multi-tenant buildings. Multi-tenant buildings must meet the following:

(1) Where there is a lobby or principal interior ground level circulation space, the main entrance that provides access to the lobby or circulation space must meet the standards of D.3.c.

(2) Where there is not a lobby or principal interior ground level circulation space, each tenant space that is in the portion of the building within 10 feet of a street lot line must have at least one main entrance that meets the standards of D.3.c.

c. Standards. The main entrance must:

(1) Face the street lot line;

(2) Be at an angle of up to 45 degrees from the street lot line street, measured from the street lot line, as shown in Figure 508-4; or

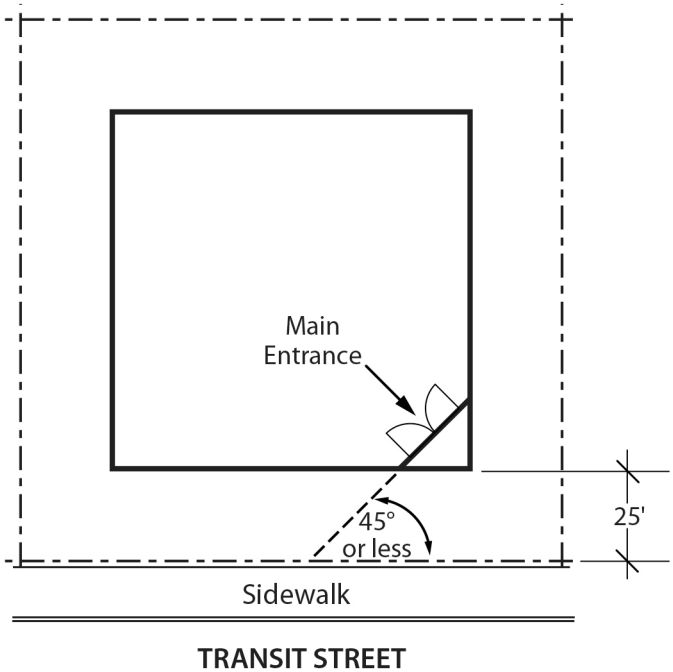
(3) Face a pedestrian amenity or plaza within the Build-To-Line Area.

(4) If there is more than one street frontage, the main entrance must face streets in the following order of priority, from highest to lowest:

- NE Cascades Parkway
- Type A streets
- Type B streets
- Type C streets
- Type D streets

d. Unlocked during regular business hours. Entrances required to meet the standards of this paragraph must be unlocked during regular business hours.

Figure 508-4
Building Entrances



E. Within Cascades Station Area. All development within the Cascades Station Area, shown on Figure 508-5, must meet the regulations of this subsection.

1. Purpose. The Cascades Station Area is a key area of the plan district, because of the location of the eastern light rail station which provides the gateway into the site for light rail transit riders, and its alignment with NE Mt. St. Helens Avenue through the Park Blocks. The Cascades Station Area includes a portion of the Park Blocks system and emphasizes the connection between the light rail transit station and the portion of NE Mt. St. Helens Avenue north of the Park Blocks.

   A pedestrian oriented plaza south of the light rail transit station makes the Cascades light rail station a focal point of the area with easy access to and from the activities and uses and the light rail station, as illustrated in Figure 508-5. The central plaza within the "Y" of NE Mt. St. Helens Avenue south of the station platform may include a limited amount of area for vehicle area or parking area to serve retail uses in the station.

   Pedestrian path location and design should provide north-south and east-west connectivity to and from the light rail station and the adjacent developments, as illustrated in Figure 508-5.

2. Pedestrian connections. Pedestrian connections from the east and west ends of the light rail platform must provide for pedestrian movements to the Park Block pedestrian network, to the lots to the south, and towards the portion of NE Mt. St. Helens Avenue north of the Park Blocks. The connections must be in the general location shown on Figure 508-4.

3. Sidewalks. Sidewalks within 200 feet of the light rail platform must be at least 12 feet wide.

4. Parking limitations. In order to create a pedestrian-friendly area around the light rail station, parking is not allowed between buildings and NE Mt. St. Helens Avenue. However, if a building is set back at least 200 feet from NE Mt. St. Helens Avenue, parking is allowed between that building and NE Mt. St. Helens Avenue.

5. Entrances.

   a. Portions of a building that are within 200 feet from NE Mt. St. Helens Avenue must have an entrance facing Mt. St. Helens Avenue or be within 45 degrees of the street.

   b. Buildings at the corner of NE Mt. St. Helens Avenue and the northern NE Cascades Parkway must have the main entrances facing the corner of NE Mt. St. Helens Avenue and NE Cascades Parkway.

F. Within Mt. Hood Station Area. All development within the Mt. Hood Station Area, shown on Figure 508-6, must meet the regulations of this subsection.

1. Purpose. The Mt. Hood Station Area is a key area of the plan district, because the location of the western light rail station provides the gateway into the site for light rail transit riders arriving from the airport. It is not immediately adjacent to the Park Blocks and the lot and roadway configuration provides development challenges due to acute angles and the location of the light rail tracks through this area. Nevertheless, the light rail station should have development and uses that are oriented towards it and the transit riders who will embark and disembark from this area. Pedestrian plaza and path location and design should provide connectivity to adjacent areas, as illustrated in Figure 508-6.

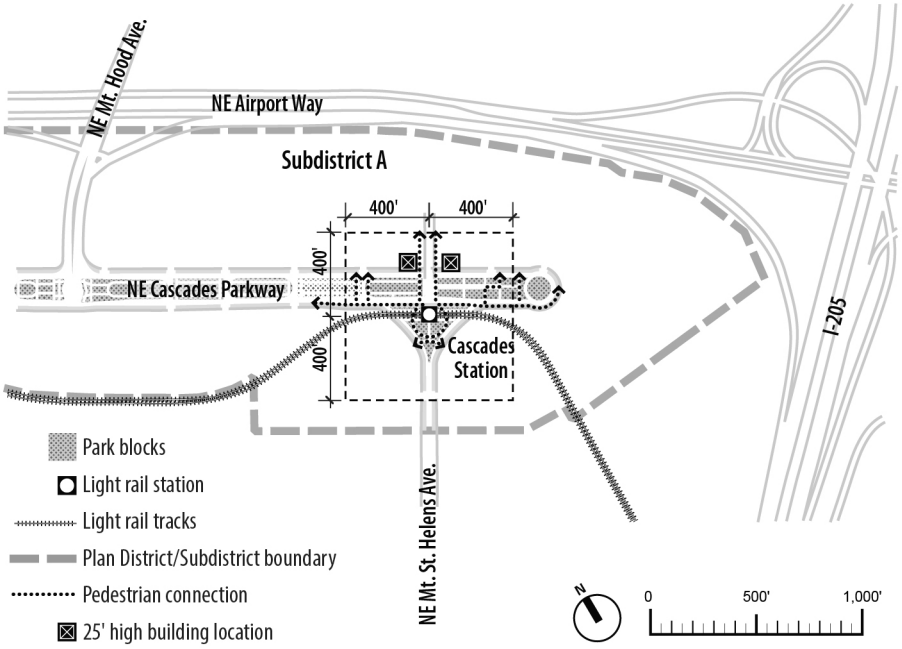
2. Pedestrian connection. Pedestrian connections from the light rail platform must provide for pedestrian movements to the Park Block pedestrian network, and to the lots to the south across NE Cascades Parkway. The connections must be in the general location shown on Figure 508-6.

3. Sidewalks. Sidewalks within 200 feet of the light rail platform must be at least 12 feet wide.

4. Parking limitations. In order to create a pedestrian-friendly area around the light rail station, parking is not allowed between buildings and NE Cascades Parkway. However, if a building is set back at least 200 feet from NE Cascades Parkway, parking is allowed between that building and NE Cascades Parkway. This standard does not apply to the triangular area shown on Figure 508-6.

5. Entrances. Portions of a building that are within 200 feet from NE Cascades Parkway must have an entrance facing NE Cascades Parkway or be within 45 degrees of the street.

Figure 508-5
Cascades Stations Area



33.508.240 Development and Design Standards in Subdistrict B

The regulations of this section apply to all development in Subdistrict B of the plan district.

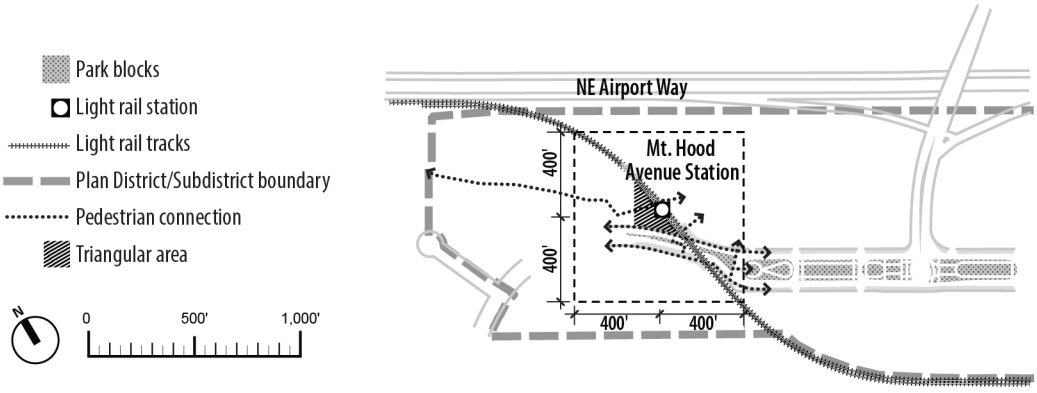
A. Setbacks. There are no minimum setbacks.

B. Awning at main entrance. There must be an awning or other projection from the building at the main entrance to provide weather protection. The awning or other projection must:

1. Cover at least 48 square feet;
2. Be at least 6 feet back from the curb; and
3. Project at least 6 feet out from the building face. If the sidewalk is too narrow to allow both this provision and B.2 to be met, the awning or other projection must project to a line 6 feet back from the curb.

Other awnings or projections are encouraged, but are not required to meet this standard.

Figure 508-6
Mt. Hood Station Area



C. Landscaping. Landscaping must meet the standards of Section 33.565.220, Landscaping, that apply in the Airport Subdistrict.

33.508.260 Parking

A. Purpose. In Subdistrict A, on-street parking is encouraged on both public and private streets, to reduce the size of parking lots and to provide a buffer between pedestrians and moving cars. There is no required parking, which helps to encourage shared parking. Shared parking is encouraged to promote an active, mixed-use development and reduce the total number of off-street parking spaces required. Adjacent uses with different peak parking utilization periods can share parking areas and allow more efficient use of parking areas throughout the day.

B. Minimum required parking. There are no minimum parking requirements in the plan district.

C. Maximum allowed parking.

1. Subdistrict A. The following regulations apply in Subdistrict A:

   a. Structured parking. The maximum allowed parking for parking in structures is in Chapter 33.266, Parking and Loading.

   b. Surface parking.

      (1) Office Uses and Retail Sales And Service Uses. Parking on surface lots for Office Uses and Retail Sales And Service Uses is limited to the maximum ratios in Table 508-2.

      (2) Fleet, carpool, and rental car parking. There is no maximum for parking on surface lots for fleet, carpool, and rental car parking.

      (3) Other uses. Maximum allowed parking on surface lots for other uses is in Chapter 33.266, Parking and Loading.

      (4) Adjustments. Where there is a single retail use that occupies more than 60,000 square feet of floor area in a single story, adjustments to Table 508-2

are prohibited. Hotels, motels, restaurants and theaters are not subject to this limitation.

2. Subdistrict B. The maximum parking allowed in Subdistrict B is in Chapter 33.266, Parking and Loading.

D. Large parking areas in Subdistrict A. Parking areas in Subdistrict A are exempt from the internal accessway requirements of 33.266.

E. Location of parking. Accessory Parking for uses in Subdistrict A may be located on any lot in Subdistrict A.

Table 508-2
Subdistrict A
Surface Parking: Maximum Allowed Parking

Use	Maximum Allowed Parking
Office	1 space per 294 sq. ft. of net building area
Retail Sales and Service, except Hotels, Motels, Restaurants, and Theaters	1 space per 220 sq. ft. of net building area
Hotels, Motels (1)	1.5 spaces per room
Restaurant	1 space per 58 sq. ft. of net building area
Theaters	0.4 spaces per seat

[1] When there are accessory uses in Hotels and Motels, parking is based on the square footage of the accessory uses. To determine the ratio, find the use category in this table. For example, a restaurant inside a hotel would be limited to 1 parking space per 58 square feet of net building area. This parking would be in addition to that allowed for the hotel.

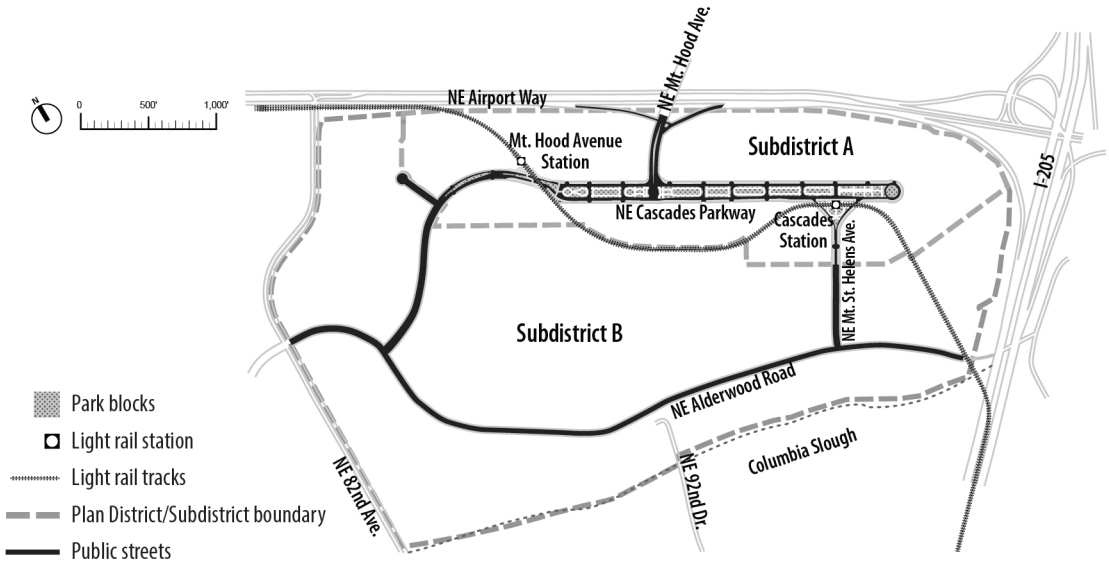
33.508.267 Signs

The sign regulations are stated in Title 32, Signs and Related Regulations.

33.508.270 Sumps, Septic Tanks, and On-Site Disposal Systems

New sumps, septic tanks, cesspools, and other on-site disposal systems for sanitary or industrial are prohibited. All on-site storm water must be disposed of into a system approved by the Bureau of Environmental Services.

Figure 508-7
Basic Public Infrastructure



33.508.280 Street Requirements in Subdistrict A

These requirements help create a clear and efficient street system connecting to the Park Blocks, providing the feel of an urban environment and encouraging pedestrian activity by breaking up the long distances along the Park Blocks between the light rail stations. Figure 508-8 shows the Street Requirements in Subdistrict A and the five subareas within it.

The requirements of this section apply to all streets in Subdistrict A.

A. Public streets. Public streets are shown on Figure 508-7. Some of these streets have been completed and dedicated.

B. Private streets.

1. Generally.

   a. The approximate locations for private streets are shown in the Street Plan, Figure 508-8;

   b. The Portland Office of Transportation and BDS determine the extent and timing of street improvements;

   c. Buildings and other improvements must be located so that they do not preclude creation of streets in conformance with this section; and

   d. All measurements in this section are from centerline to centerline, unless specified otherwise.

2. In Subareas 1 and 5:

   a. Streets connecting to NE Cascades Parkway must line up with the existing Park Block intersections. However, where those existing Park Block intersections are at least 350 feet apart, a connecting street may be built mid-block and must be at least 100 feet from an existing Park Block intersection; and

   b. Streets not connecting to NE Cascades Parkway must be located within 50 feet of the locations shown in Figure 508-8.

3. In Subarea 2, streets must be located within 150 feet of the locations shown in Figure 508-8.

4. In Subarea 3:

   a. At least five Type B streets must connect NE Cascades Parkway to the street that is south of NE Cascades Parkway and runs east-west. These streets can be no more than 530 feet apart as measured from edge of street to edge of street;

      (1) At least three of these streets must line up with the existing Park Block intersections; and

      (2) Streets that do not line up with the existing Park Block intersections must be at least 100 feet from such an intersection.

   b. Streets not connecting to NE Cascades Parkway must be located within 150 feet of the locations shown in Figure 508-8, and in no case closer than 100 feet to NE Cascades Parkway.

5. In Subarea 4:

   a. Streets must be located within 150 feet of the locations shown in Figure 508-8; and

   b. Streets connecting to NE Cascades Parkway must line up with any existing streets in the subarea that also connect with NE Cascades Parkway.

C. Design of private streets. Design requirements for private streets are in Table 508-3.

Figure 508-8
Street Requirements in Subdistrict A

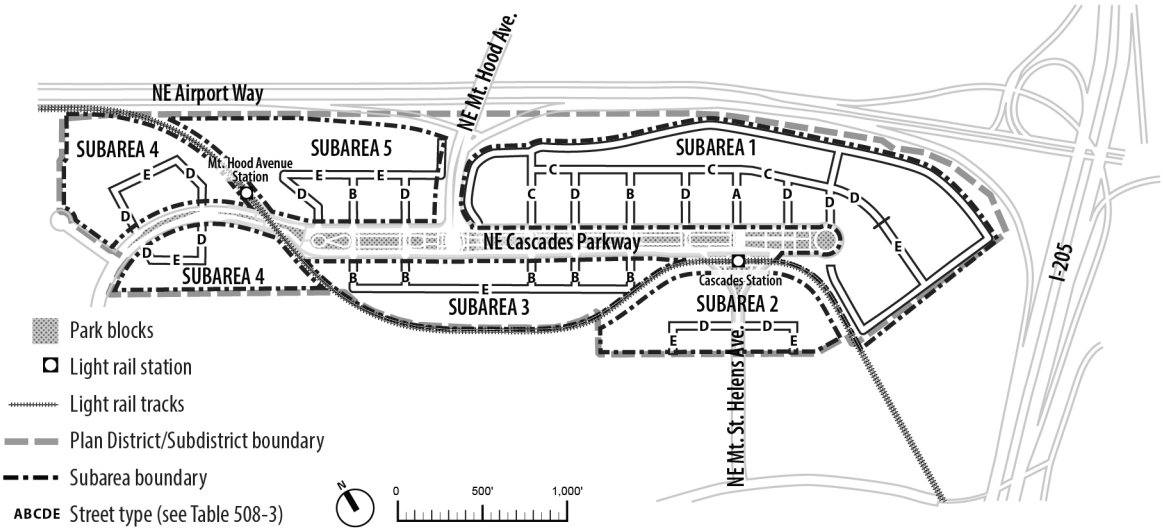


Table 508-3 Design Requirements for Private Streets					
Street Type	**Roadway Dimensions**	**Sidewalk required on one side or both?**	**Minimum unobstructed sidewalk width**	**Landscape strip (To the L1 standard)**	**Figure number**
A	24-36 feet	Both sides	12 feet if parallel to and within 50 feet of a building; otherwise 8 feet	Minimum 4 feet wide, on both sides of street. If next to a building, must be adjacent to curb; other-wise may be on either edge.	508-9
B	24-36 feet	Both sides	8 feet if parallel to and within 50 feet of a building; otherwise 6 feet	Minimum 4 feet wide, on both sides of street, adjacent to curb.	508-10
C	24-36 feet	Both sides	15 feet if parallel to and within 50 feet of a building; otherwise 6 feet	If next to a building, none required; otherwise minimum 4 feet wide, may be on either edge.	508-11
D	24-36 feet	One side	6 feet	Minimum 4 feet wide, may be on either edge.	508-12
E	20-32 feet	One side	8 feet	None required	No Figure

Figure 508-9
Type A Street

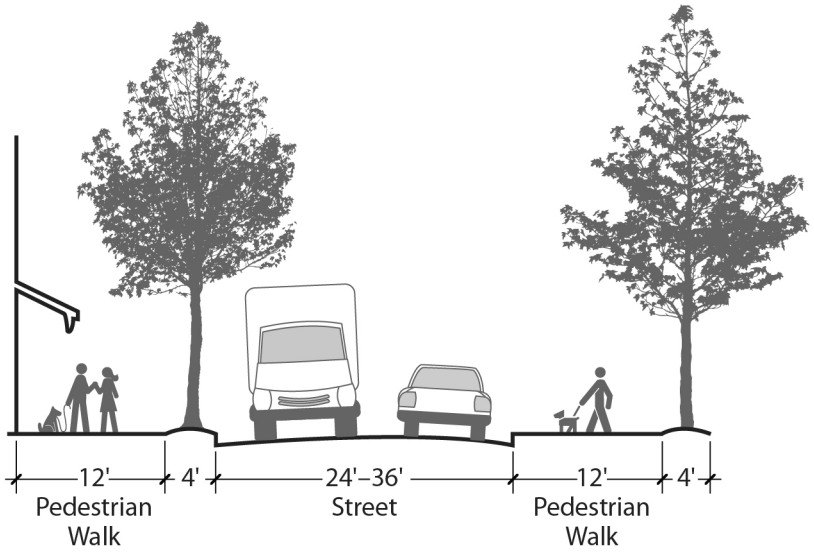


Figure 508-10
Type B Street

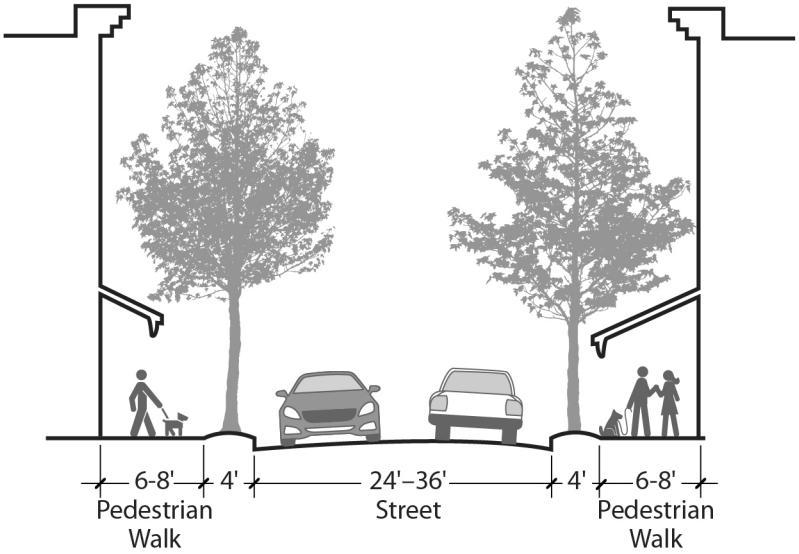


Figure 508-11
Type C Street

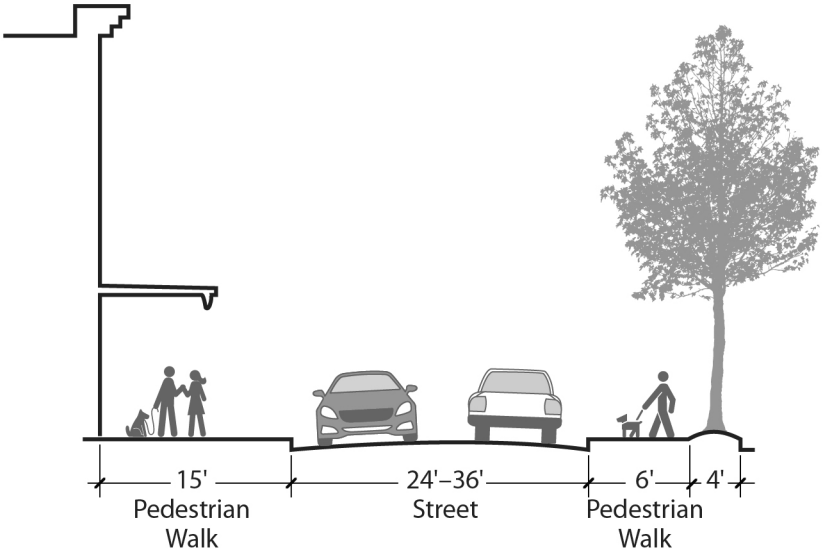
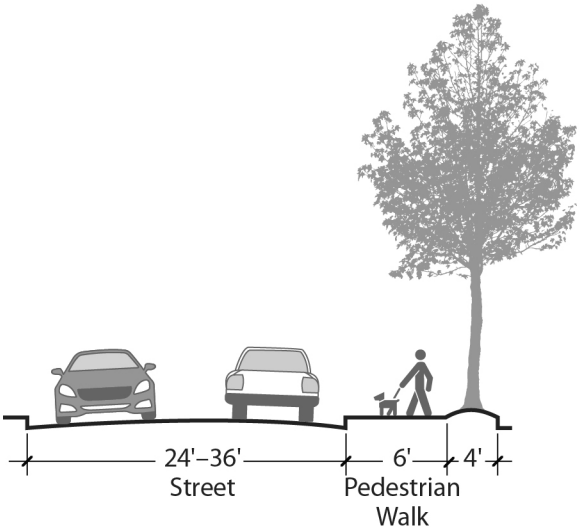


Figure 508-12
Type D Street



D. Additional requirements.

1. Street lighting. Light standards on public streets must meet City specifications. Light standards on private streets and in the Park Blocks must be no taller than 20 feet. All lights must direct light downward so as to not directly illuminate the sky.

2. Street entries to NE Cascades Parkway. Street entries to NE Cascades Parkway must be an at-grade entry, with no driveway apron or grade change. The entry must have the same appearance and materials as the public street, including curb returns, except that

the entry itself must be of a different material. The material, which must be concrete or another durable material that contrasts with asphaltic concrete paving, must be placed in the approximate location of the pedestrian crosswalk. On street entries within 200 feet of a light rail station, the paving material used at the entry must continue the same paving material and texture found within the NE Cascades Parkway or Mt. Hood Avenue Station area.

3. Driveways. Driveways are not allowed to intersect NE Cascades Parkway except for one truck access in Subarea 1. See Figure 508-1.

33.508.290 Open Space Plan

A. Park Blocks.

1. Purpose. The Park Blocks are both the primary open space of the plan district and the focus of development in Subdistrict A. These open spaces will provide visitors and employees with leisure and recreational opportunities as well as a pleasant visual environment. The Park Blocks open the site to views of Mt. Hood and link the two transit station areas with a grand urban space in the tradition of Portland's downtown Park Blocks. The location of the Cascade Station Park Blocks is shown on Figure 508-1.

2. Uses and development. Uses and development in the Park Blocks are regulated by Section 33.508.140, Use Regulations in the Park Blocks, and Section 33.508.215, Limitations on Development.

B. Pedestrian and bicycle circulation system.

1. Purpose. The Columbia Slough Trail, shown on Figure 508-13, is a significant open space resource as well as a means of pedestrian and bicycle access. Trails in this area run along the Columbia Slough and provide an inviting environment to run, walk, or bike. Bike routes (bike lanes and signed routes) must work in an integrated way with this existing resource to form an extended network of trails.

2. Public trail requirements. All sites designated on Figure 508-13 as off-road public trails must meet the requirements of this subsection and Chapter 33.272. Figure 508-13 illustrates the general location of the CS/PIC Bicycle and Pedestrian system, which provides for additional off-road trails and connections to the Columbia Slough Trail.

   If the trail is located within an Environmental Overlay zone, the trail must also comply with the requirements in Sections 33.508.300 through .340.

   a. Trail requirement. Prior to occupancy of any new building on a lot containing a trail designation, the owner must make the full trail improvement on that lot. The trail location and construction specifications must be shown on the site plans when a building permit is requested.

   b. Trail and easement location.

      (1) In Environmental Overlay Zones the following must be met:

         - If a trail or easement exist on an adjacent site, the trail and easement must connect to them;

- If there is not an easement or trail on an adjacent site, the easement must be located in the outer 25 feet of the environmental zone. The trail improvement must be at least 5 feet from the outer edge of the environmental zone.

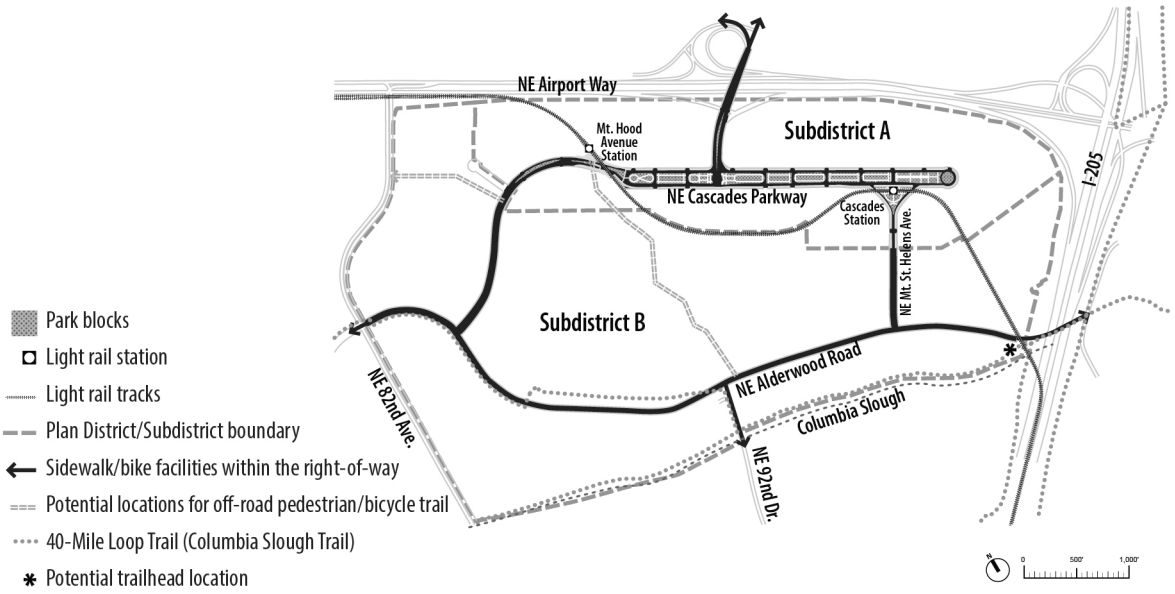
(2) Outside of Environmental Overlay Zones the trail route must be as generally shown on Figure 508-13.

33.508.295 Archaeological Resource Protection

Archaeological evidence has confirmed that American Indians used the plan district area prior to entry of EuroAmericans to the Portland area. Before 1999 this plan district was part of the Columbia South Shore plan district, and all confirmation testing required by that plan district was completed before this plan district was created. As a result, there are no regulations in this plan district that relate to protection of archaeological resources.

Although the zoning code does not address new discoveries of archaeological resources found during project construction, applicants should be aware of state and federal regulations that apply to such discoveries.

Figure 508-13
Bicycle and Pedestrian Circulation Plan



Environmental Overlay Zones

33.508.300 Purpose

The purposes of the environmental code in the Cascade Station/Portland International Center (CS/PIC) Plan District in conjunction with the standards of Chapter 33.430 are to:

- Protect inventoried significant natural resources and their functional values specific to the CS/PIC Plan District, as identified in the Comprehensive Plan;

- Address activities required to manage Port facilities, drainageways and wildlife around the Portland International Airport airfield for public and avian safety;
- Address resource mitigation and enhancement opportunities consistent with managing wildlife and vegetation on and around the airfield for public safety;
- Encourage coordination between City, county, regional, state, and federal agencies concerned with airport safety and natural resources; and
- Protect inventoried significant archaeological resources where those resources overlap with an environmental protection zone or environmental conservation zone.

33.508.310 Relationship to Other Environmental Regulations
The regulations of Sections 33.508.300 through 33.508.397 are supplemental to or supersede the regulations of Chapter 33.430. Whenever a provision of this plan district conflicts with Chapter 33.430, the plan district provision supersedes.

The following sections supersede or supplement the regulations of Chapter 33.430:

- Exemptions in Section 33.508.340 supplement exemptions in Section 33.430.080;
- Standards in Section 33.508.350 supplement or supersede standards in sections in 33.430.140 through .190;
- When wildlife hazard management is proposed and an environmental review is required the procedure type specified in Subsection 33.508.360.A supersedes the procedure type specified in Section 33.430.230;
- When wildlife hazard management is proposed and an environmental review is required, the requirements of Subsection 33.508.360.B supersede the requirements of Subsection 33.430.240;
- When wildlife hazard management is proposed and an environmental review is required, the approval criteria of Subsection 33.508.360.C supersede the approval criteria of Subsections 33.430.250.E and F;
- The environmental Plan Check notice and review procedures of Sections 33.508.392 through .397 supersede the notice and review procedures of Section 33.430.410 through .430.

This chapter contains only the City's environmental regulations. Activities that the City regulates through this chapter may also be regulated by other agencies. City approval does not imply approval by other agencies.

33.508.320 Where and When These Regulations Apply
The regulations of Sections 33.508.310 through 33.508.397 apply to all environmental zones in the CS/PIC District. The boundaries of this plan district and the subdistricts are shown on Map 508-1. Unless exempted by Section 33.508.340, the regulations of Sections 33.508.310 through 33.508.397 apply to the activities listed below. Items not specifically addressed in these sections must comply with the regulations of Chapter 33.430.

A. Development;

B. Removing, cutting, mowing, clearing, burning or poisoning native vegetation listed in the Portland Plant List;

C. Planting or removing nuisance plants listed in the Portland Plant List;

D. Changing topography, grading, excavating, and filling;

E. Dedication, expansions, and improvements within rights-of-way;

F. Road improvements; and

G. Resource enhancement.

33.508.340 Exemptions

In addition to the exemptions listed in 33.430.080, the following items, when performed to comply with the FAA Part 77 Regulated Surface requirements or a FAA authorized Wildlife Hazard Management Plan, are exempt from the environmental regulations of the CS/PIC Plan District and Chapter 33.430. In these cases, the activity is exempt only from the Environmental Zone regulations; other City regulations such as Title 10, Erosion Control, and Title 11, Trees, must still be met.

A. Crown maintenance of trees that project above, or will upon maturity project above, the height limit delineated by the h overlay zone or are identified as attracting wildlife species of concern;

B. Mechanical removal of grasses and shrubs less than 3 feet in height;

C. Discing to reduce habitat that attracts wildlife species of concern; and

D. Grading or filling of ponding water; ponding water does not include water bodies identified as a slough, stream, drainageway or wetland in the natural resources inventory.

33.508.350 Development Standards

Unless exempted by Section 33.508.340, or 33.430.080, the standards of this section and the standards of Chapter 33.430 must be met. Compliance with the standards is determined as part of a development or zoning permit application process and processed according to the procedure described in Section 33.508.392 through .397. For proposals that cannot meet the standards, environmental review is required as described in Sections 33.430.210 through .280 and, where applicable, 33.508.360. Adjustments to the standards are prohibited. Other City regulations, including Title 10, Erosion Control, and Title 11, Trees, still apply.

A. General development standards.

1. Tree and snag removal.

   a. If the tree or snag, 6 inches or greater in diameter, is removed as part of a resource enhancement project, the requirements of 33.508.350.B apply;

   b. If the tree or snag, 6 inches or greater in diameter, is removed for either of the following reasons, then the standards in Subparagraphs 33.508.350.A.1.c through 1.g must be met instead of 33.430.140.K:

      (1) the tree or snag currently projects, or the tree will upon maturity project, above the height limit of the h overlay zone, or

      (2) the tree or snag is identified in the FAA authorized Wildlife Hazard Management Plan as attracting wildlife species of concern.

   c. Each tree or snag, 6 inches or greater in diameter, removed must be replaced per the requirements of Table 508-4, Tree and Snag Replacement;

d. Replacement trees and shrubs must be native and selected from the *Portland Plant List*;

e. Replacement shrubs must be in at least a 2-gallon container or the equivalent in ball or burlap;

f. Replacement trees must:

(1) Be at least one-half inch in diameter and have a maximum height-at-maturity that will not project above the height limit of the h overlay zone; and

(2) Be planted within a transition area or resource area on a property owned by the applicant; or for which the applicant possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure success of the mitigation; or can demonstrate legal authority to acquire the site through eminent domain; and

g. If the replacement trees are planted within 100 feet of the Columbia Slough main channels or secondary drainageways, the tree must be planted above the Base Floodplain Elevation (BFE), as defined on the Federal Emergency Management Agency Flood Insurance Rate Maps.

Table 508-4
Tree and Snag Replacement

Size of tree or snag to be removed (inches in diameter)	Option A (no. of trees to be planted)	Option B (combination of trees and shrubs)
6 to 12	2	not applicable
13 to 18	3	1 tree and 3 shrubs
19 to 24	5	3 trees and 6 shrubs
25 to 30	7	5 trees and 9 shrubs
over 30	10	7 trees and 12 shrubs

2. Wildlife exclusions. Instead of standards listed in Section 33.430.140, all of the following standards must be met when installing wildlife exclusionary structures or fencing to comply with the FAA authorized Wildlife Hazard Management Plan within the resource area or transition area of the conservation or protection overlay zone:

a. Trees or snags, 6 inches or greater in diameter, that are removed must be replaced to meet the standards in 33.508.350.A.1.c through 1.g; and

b. Temporary disturbance areas must be replanted so that the area achieves a 90 percent vegetation cover within one year. Vegetation must be native and selected from the Portland Plant List.

3. Vehicle or pedestrian crossings over identified water bodies.

a. New or altered vehicle or pedestrian crossings of the Middle Columbia Slough must be by bridge.

b. Exceptions.

(1) At locations where BES determines that a water control structure is necessary, the standard of this subsection does not apply.

(2) The standard of this subsection does not apply to the addition of guard rails to an existing crossing.

B. Standards for resource enhancement. An applicant may choose to meet all of the standards of 33.430.170 or all of the standards of this Subsection. In either case, the applicant must meet the standards 33.430.170.C.4 through C.6.

1. Wetland habitat conversion. Conversion from an emergent or herbaceous wetland to a scrub-shrub or forested wetland is allowed if all of the following are met:

a. There is no excavation, fill, grading or construction activity;

b. The habitat conversion area must be replanted, at a minimum, in accordance with one of the following options:

(1) Ten native shrubs for every 100 square feet of area and a native grass and forb seed mix at a ratio of 20 pounds per acre; or

(2) One native tree, three native shrubs and four other native plants for every 100 square feet. Trees may be clustered;

c. Trees must have a maximum height-at-maturity that will not project above the height limit delineated by the h overlay zone; and

d. There is no permanent irrigation.

2. Forest or woodland habitat conversion. Forest or woodland conversion to a different native tree association is allowed if all of the following are met:

a. There is no excavation, fill, grading or construction activity;

b. The habitat conversion area must be replanted, with at least one native tree, three native shrubs and four other native plants for every 100 square feet of area. Trees may be clustered.

c. Trees must have a maximum height-at-maturity that will not project above the height limit delineated by the h overlay zone; and

d. There is no permanent irrigation.

33.508.360 Special Provisions for Wildlife Hazard Management

The following provisions apply to wildlife hazard management activities that are required in order to implement a Federal Aviation Administration (FAA) authorized Wildlife Hazard Management Plan within environmental overlay zones.

A. Procedure Type. Activities required in order to implement an FAA authorized Wildlife Hazard Management Plan within the resource area or transition area of the conservation or protection overlay zones that require environmental review are processed through the Type II procedure.

B. Application Requirements. An alternatives analysis is not required for activities required to implement an FAA authorized Wildlife Hazard Management Plan. Specifically, instead of the supplemental narrative requirements of 33.430.230.B, the following is required:

1. Activity description. Describe the activity and why it is necessary to implement an FAA authorized Wildlife Hazard Management Plan;

2. Documentation of resources and functional values. Documentation of resources and functional values is required to determine compliance with the approval criteria. In the case of a violation, documentation of resources and functional values is used to determine the nature and scope of significant detrimental impacts.

   a. Identification, by characteristics and quantity, of the resources and their functional values found on the site;

   b. In the case of a violation, determination of the impact of the violation on the resources and functional values.

3. Construction management plan. Identify measures that will be taken during the activity or remediation to protect the remaining resources and functional values at and near the site and a description of how undisturbed areas will be protected. For example, describe how trees will be protected, erosion controlled, equipment controlled, and the timing of activity; and

4. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to compensate for unavoidable significant detrimental impacts that result from the chosen activity or violation as identified in the impact evaluation. A mitigation or remediation plan includes:

   a. Resources and functional values to be restored, created, or enhanced on the mitigation or remediation site;

   b. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;

   c. Activity timetables;

   d. Operations and maintenance practices;

   e. Monitoring and evaluation procedures;

   f. Remedial actions for unsuccessful mitigation; and

   g. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

C. Approval Criteria. The following approval criteria apply to activities required in order to implement an FAA authorized Wildlife Hazard Management Plan within the resource area or transition area of the conservation or protection overlay zones that require environmental review. These criteria supersede the criteria in 33.430.250.E and F:

1. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

2. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

3. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and

4. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

Notice and Review Procedure for Permits within Environmental Overlay Zones

33.508.392 Purpose

The purpose of this notice and review procedure is to notify the public of the permit review process for development proposed in areas having identified significant resources and functional values.

33.508.395 When These Regulations Apply

These regulations apply when a building permit or development permit application is requested within an environmental overlay zone and is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, 33.430.405.C, or 33.508.50. These regulations apply instead of the regulations of 33.430.410 through .430. These regulations do not apply to building permit or development permit applications for development that has been approved through environmental review.

33.508.397 Procedure

Applications for building permits or development permits as specified in Section 335.430.420 or 33.508.395 will be processed according to the following procedures:

A. Application. The applicant must submit a site plan with an application for a permit. The site plan must contain all information required by 33.430.130, Permit Application Requirements, and any additional information required for a building permit or development permit review.

B. Notice of an application.

1. Notice on website. Upon receipt of a complete application for a building or development permit, the Director of BDS will post a notice of the application on the BDS website and mail a notice of the request to all recognized organizations within 400 feet of the site. The posted notice of the application will contain at least the following information:

   - A statement that a building or development permit has been applied for that is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, 33.430.405.C, or 33.508.350;
   - The legal description and address of the site;
   - A copy of the site plan;

- The place where information on the matter may be examined and a telephone number to call; and
- A statement that copies of information on the matter may be obtained for a fee equal to the City's cost for providing the copies.

The notice will remain on the website until the permit is issued and administrative decision is made, or until the application is withdrawn.

2. E-mailed notice to recognized neighborhood associations. At the time a notice is posted on the BDS website, the Director of BDS will e-mail information about the internet posting to all recognized neighborhood associations and neighborhood coalition offices within 400 feet of the site. When an e-mail address is not available, the notice will be mailed to the neighborhood association and coalition office.

C. Posting the site and marking development. The applicant must post notice information on the site and identify disturbance areas as specified below.

1. Posting notice on the site. When the Port of Portland is the applicant, the Port must post public notice of the proposed activity or development following the procedure listed in 33.565.320. Other applicants must follow the posting procedures listed in 33.430.430.C. In either case, the posted notice will contain the same information as the notice posted on the internet.

2. Marking proposed development on site. Prior to inspection of the site, the applicant will mark all trees over six inches diameter to be removed on the site and the building and pavement outlines with high visibility tape. The extent of the disturbance area must be marked with orange construction fencing or similar highly visible material. For corrections to violations, the disturbance area and remediation area to be planted must be identified with high visibility tape or similar high visibility material.

D. Site inspection. A BDS inspector will inspect the site prior to issuance of the permit and will provide the Director of BDS with one of the following:

1. An inspection report that confirms the accuracy of the site plan and conformance with the applicable development standards; or

2. A check sheet identifying the deficiencies in the plan. Deficiencies must be corrected before a building permit is approved, or they may be addressed through environmental review as described in Sections 33.430.210 through 33.430.280.

E. Comments. Any interested person may comment on the permit application by writing and specifically identifying errors or non-compliance with development standards.

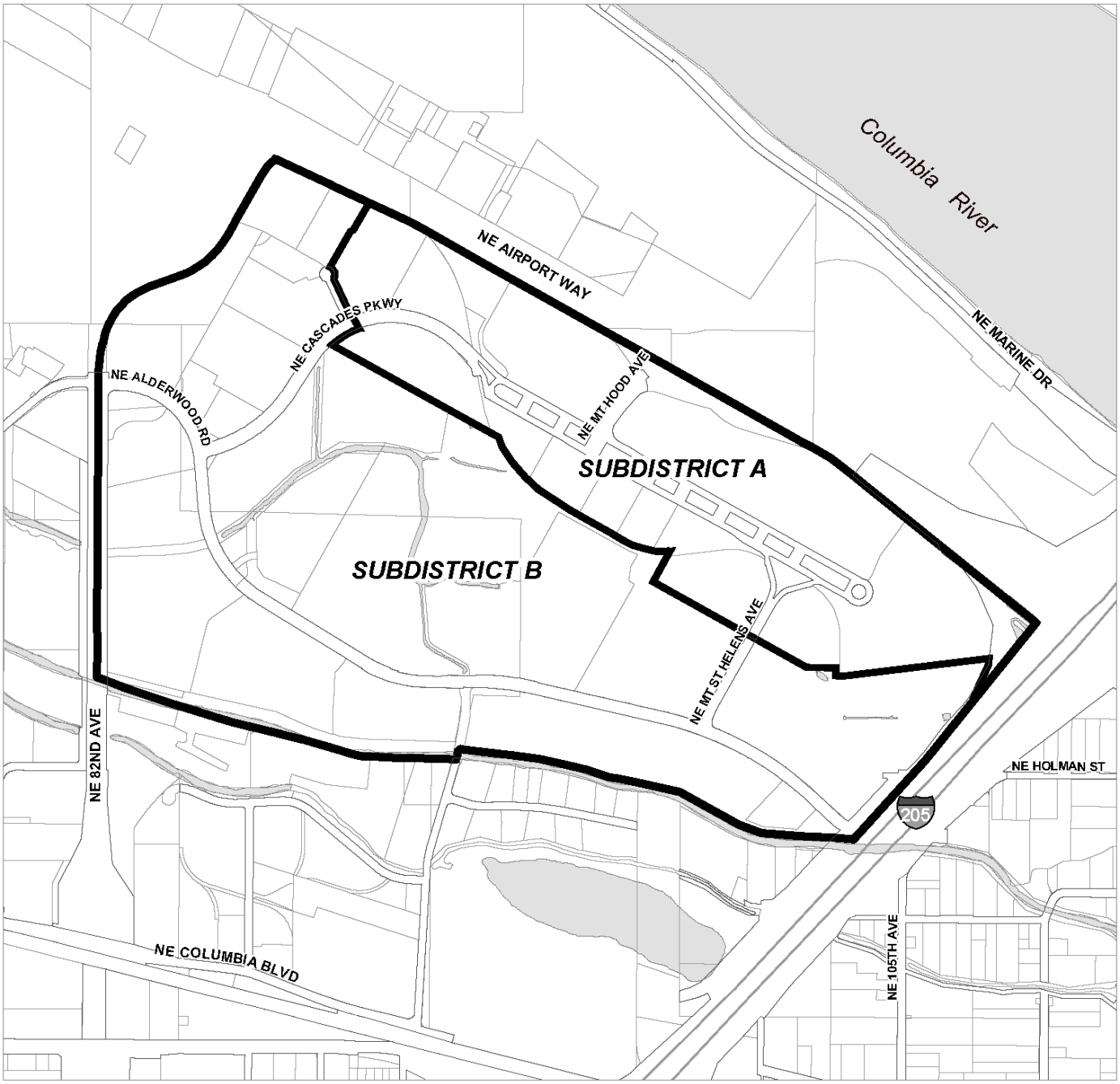
F. Response to comments. If a comment is received, the Director of BDS will respond in writing or in a manner suitable to the comment. The response will specifically address each comment that concerns compliance with the development standards of Section 33.430.140 through .190 and 33.508.350. The Director of BDS will recheck permits for compliance with development standards and approve the permit if compliance is reaffirmed or when identified deficiencies are corrected, and when all applicable standards and regulations of the Zoning Code are met.

(Added by Ord. No. 173131, effective 2/27/99. Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 175022, effective 10/25/00; Ord. No. 176469, effective 7/1/02; Ord. No. 177368, effective 5/17/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177404, effective 7/1/03; Ord. No. 178657, effective 9/3/04; Ord. No. 179076, effective 6/30/05; Ord. No. 181357, effective 11/9/07; Ord. No. 183534, effective 7/1/10; Ord. No. 184521, effective 5/13/11; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20.)

Cascade Station / Portland International Center Plan District

Map 508-1

Map Revised October 9, 2015



Plan District / Subdistrict Boundaries

NORTH

0 825 1,650

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.510 Central City Plan District

510

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33.510.030 Application of Regulations Along Proposed Rights-of-Way and Accessways
Use Regulations
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33.510.110 Mixed Use Waterfront Development
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General

33.510.010 Purpose

The Central City plan district implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region's premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river.

33.510.020 Where the Regulations Apply

The regulations of this chapter apply to the Central City plan district. The boundaries of the plan district and its subdistricts are shown on Map 510-1 at the end of this chapter, and on the Official Zoning Maps. For other regulations, in cases of conflict the most restrictive regulation controls. The

information depicted on Maps 510-1 through 510-23 is part of the plan district regulations and is subject to the same amendment procedures as amendments to the text of this chapter.

33.510.030 Application of Regulations Along Proposed Rights-of-Way and Accessways

Where Maps 510-1 through 510-23 identify a right-of-way as a "proposed right-of-way" or "proposed accessway," the location of the right-of-way or accessway on the map represents only a conceptual location. When dedicated or improved, the location of the right-of-way or accessway may vary from the conceptual location shown on these maps. Regulations of this chapter that are based on the location of a proposed right-of-way or accessway apply as follows:

A. If the right-of-way or accessway has been improved or dedicated, the regulation applies based on the actual location of the right-of-way, tract, or easement.

B. If the right-of-way or accessway has not been improved or dedicated, the regulation applies based on the location of the facility as shown on the street plan for the area that has been accepted by City Council. The street plan is maintained by the Portland Office of Transportation and is documented in the Transportation Element of Portland's Comprehensive Plan.

Use Regulations

33.510.100 Vehicle Repair and Vehicle Sales or Leasing

A. Vehicle Repair uses are prohibited in the areas shown on Map 510-17.

B. The sale or leasing of consumer vehicles, including passenger vehicles, motorcycles, trucks, travel trailers, and other recreational vehicles, is prohibited in the areas shown on Map 510-17, with the following exceptions:

1. Offices for the sale or leasing of consumer vehicles where the vehicles are displayed or stored elsewhere are allowed; and

2. The temporary sale or leasing of consumer vehicles is allowed for up to 14 consecutive days. The time between temporary sales or leasing events must be 4 times as long as the duration of the last event.

33.510.110 Mixed Use Waterfront Development

A. **Purpose.** The Central City 2035 Plan area fronts on portions of the working harbor. The working harbor is the area downstream from the Broadway Bridge. Sites developed for mixed use projects in residential zones along the working harbor will better implement the Central City 2035 Plan, Willamette Greenway Plan, Lower Willamette River Management Plan, and Comprehensive Plan if compatible river dependent industrial activities are allowed as part of mixed use projects.

B. **Where these regulations apply.** The regulations of this section apply to portions of sites in the RX zone that are next to the Willamette River, and are downstream from the Broadway Bridge.

C. **Additional uses allowed.** The following uses are allowed in the nonresidential portion of a mixed use development:

1. Passenger ship docking facilities and accessory customs and cargo handling facilities; and

2. Marinas.

D. Minimum residential density. Where there are any non-residential uses on the site, minimum residential densities are one dwelling unit for each 2,000 square feet of site area.

33.510.112 Commercial Parking

Commercial Parking is subject to special regulations in Sections 33.510.261 and 33.510.262. Visitor Parking and Undedicated General Parking, as described in Sections 33.510.261 and 33.510.262, are Commercial Parking. The other types of parking are accessory parking, although either may operate as commercial parking according to 33.510.261 and 33.510.262.

33.510.114 Exemptions for Portland State University

Development by Portland State University within the University District / South Downtown is exempt from the Conditional Use requirements of Chapter 33.815, Conditional Uses, in situations where a use would be allowed if it was not associated with the University. Instead, such development is subject only to the regulations of the base zone, overlay zone, and plan district.

33.510.115 Additional Uses Allowed in the Open Space Zone

A. Purpose. Additional uses are allowed on sites zoned OS within the Central City plan district in recognition of the diversity of functions that Central City open spaces provide to residents and visitors. The Central City's open spaces tend to be more urban than open spaces found outside the Central City. Plazas, parks, and other improved outdoor spaces found in the Central City may be designed for a more intensive use, and may include little or no green space. These open spaces may contain buildings, benches, art, coffee shops or restaurants, or other small retail shops. These uses are encouraged in urban parks in the Central City to help promote downtown as a regional attraction, enhance the Central City's role in culture and entertainment, provide space for outdoor activities that are appropriate in an urban setting, and increase desirable activity within and near the open space.

B. Additional uses allowed.

1. Retail Sales and Service uses are allowed as follows:

   a. On sites that are 1acre or less in size, the total net building area of all Retail Sales and Service uses on the site may be up to 2,500 square feet.

   b. On sites that are more than 1 acre in size, the total net building area of all Retail Sales And Service uses on the site may be up to 10,000 square feet, or 5 percent of the total site area, whichever is less.

2. Parking that is totally below grade and existed as of February 9, 2000; and

3. The uses listed in Subparagraph B.3.a. are allowed on sites that meet the requirements of Subparagraph B.3.b. Adjustments to this paragraph are prohibited.

a. Uses allowed:

(1) Major Event Entertainment;

(2) Commercial Outdoor Recreation; and

(3) Up to 15,000 square feet of Office.

b. Requirements for sites where uses in Subparagraph B.3.a. are proposed:

(1) The site must be at least 5 acres in area;

(2) The site must be within 500 feet of a Transit Station;

(3) The site is not within the River General (g*) overlay zone;

(4) The standards of Chapter 33.262, Off-Site Impacts, must be met;

(5) The site must have an unexpired Good Neighbor Agreement that is approved by City Council as described in 33.510.115.C, below;

(6) The site must have a Comprehensive Transportation Management Plan that is approved by City Council as described in 33.510.115.D, below; and

(7) If the site is not managed by the owner, the site must have an Operating Agreement that is approved by City Council.

C. Good Neighbor Agreement

1. Purpose. The Good Neighbor Agreement requirements provide an opportunity to consider the impacts of a Major Event Entertainment or Commercial Outdoor Recreation use on nearby residents and businesses. This is achieved by requiring owners or operators to meet with interested parties and by requiring the formulation of a written implementation program referred to as a "Good Neighbor Agreement" before a building permit is issued.

2. When a Good Neighbor Agreement is required. A Good Neighbor Agreement, approved by the City Council, is required before a building permit will be issued for sites with a Major Event Entertainment or Commercial Outdoor Recreation use. The Good Neighbor Agreement does not have to be updated before each building permit is issued, but it must be current at the time of permit issuance.

3. Required process for development and approval of a Good Neighbor Agreement. The owner or operator of the Major Event Entertainment or Commercial Outdoor Recreation use must complete the steps listed in this paragraph. For purposes of this requirement, “applicant” means the owner or operator.

a. Develop a Draft Good Neighbor Agreement. The applicant must develop a Draft Good Neighbor Agreement that includes all of the elements listed in Paragraph C.4., below.

b. Contact the neighbors. The applicant must contact neighboring property owners and organizations as described below:

(1) Schedule a meeting. The applicant must schedule a meeting to discuss the draft agreement;

(2) Mail notice of the meeting to neighbors. The applicant must mail written notice of the meeting, as specified below:

- The notice must be mailed at least 14 days before the date of the meeting;
- The notice must be mailed to all property owners within 1,000 feet of the site and to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site; and
- The notice must include the date, time, and place of the meeting, and a copy of the Draft Good Neighbor Agreement.

c. Hold the Good Neighbor Agreement meeting. Hold the meeting as described below:

(1) Purpose of meeting. The purpose of the meeting is to provide the opportunity for all interested parties to identify concerns that should be considered through the Good Neighbor Agreement. The anticipated outcome of the meeting is an agreement between the neighbors—including residents and businesses—and the applicant as to how each issue will be considered in the Good Neighbor Agreement. However, a consensus is not required;

(2) Attendance by City staff. City staff may attend the meetings to offer suggestions or information, identify potential problems with the Draft Good Neighbor Agreement, or to observe. Participation by City staff in the meeting is not required and does not indicate City approval of the Good Neighbor Agreement;

(3) Additional meetings. Additional meetings may be held.

d. City Council hearing. The applicant must request a City Council hearing. The applicant must request City Council to consider both the Comprehensive Transportation Management Plan and the Good Neighbor Agreement at the same hearing. The purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by this paragraph and has adequately addressed the elements in the Good Neighbor Agreement required by Paragraph C.4. City staff from the Office of Management and Finance and the Bureau of Transportation will provide advice to City Council. The Council may approve, approve with modifications, or reject the Good Neighbor Agreement.

At least 14 days before the hearing, the applicant must file the following materials with the City Auditor's Office:

(1) A copy of the notice of the Good Neighbor Agreement meeting mailed to neighbors as required by C.3.b.(2), above;

(2) The names and addresses of all those to whom the notice of the Good Neighbor Agreement meeting was mailed;

(3) The names and addresses of those who attended the meeting;

(4) The Draft Good Neighbor Agreement and, if different, the version of the Good Neighbor Agreement that the applicant requests Council to approve;

(5) Any other versions of the Good Neighbor Agreement which were reviewed at the meeting;

(6) A copy of the notice of City Council hearing required by C.3.e.(1), below; and

(7) The names and addresses of all those to whom the notice of City Council hearing was mailed.

e. Notice of City Council hearing. The applicant must mail written notice of the City Council hearing as specified below:

(1) The notice must be mailed to all property owners within 1,000 feet of the site, to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site, and to those who attended the Good Neighbor Agreement meeting;

(2) The notice must also be published in a recognized newspaper;

(3) The notice must be mailed at least 14 days before the hearing; and

(4) The notice must contain at least the following information:

- The date, time, and place of the City Council hearing;
- A copy of the Good Neighbor Agreement that is filed with the City Auditor's Office, as specified in C.3.d.(4);
- The street address or other easily understood geographical reference to the property to be covered by the Good Neighbor Agreement;
- A statement that the purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by Paragraph 33.510.115.C.3. of the Zoning Code, and has included the elements in the Good Neighbor Agreement required by Paragraph 33.510.115.C.4. of the Zoning Code;
- A statement that Council may approve, approve with modifications, or reject the Good Neighbor Agreement;
- An explanation of the local decision-making process for making this decision, as described in this section of the Zoning Code;
- An invitation to comment, in writing, on the proposal and the place, date, and time that comments are due. This date and time must be at least 14 days from the mailing date of the notice;
- A statement that all information submitted by the applicant is available for review from the City Auditor, and that copies can be obtained for a fee equal to the City's cost for providing the copies; and
- A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised before the comment period expires and that such issues must be raised with sufficient

specificity to afford the City Council an opportunity to respond to the issues.

f. Notice of City Council decision. The City Auditor will file the notice of decision by the next working day after the decision is made. Within 5 days of filing the notice of decision, the City Auditor will mail a notice of the decision to all property owners within 1,000 feet of the site, to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site, and to all who testified at the Council hearing, submitted written comments, or requested such notice in writing.

4. Elements of a Good Neighbor Agreement. The Good Neighbor Agreement must consider all of the following items:

a. Event schedules, including coordination with nearby facilities to minimize impacts on the neighborhood of concurrent events;

b. Event limitations;

c. Noise management;

d. Box Office hours of operation;

e. Litter management;

f. Lighting;

g. Communications, including a process for receiving, recording, and responding to community comments;

h. Alcohol management;

i. Security;

j. Hours of operation including those for set-up and take-down;

k. Community use of the site;

l. Motorized events;

m. Oversight committee;

n. Enforcement of the Good Neighbor Agreement;

o. Exceptions to the Good Neighbor Agreement;

p. Process and requirements for updating, amending, or terminating the Good Neighbor Agreement; and

q. Effective date, term of the agreement, and date of expiration.

D. Comprehensive Transportation Management Plan

1. Purpose. The Comprehensive Transportation Management Plan requirements provide an opportunity to consider the impacts of traffic and parking on nearby residents and businesses. This is achieved by requiring owners or operators to complete an analysis

of traffic issues, suggest mitigation measures, and make the draft report available to the neighbors of the site.

2. When a Comprehensive Transportation Management Plan is required. A Comprehensive Transportation Management Plan is required before a building permit will be issued for sites with a Major Event Entertainment or Commercial Outdoor Recreation use.

3. Required process for development and approval of a Comprehensive Transportation Management Plan. The owner or operator of the Major Event Entertainment or Commercial Outdoor Recreation use must complete the steps listed in this paragraph. For purposes of this requirement, "applicant" means the owner or operator

   a. Develop a Draft Comprehensive Transportation Management Plan. The applicant must develop a Draft Comprehensive Transportation Management Plan that includes all of the elements listed in Paragraph D.4., below.

   b. Notice of Draft Plan. The applicant must mail written notice to all property owners within 1,000 feet of the site and to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site that the Draft Comprehensive Transportation Management Plan is available.

   c. City Council hearing. The applicant must request a City Council hearing. The Comprehensive Transportation Management Plan must be considered at a City Council hearing held to also consider the Good Neighbor Agreement. The hearing must be at least 14 days after the notice to neighbors that the Draft Comprehensive Transportation Management Plan is available, as required by Subparagraph D.3.b., above, is mailed.

      The purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by this paragraph and has adequately addressed the elements in the Comprehensive Transportation Management Plan required by Paragraph D.4. City staff from the Office of Management and Finance and the Bureau of Transportation will provide advice to City Council. The Council may approve, approve with modifications, or reject the Comprehensive Transportation Management Plan.

      At least 14 days before the hearing, the applicant must file the following materials with the City Auditor's Office:

      (1) A copy of the notice to neighbors that the Draft Comprehensive Transportation Management Plan is available, as required by D.3.b., above;

      (2) The names and addresses of all those to whom notice that the Draft Comprehensive Transportation Management Plan is available was mailed;

      (3) The Draft Comprehensive Transportation Management Plan that has been made available to the neighbors, and, if different, the version of the Comprehensive Transportation Management Plan that the applicant requests Council to approve;

(4) A copy of the notice of City Council hearing required by Subparagraph D.3.d., below; and

(5) The names and addresses of all those to whom the notice of City Council hearing was mailed.

d. Notice of City Council hearing. The applicant must mail written notice of the City Council hearing as specified below:

(1) The notice must be mailed to all property owners within 1,000 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site;

(2) The notice must also be published in a recognized newspaper;

(3) The notice must be mailed at least 14 days before the hearing; and

(4) The notice must contain at least the following information:

- The date, time, and place of the City Council hearing;
- A copy of the Comprehensive Transportation Management Plan requested to be approved by Council and filed with the City Auditor's Office, as specified in D.3.c.(3);
- The street address or other easily understood geographical reference to property to be covered by the Comprehensive Transportation Management Plan;
- A statement that the purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by Paragraph 33.510.115.D.3. of the Zoning Code, and has included the elements in the Comprehensive Transportation Management Plan required by Paragraph 33.510.115.D.4. of the Zoning Code;
- A statement that Council may approve, approve with modifications, or reject the Comprehensive Transportation Management Plan;
- An explanation of the local decision-making process for making this decision, as described in this section of the Zoning Code;
- An invitation to comment, in writing, on the proposal and the place, date, and time that comments are due. This date and time must be at least 14 days from the mailing date of the notice;
- A statement that all information submitted by the applicant is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies; and
- A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised before the comment period expires and that such issues must be raised with sufficient specificity to afford the City Council an opportunity to respond to the issues.

e. Notice of City Council decision. The City Auditor will file the notice of decision by the next working day after the decision is made. Within 5 days of filing the notice of decision, the City Auditor will mail a notice of the decision to all property owners within 1,000 feet of the site, to all neighborhood associations and

business associations within 1,000 feet of the site, and to all who testified at the Council hearing, submitted written comments, or requested such notice in writing.

4. Elements of a Comprehensive Transportation Management Plan. The Comprehensive Transportation Management Plan must consider all of the following items:

   a. Existing conditions, including traffic counts, parking availability, attendee mode splits, and site access and circulation;

   b. Impacts of anticipated Major Event Entertainment and Commercial Outdoor Recreation uses, including a parking demand analysis; and

   c. Proposed mitigation measures.

33.510.116 Retail Sales And Service Uses for Specified Sites in the CX and EX Zones

A. Purpose. Limits on the size of Retail Sales And Service uses promote neighborhood-serving commercial development and help reduce traffic congestion associated with large-scale retailers.

B. Retail Sales and Service Limitation. On sites shown on Map 510-12, Retail Sales And Service uses are limited to 50,000 square feet of net building area per use. Approval through a conditional use review is required for any individual Retail Sales And Service use over 50,000 square feet of net building area, but individual Retail Sales And Service uses with more than 60,000 square feet of net building area are prohibited. These limitations do not apply to hotel uses.

33.510.117 Retail Sales And Service and Office Uses in the RX Zone

A. Purpose. The provisions of this section enhance the residential character of the RX zone, improve the economic viability of residential development and promote active streetscapes by allowing commercial uses. At the same time, commercial uses are regulated to assure that residential uses are the primary use in the zone.

B. Where these regulations apply. The regulations of this section apply to sites in the RX zone.

The regulations of Paragraph D.2. apply to sites that are not on the Park Block frontages; the regulations of Paragraph D.3. apply to sites that are on the Park Block frontages. The South Park Block frontages are shown on Map 510-14.

C. Adjustments prohibited. Adjustments to the regulations of this section are prohibited.

D. Retail Sales And Service and Office uses in the RX zone.

1. Outdoor activities on all sites. All commercial uses must be conducted entirely within fully enclosed buildings. Exterior display of goods and exterior storage are not allowed. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food, or drink stands, are exempt from this requirement.

2. Sites not on Park Block frontages. On sites that are not on the South Park Block frontages, shown on Map 510-14, the following regulations apply:

a. New multi-dwelling development. Retail Sales And Service or Office uses are allowed as part of a new multi-dwelling development as follows:

(1) Up to 20 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office use; or

(2) Up to 40 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office use if at least 50 percent of the area of the ground floor contains Retail Sales And Service or Office uses.

b. Conversion of existing development.

(1) Up to 60 percent of net building area in a multi-dwelling development that existed on July 9, 2018 may be converted to Retail Sales And Service and Office uses.

(2) Up to 100 percent of the net building area of any building may be converted to Retail Sales And Service and Office use if:

- A legally-established non-residential use was operating in the building on July 9, 2018 and
- The development maintains the same number of dwelling units in the building after the conversion.

3. Sites on South Park Block frontages. On sites that are on the Park Block frontages, shown on Map 510-14, the following regulations apply:

a. Up to 100 percent of the floor area of the ground floor of a building may be in Retail Sales And Service and Office use; and

b. Up to 20 percent of the net building area located somewhere other than the ground floor is allowed if approved through a Conditional Use review.

33.510.119 Retail Sales And Service and Office Uses in the IG1 Zone

A. Generally.

1. The regulations of this subsection apply to sites in the IG1 zone that are not subject to Subsections B. or C., below.

2. Allowed uses. One Retail Sales And Service or Office use is allowed per site. The square footage of the net building area plus the exterior display and storage area may be up to 3,000 square feet.

3. Conditional uses.

a. More than one Retail Sales And Service or Office use on a site is a conditional use.

b. Retail Sales And Service uses where the net building area plus the exterior display and exterior storage area is more than 3,000 square feet are a conditional use. Retail Sales And Service uses where the net building area plus the exterior display

and storage area is more than 25,000 square feet, or the square footage of the site area, whichever is less, are prohibited.

c. Office uses where the net building area plus the exterior display and storage area is more than 3,000 square feet are a conditional use. Office uses where the net building area is more than 60,000 square feet or the square footage of the site area, whichever is less, are prohibited.

B. Historic Resources

1. The regulations of this subsection apply in the IG1 Zone to 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.

2. Allowed uses.

a. Retail Sales And Service and Traditional Office. Up to 12,000 square feet on a site may be in Retail Sales And Service or Traditional Office use. The total amount of square footage includes net building area, exterior display, and exterior storage area of all Retail Sales And Service and Traditional Office uses on the site. More than 12,000 square feet on a site in Retail Sales And Service uses is prohibited.

b. Industrial Office. Up to 100 percent of the gross building area on a site may be in an Industrial Office use including gross building area added inside of the building as it existed on July 9, 2018. In addition, up to 5,000 square feet of floor area added to the roof of the building as it existed on July 9, 2018 can be in Industrial Office use. Industrial Office use in more than 5,000 square feet of floor area added to the roof of the building is prohibited.

3. Conditional uses. More than 12,000 square feet on a site may be in Traditional Office uses if approved through a conditional use. The total amount of square footage includes net building area, exterior display, and storage area of Traditional Office uses on the site. If there are also Retail Sales And Service uses on the site, no more than 12,000 square feet may be in Retail Sales And Service use.

C. Central Eastside Subdistrict

1. Purpose. The regulations of this subsection are intended to broaden the mix of employment uses in the Central Eastside Industrial District in a manner that increases the vitality of the district without negatively impacting the viability of industrial uses and development. The additional uses allowed by the regulations are uses that build on the economic strengths, locational advantages and urban character of the Central Eastside.

2. Where these regulations apply. The regulations of this subsection apply to sites zoned IG1 in the Central Eastside Subdistrict that are not subject to Subsection B.

3. Allowed uses.

a. Retail And Service and Traditional Office uses.

(1) Sites up to 40,000 square feet in size. The following regulations apply to Retail Sales And Service and Traditional Office uses on sites that are 40,000 square feet or less in size:

- Up to 5,000 square feet of the net building area plus the exterior display and storage area on a site may be in Retail Sales And Service use. More than 5,000 square feet in Retail Sales And Service use on a site is prohibited.
- Up to 5,000 square feet of net building area on a site may be in Traditional Office use. More than 5,000 square feet in Traditional Office use on a site is prohibited.

(2) Sites over 40,000 square feet in size. The following regulations apply to Retail Sales And Service and Traditional Office uses on sites that are more than 40,000 square feet in size:

- Retail Sales and Service uses on a site are allowed but net building area plus exterior display and storage is limited to an amount equal to 12.5 percent of the total site area. More than 12.5 percent in Retail Sales And Service use is prohibited.
- Traditional Office uses on a site are allowed but net building area is limited to an amount equal to 12.5 percent of the total site area. More than 12.5 percent in Traditional Office use is prohibited.

b. Industrial Office.

(1) Generally, Industrial Office uses are allowed but net building area plus exterior display and storage is limited to up to an amount equal to three times the square footage of the site. Unless allowed by one of the exceptions below, Industrial Office use in excess of three times the square footage of the site is prohibited.

(2) Exceptions.

- Exception 1. When the following four standards are met, Industrial Office uses are allowed but net building area plus exterior display and storage is limited to an amount equal to four times the total square footage of the site. Industrial Office use in excess of four times the square footage of the site is prohibited:
  - At least 33 percent or 5,000 square feet, whichever is more, of the total amount of ground-floor floor area on the site must be in a Manufacturing and Production, Warehouse and Freight Movement, or Industrial Service use. The required industrial use can be consolidated in one building on the site or can be spread out through multiple buildings on the site;
  - Each space for the required industrial use must be on the ground floor and must be at least 5,000 square feet in area;
  - The minimum floor to ceiling height of each space for the required industrial use must be 20 feet; and
  - Each space for the required industrial use must include at least one loading door or entrance that serves the industrial space. If more than one industrial space is created then each space

must have at least one loading door or entrance, or must have access to a shared loading door or entrance in a common area accessible from each industrial space located on the ground floor.

- Exception 2. If the site is 20,000 square feet or less in size, up to 60,000 square feet of net building area may be in an Industrial Office use. More than 60,000 square feet per site is prohibited.
- Exception 3. Industrial Office uses are allowed in buildings that existed on December 21, 2016. In this case, 100 percent of the net building area may be in an Industrial Office use including floor area added inside of the building as it existed on December 21, 2016. In addition, up to 5,000 square feet of floor area added to the roof of the building as it existed on December 21, 2016 can be in Industrial Office use. Industrial Office use in more than 5,000 square feet of floor area added to the roof of the building is prohibited.

c. Group Living, Daycare and Community Services uses. Group Living, Daycare and Community Services uses are allowed on sites that had Group Living, Daycare and Community Service uses operating at the same time on July 9, 2018. The total amount of net building area allowed for Group Living, Daycare and Community Service uses combined is an amount equal to 3 times the total site area. If the Group Living use allowed by this section is discontinued for 3 continuous years, Group Living uses are no longer allowed on the site. If the Daycare or Community Service uses allowed by this subparagraph are discontinued for 3 continuous years, new Daycare or Community Service uses are subject to the use provisions of the IG1 zone.

33.510.120 Retail Sales And Service and Office Uses in Specified Historic Resources in the IH Zones

A. Where these regulations apply. The regulations of this subsection apply in the IH Zone to historic resources that are listed on the National Register of Historic Places or to structures or objects that are identified as contributing to the historic significance of a Historic District or a Conservation District.

B. Allowed uses. Up to 12,000 square feet on a site may be in Retail Sales And Service or Office use. The total amount of square footage includes net building area, exterior display, and storage area of all Retail Sales And Service and Office uses on the site. More than 12,000 square feet on a site in Retail Sales And Service uses is prohibited.

C. Conditional uses. More than 12,000 square feet on a site may be in Office uses if approved through a conditional use. The total amount of square footage includes net building area, exterior display, and storage area of Office uses on the site. If there are also Retail Sales And Service uses on the site, no more than 12,000 square feet may be in Retail Sales And Service use.

33.510.121 Residential Uses in the EX Zone

A. Purpose. Residential uses are restricted in portions of the EX zone in the Lower Albina and Central Eastside subdistricts in order to avoid conflicts between residential and industrial activities.

B. Residential use restrictions.

1. Residential uses are prohibited in the areas shown on Map 510-6.
2. Residential uses are only allowed through a Central City Master Plan in the areas shown on Map 510-6.

Development Standards

33.510.200 Floor Area Ratios

A. Purpose. Floor area ratios (FARs) work with the height, setback, and building coverage standards to control the overall bulk of development. Generally, the highest FARs in Portland are applied in the Central City plan district to support its role as the region's premier center for jobs, health and human services, and urban living. The minimum FARs required in the Central City plan district are intended to ensure a minimum level of development on a vacant site, ensure that not all development potential is transferred off a site, and ensure redevelopment of under-utilized sites. The maximum FARs allowed in the Central City plan district balance multiple objectives of the Central City 2035 Plan including:

- Locating the largest floor area ratios along the Transit Mall and high-capacity transit lines;
- Varying building bulk across the Central City;
- Generally, stepping down allowed building bulk to the Willamette River and neighborhoods adjacent to the Central City; and
- Ensuring that building bulk is compatible within historic districts.

B. Adjustments. Adjustments to floor area ratio regulations are prohibited.

C. Floor area ratio.

1. Generally, maximum floor area ratio (FAR) for sites in the Central City plan district are shown on Map 510-2. Maximum FAR can be increased on a site if FAR is transferred or earned through a bonus as allowed by 33.510.205, Floor Area Bonus and Transfer Options. Increases in FAR on a site are limited as described in Subsection D. Exemptions are in Subsection E.
2. On the site shown on Map 510-2 as requiring residential use, the maximum FAR for the entire site is 9 to 1 if all floors above the ground floor on the western half of the block are in a residential use.
3. Minimum floor area ratio. Minimum FAR is required as follows:
   a. For sites where the maximum allowed FAR before bonuses and transfers is up to 4 to 1, the minimum FAR is 1 to 1;

b. For sites where the maximum allowed FAR before bonuses and transfers is between 5 to 1 and 8 to 1, the minimum FAR is 2 to 1; and

c. For sites where the maximum allowed FAR before bonuses and transfers is 9 to 1 or greater, the minimum FAR is 3 to 1.

D. Limits on increased floor area. Maximum FAR can be increased on a site if FAR is transferred or bonus FAR is earned as allowed by 33.510.205, Floor Area Bonus and Transfer Options. The following limits apply to increases in FAR:

1. Unless otherwise specified in Paragraphs D.2. and D.3, the maximum amount of FAR that can be earned on a site through use of bonus options is 3 to 1. There is no limit on the amount of FAR that can be transferred to a site.

2. South Park Blocks frontages. Transferring floor area to sites, or portions of sites, zoned RX is prohibited within the South Park Block frontage areas shown on Map 510-14.

3. South Waterfront subdistrict. In the South Waterfront subdistrict the following applies:

a. An FAR of more than 3 to 1 may be earned on a site through the use of bonuses if at least 1 to 1 FAR is earned on the site through the use of the open space bonus option, the open space fund bonus option, or the South Waterfront Willamette River Greenway bonus option. However, the total amount of floor area on a site, including bonus floor area and transferred floor area, must not be more than 9 to 1.

b. The total floor area on a site, including bonus floor area and transferred floor area, may be more than 9 to 1 if all of the following are met:

(1) The floor area above the 9 to 1 ratio is transferred from the South Waterfront Greenway Area shown on Figure 510-3; and

(2) The portion of the South Waterfront Greenway Area that floor area is being transferred from must have been dedicated to the City after September 1, 2002.

E. Exemptions. The following are exemptions from the regulations in Subsection C.:

1. Neighborhood facilities.

a. Purpose. This regulation encourages creation of facilities to serve those who live and work in the Central City. These facilities are necessary elements of a complete neighborhood.

b. Standards. Floor area used for specified neighborhood facilities is not counted towards maximum FAR for the site. The specified neighborhood facilities are public schools, public community centers, daycare facilities for children, and public libraries. To qualify for this provision, the following requirements must be met:

(1) Schools. Floor area to be used for public schools does not count towards maximum FAR for the site if the school will be operated by or for a public school district.

(2) Daycare. Floor area to be used for daycare facilities for children does not count towards maximum FAR for the site. The facility must be open at least five days each week and fifty weeks each calendar year.

(3) Libraries. Floor area to be used for public libraries does not count towards maximum FAR for the site if the library will be operated by the Multnomah County Library or does not charge membership fees.

(4) Public community centers. Floor area to be used for community centers does not count towards maximum FAR for the site. Public community centers are not for exclusive use by residents of a site and their guests.

(5) All facilities. All neighborhood facilities must meet the following:

- The floor area of the facility must be reserved for the exclusive use of the neighborhood facility for at least 10 years from the date a certificate of occupancy is issued for the qualifying floor area. No uses other than those listed in this subsection are allowed;
- The applicant must document that there is a binding agreement with an operator for each facility. This documentation must be submitted with the application for design review; and
- The property owner must execute a covenant with the City which is attached to and recorded with the deed of the site. The covenant must ensure that the owner will reserve the floor area as specified above. The covenant must comply with the requirements of Section 33.700.060.

2. South Waterfront subdistrict. In South Waterfront subdistrict, floor area used for automated parking is not counted towards maximum FAR for the site. The automated parking facility must rely on a mechanical system instead of a vehicle operator to transport vehicles to a storage space within the facility.

3. Minimum FAR. Sites zoned Industrial or Open Space, and sites with a school that will be operated by or for a public school district are exempt from the minimum floor area ratio.

33.510.205 Floor Area Bonus and Transfer Options

A. Purpose. Floor area bonus and transfer options allow additional floor area as an incentive for certain uses and types of development that provide a public or community benefit. The bonus floor area can be gained in exchange for affordable housing or riverfront open space in new development. Transfer options can be used in exchange for historic preservation and transferring FAR within a subdistrict. In the South Waterfront subdistrict new development gains bonus floor area and height in exchange for creating open space and expanding the Willamette River Greenway within the subdistrict.

B. Priorities for the use of bonus and transfer options. When FAR will be increased using bonuses or transfers, the following regulations specify which bonus and transfer options must be used before other bonus or transfer options:

1. Unless otherwise specified in Subparagraph B.2. the first 3 to 1 of any increase in FAR on a site must be earned or gained through use of one of the following options:

   a. The inclusionary housing bonus option described in Subparagraph C.2.a;

   b. The Affordable Housing Fund bonus option described in Subparagraph C.2.b.;

   c. The historic resources transfer provisions described in Paragraph D.1. or

   d. The riverfront open space bonus option described in Subparagraph C.2.c.

2. Exceptions. The following exceptions apply to the bonus and transfer option priorities specified in Paragraph B.1:

   a. The South Waterfront subdistrict is exempt from the bonus and transfer options usage priorities specified in Paragraph B.1. However, if the site is within the Greenway bonus target area shown on Map 510-5, and the development does not trigger the requirements of 33.245, Inclusionary Housing, the South Waterfront Willamette River Greenway bonus option must be used before any other bonus. Bonus floor area of at least 7,500 square feet from the South Waterfront Willamette River Greenway bonus option must be earned before the project qualifies for other bonus options;

   b. Floor area transferred legally through a covenant recorded prior to July 9, 2018 may be used to increase maximum FAR on a site before using one of the bonus or transfer options listed in Paragraph B.1. until July 9, 2020. For the purposes of this subparagraph, used means that the transferred floor area has been shown on an eligible receiving site in a complete application for design review; and

   c. Unused floor area earned through a bonus that no longer exists in the zoning code can be utilized on the site where it was earned before using one of the bonus or transfer options listed in Paragraph B.1.

C. Floor area bonus options. Additional development potential in the form of floor area is earned for a project when the project includes any of the specified features listed below. The bonus floor area amounts are additions to the maximum floor area ratios shown on Map 510-2.

1. General regulations.

   a. The bonus options are only allowed in situations where stated. Adjustments to the requirements or to the amount of bonus floor area earned are prohibited.

   b. Bonus FAR is only available to sites zoned RM3, RM4, RX, CX, or EX, unless specifically stated otherwise.

   c. Projects may use more than one bonus option unless specifically stated otherwise. Bonuses may be done in conjunction with allowed transfers of floor area, however in some cases, certain bonus options must be used before other bonus options can be used or transferring can occur. See Subsection B.

   d. The maximum floor area increase that may be earned through the bonus options must be within the limits for overall floor area increases stated in 33.510.200.D.

e. Buildings using bonus floor area must not exceed the maximum height limits shown on Map 510-3 unless eligible for bonus height.

2. Bonus floor area options.

a. Inclusionary housing bonus option. Projects that include buildings that trigger 33.245, Inclusionary Housing, receive bonus floor area. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245, up to a maximum increase of 3 to 1 FAR on the site.

b. Affordable Housing Fund bonus option. Proposals that contribute to the Affordable Housing Fund (AHF) receive bonus floor area. Up to 3 to 1 FAR can be earned by paying into the fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). Until January 9, 2020 the applicant will receive 1.5 square feet of bonus floor area for each square foot purchased from PHB. After January 9, 2020 the applicant will receive 1 square foot of bonus floor area for each square foot purchased. The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

c. Riverfront open space bonus option. The riverfront open space bonus provides an opportunity to expand publicly accessible open space along the Willamette River. Proposals that provide open space adjacent to the river setback area will receive bonus floor area. For each square foot of open space provided, a bonus of 3 square feet of additional floor area is earned. To qualify for this bonus, the following requirements must be met:

(1) Location. The open space must be located outside of but adjacent to the river or greenway setback. When the setback area is increased in conformance with 33.475.210.E., Encroachment into the setback, the open space must be located outside of but adjacent to the increased setback area;

(2) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area. Each area must be designed so that a 25 foot by 25 foot square will fit entirely within it;

(3) Ownership and use. A public access easement must be provided that allows for unrestricted public access from 5 am to 12 midnight unless otherwise specified by the terms of the easement; and

(4) Maintenance. The property owner must execute a covenant with the City that ensures the preservation, maintenance and continued operation of the open space by the property owner. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space.

d. South Waterfront Willamette River Greenway bonus option. To complement and enhance the existing public corridor, projects along the Willamette River Greenway in the South Waterfront subdistrict that provide open space for public activity will receive bonus floor area. For each square foot of open space dedicated, a bonus of 3 square feet of additional floor area is earned. Open space that will earn bonus floor area under Subparagraph C.2.e, Open Space bonus option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:

(1) Location. The open space must abut the South Waterfront Greenway Area, as shown on Figure 510-3;

(2) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area; the north-south dimension of the area must be at least twice as long as the east-west dimension of the area;

(3) Connection to the trail. A direct pedestrian connection must be provided between the open space and any required trail or trail easement on the site;

(4) Ownership and use. One of the following must be met:

- The open space and pedestrian connection must be dedicated to the City; or
- A public access easement must be provided that allows for public access to and use of all the open space and the pedestrian connection;

(5) Maintenance. The property owner must execute a covenant with the City that ensures the installation, preservation, maintenance, and replacement, if necessary, of the open space features. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space;

(6) Landscaping. The open space must be landscaped to meet the requirements of Paragraphs 33.510.253.E. 5.a.(2) and E.5.f.(5) that apply to South Waterfront Greenway subarea 3;

(7) Open space features. Public seating such as benches must be provided at a ratio of at least 5 seats per 1,000 square feet of open space; and

(8) Timing. The requirements of this paragraph must be met before an occupancy permit for any building using the bonus floor area is issued.

e. Open Space bonus option. In the South Waterfront subdistrict, proposals that provide open space that may be used by the public will receive bonus floor area. For each square foot of open space provided, a bonus of 1 square foot of additional floor area is earned. Open space that will earn bonus floor area under Subparagraph C.2.d., South Waterfront Willamette River Greenway bonus option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:

(1) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area;

(2) Ownership and use. One of the following must be met:
- The open space must be dedicated to the City; or
- The property owner must record a public access easement that has been attached to the deed for the open space and allows for public access to and use of all the open space;

(3) Maintenance. The property owner must execute a covenant with the City that ensures the preservation, maintenance and continued operation of the open space by the property owner. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space;

(4) Parks approval. The applicant must submit with the application for land use review a letter from Portland Parks and Recreation stating that the open space features meet the requirements of the bureau, and that the space is acceptable to the bureau; and

(5) The bonus floor area may be used only in the South Waterfront subdistrict.

f. Open space fund bonus option. In the South Waterfront subdistrict, contributors to the South Waterfront Public Open Space Fund (SWPOSF) receive bonus floor area. For each $12.10 contributed to the SWPOSF, one square foot of bonus floor area is earned. To qualify for this bonus, the following requirements must be met:

(1) The applicant must submit with the application for land use review a letter from Portland Parks and Recreation documenting the amount that has been contributed to the SWPOSF;

(2) The bonus floor area may be used only in the South Waterfront subdistrict; and

(3) The SWPOSF is to be collected and administered by Portland Parks and Recreation. The funds collected may be used only within the South Waterfront, either for acquisition, improvement, or maintenance of public open space or for bank restoration or improvement projects along the Willamette River.

D. Floor area transfer options. Transferring floor area from one site to another is allowed as follows. The transferred floor area is in addition to the maximum floor area ratio shown on Map 510-2. There is no limit to the amount of floor area that can be transferred to a site. Transferring floor area is only allowed in situations where stated. Adjustments to the floor area transfer requirements are prohibited. When FAR is transferred from one site to another, the sending site must retain an amount equal to the minimum FAR required by 33.510.200.C., or an amount equal to the total surface parking area on the site multiplied by the maximum floor area ratio allowed shown on Map 510-2, whichever is more.

1. Transfer of floor area from a Historic Resource. The following regulations apply to transferring floor area from a Historic Resource:

   a. Purpose. This transfer option improves public safety by encouraging seismic upgrades of historic resources, and encourages the preservation of historic resources by reducing redevelopment pressure.

   b. Sites eligible to send floor area. In order to send floor area the site must meet the following requirements. Sites that are eligible to send floor area are allowed to transfer unused FAR up to the maximum FAR allowed on the site plus an additional 3 to 1:

      (1) Be in a RM3, RM4, RX, CX, EX, or OS zones, and

      (2) Contain a Historic or Conservation Landmark or a contributing resource in a Historic or Conservation district for which the Bureau of Development Services verifies the following:
         - If the building is classified as Risk category I or II, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the American Society of Civil Engineers (ASCE) 41- BPOE improvement standard as defined in City of Portland Title 24.85;
         - If the building is classified as Risk category III or IV, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the ASCE41- BPON improvement standard as defined in City of Portland Title 24.85; or
         - The owner of the landmark or contributing resource has entered into a phased seismic agreement with the City of Portland as described in Section 24.85.

   c. Sites eligible to receive floor area:

      (1) Must be zoned RM3, RM4, RX, CX or EX; and

      (2) Must be within the Central City plan district outside of the South Waterfront subdistrict.

   d. Covenants. The owners of both the sending and receiving sites must execute a covenant with the City. The covenant must meet the requirements of 33.700.060, and must be attached to and recorded with the deed. The covenants may not be revoked or rescinded. The covenants must include the following:

      (1) The covenant for each site must reflect the existing floor area on each site and the respective increase and decrease of potential floor area; and

      (2) The covenant for the sending site must state that the owner will not demolish or relocate the historic resource unless the City approves the demolition or relocation through demolition review.

   e. Exceptions.

      (1) Sites with eligible historic resources in a RM3, RM4, RX, CX or EX zone may elect to transfer floor area to a receiving site outside of the Central City plan

district if they meet the standards of 33.120.210.D, 33.130.205.C or 33.140.205.D.

(2) Sites with eligible historic resources in the RM1 and RM2 zones may transfer floor area if they meet the standards of 33.120.210.D.

2. Transfer of floor area within a floor area transfer sector. In the RX, CX, EX, and OS zones, floor area, including bonus floor area and bonus floor area earned through a bonus that no longer exists in the zoning code, may be transferred between sites. The sites are not required to be abutting, however both the sending site and the receiving site must be located within the same floor area transfer sector shown on Map 510-23. In addition, floor area transfers are subject to the following requirements:

   a. The sending site must not be a Historic or Conservation landmark or a contributing resource in a historic or a conservation district;

   b. If bonus floor area is included in the transfer, the public benefit to be provided in exchange for the bonus floor area must be completed in advance or at the time of issuing any occupancy permit on the receiving site taking advantage of the bonus floor area; and

   c. The property owner(s) must execute a covenant for both sites. The covenants must comply with the regulations of 33.700.060, must be recorded with the deeds for each site, and must reflect the existing floor area on each site and the respective increase and decrease of potential floor area.

33.510.210 Height

A. Purpose. The building height standards are intended to implement and balance multiple objectives of the Central City 2035 Plan. Generally, the tallest heights in the Portland region are applied in the Central City to support its role as the region's premier center for jobs, services, and urban living. Other objectives include:

- Locating the tallest building heights along the Transit Mall and high-capacity transit lines;
- Protecting designated public views;
- Varying building height across the Central City;
- Generally, stepping down height to the Willamette River and neighborhoods adjacent to the Central City;
- Emphasizing bridgehead locations with taller buildings;
- Limiting shadows on public open spaces; and
- Ensuring building height compatibility within historic districts.

B. Base height.

1. Base heights are shown on Map 510-3. Heights greater than shown on Map 510-3 are allowed through the bonus height or height transfer options specified in Subsections D. and E. Adjustments to height limits shown on Map 510-3 are prohibited.

2. Exceptions to base height. Generally, the following minor projections are allowed to extend above the base heights shown on Map 510-3. However, in a view corridor shown on Map 510-20, if the site is not eligible for a height increase, projections above the height limit shown on Map 510-3 are prohibited. Eligibility for a height increase is shown on Map 510-3. In a view corridor shown on Map 510-20, if the site is eligible for a height increase, the following minor projections are allowed, but the projection must not extend above the height limit shown on Map 510-4. Small wind turbines are subject to the standards of Chapter 33.299:

   a. Chimneys, vents, flag poles, satellite receiving dishes, and other similar items that are attached to a building and have a width, depth or diameter of 5 feet or less may extend 10 feet above the base height limit, or 5 feet above the highest point of the roof, whichever is greater. If the item is more than 5 feet wide, deep, or tall, it is subject to the height limit;

   b. Parapets and railings. Parapets and rooftop railings may extend 4 feet above the base height limit;

   c. Walls or fences located between individual rooftop decks may extend 6 feet above the base height limit if the wall or fence is set back at least 4 feet from the edges of the roof;

   d. Rooftop mechanical equipment and any required screening for the mechanical equipment, and stairwell enclosures that provide rooftop access may extend above the base height limit as follows. The equipment and enclosures must be set back at least 15 feet from roof edges on street facing facades:

      (1) Elevator mechanical equipment may extend up to 16 feet above the base height limit; and

      (2) Other mechanical equipment, required screening, and stairwell enclosures may extend up to 10 feet above the base height limit if the equipment or enclosures do not cumulatively cover more than 10 percent of the roof area;

   e. Roof mounted solar panels may extend above the height limit as follows:

      (1) On flat roofs and on the horizontal portion of mansard roofs, solar panels may extend up to 5 feet above the top of the highest point of the roof; and

      (2) On pitched, shed, hipped or gambrel roofs, solar panels must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel; and

   f. Antennas, power poles and public safety facilities.

C. Shadow study. Sites shown on Map 510-3 as requiring a shadow analysis must provide a shadow study that shows that the shadow cast by the proposed buildings or other structures does not cover more than 50 percent of the adjacent open space at noon on March 21, June 21 and September 21, and not more than 75 percent of the adjacent open space at noon on December 21, and 3:00 pm on March 21, June 21, and September 21.

Adjacent includes open space across a right-of-way from the site subject to the shadow study standard.

D. Bonus height options. Bonus height can be achieved through the following options:

1. Bonus height in the South Waterfront subdistrict. Within the South Waterfront subdistrict, buildings that include any floor area achieved through bonuses or from transfers onto the site earn a height bonus as follows:

   a. In the area located between 125 feet to 150 feet landward of the South Waterfront height reference line shown on Map 510-16, buildings may earn a height bonus of 25 feet if approved as a modification through design review. Projections above 150 feet are prohibited.

   b. In the area located between 150 feet landward of the South Waterfront height reference line shown on Map 510-16 and the western boundary of the subdistrict, buildings earn a height bonus of 125', up to a maximum building height of 250 feet. Adjustments are prohibited.

2. South Waterfront height opportunity area.

   a. Purpose. In the core of the South Waterfront subdistrict, additional building heights may be appropriate to support the goals of the South Waterfront Plan. The regulations of this subsection are intended to:

      - Support the growth of an Innovation Quadrant in the Central City;
      - Provide diverse housing opportunities;
      - Support the density goals of the subdistrict while ensuring quality design;
      - Create additional opportunities for visual access through the subdistrict;
      - Promote the development of slender towers with an east-west orientation;
      - Develop an exceptional and varied skyline enhancing the district's setting against the Tualatin Hills to the west and the Cascade Range to the east;
      - Establish and maintain a pedestrian environment with access to sunlight;
      - Contribute to the district's urban variety, adding visual interest at the pedestrian level and from vantage points outside of the district;
      - Create an urban form that is visually permeable; and
      - Continue to maintain all protected public views and view corridors, on the east and west side of the Willamette River, as identified in adopted plans.

   b. Additional building height may be requested as a modification through design review as follows:

      (1) The site must be in the South Waterfront height opportunity area shown on Map 510-16;

      (2) The maximum height that may be approved is 325 feet, including projections, roof top mechanical equipment, and any other structures that project above the roof of the building;

      (3) One of the following must be met:

- The average floor-to-floor height in the building must be at least 16 feet and floors of the building above 75 feet must be 25,000 square feet in area or less; or
- Floors of the building above 75 feet must be 10,000 square feet in area or less;
- Adjustments to the standards of this subsubparagraph are prohibited; however, modifications through design review may be requested as follows:
  - A modification to the 25,000 square foot limitation may be requested;
  - A modification to the 10,000 square foot limitation may be requested if the north-south dimension of the building above 75 feet is 112 feet or less. The north-south dimension is measured as specified in 33.510.251.A.3.e. However, modifications to allow floors larger than 12,500 square feet are prohibited;

(4) The portion of the proposed building that is greater than 250 feet in height must be at least 200 feet from the portion of any other existing or approved building that is greater than 250 feet in height, and that used the provisions of this subsection to achieve additional height. Approved buildings are those with an unexpired design review approval. Adjustments to this standard are prohibited; however, modifications to the 200 foot minimum distance requirement may be requested through design review. In reviewing such a request, the review body will consider the results of the South Waterfront Public Views and Visual Permeability Assessment for the proposal;

(5) Where a block is less than 80,000 square feet in area, only one building on the block may use the provisions of this subsection. Where a block is at least 80,000 square feet in area but less than 120,000, only two buildings on the block may use the provisions of this subsection. Where a block is at least 120,000, only three buildings on the block may use the provisions of this subsection.

Applications for land divisions of sites that include a building that has used the provisions of this subsection must show how the land division will not move the site out of conformance with this subsection;

(6) The applicant must contribute $24.10 to the South Waterfront Public Open Space Fund (SWPOSF) for every square foot of floor area over 250 feet in height. The contribution to the SWPOSF must be made before the building permit is issued for the building. Contributions to the fund used to earn bonus floor area under 33.510.205.C.2.f, Open space fund bonus option, do not count towards meeting this requirement. Adjustments to this standard are prohibited; and

(7) The applicant must request advice from the Design Commission as described in 33.730.050.F. The design advice request must be submitted before the request for a pre-application conference. In providing their

advice to the applicant, the Design Commission will consider protection and enhancement of public views from both the east and west, as identified in adopted plans; development of a diverse, varied and visually interesting skyline; and creation of a district that is visually permeable. These factors will be considered at different scales, including the site of the proposal, the site and adjacent blocks, and the subdistrict as a whole.

3. Bonus height earned through an FAR bonus or transfer. Except for sites in the South Waterfront height opportunity area, the bonus heights shown on Map 510-4, or allowed by Subparagraph D.3.e, are allowed when the following are met. Projections above the height limits shown on Map 510-4, or allowed by Subparagraph D.3.e are prohibited:

   a. The site must be shown on Map 510-3 as eligible for a height increase;

   b. The proposal must earn an additional FAR of at least 1 to 1 through use of one of the following FAR bonus or transfer options. The site shown on Map 510-4 as requiring residential is only allowed to earn the additional 1 to 1 through the bonus option listed in D.3.b (1):

      (1) The inclusionary housing bonus option of Subparagraph 33.510.205.C.2.a;

      (2) The Affordable Housing Fund bonus option of Subparagraph 33.510.205.C.2.b; or

      (3) The historic resource transfer of Paragraph 33.510.205.D.1.

   c. Limit shadow. The following additional shadow standard and approval criterion are intended to limit the effects of shadow cast by buildings using bonus height. The shadow study standard applies to sites shown on Map 510-4 as requiring a shadow study. The shadow approval criterion applies to sites within 500 feet of a residential zone located outside of the Central City when more than 75 feet of bonus height is proposed:

      (1) Shadow study standard. When bonus height will be used on a site shown on Map 510-4 as requiring a shadow study, the shadow study must show that the shadow cast by the proposed buildings or other structures does not cover more than 50 percent of the adjacent open space at noon on March 21, June 21 and September 21, and not more than 75 percent of the adjacent open space at noon on December 21, and 3:00 pm on March 21, June 21, and September 21. Adjacent includes open space across a right-of-way from the site subject to the shadow study standard.

      (2) Shadow approval criterion. A proposal for more than 75 feet of bonus height on a site that is within 500 feet of a residential zone located outside of the Central City plan district will be approved if the review body finds that shadow cast by the proposed building will not have a significant negative impact on dwelling units located outside the Central City plan district in an R zone within 500 feet of the site.

d. North Pearl Height Opportunity Area. The following additional standards apply when bonus height will be used in the North Pearl Height Opportunity area shown on Map 510-16:

(1) When bonus height will be used on sites located entirely between NW Naito Parkway and the Willamette River, building façades above 100 feet that face NW Naito Parkway or the Willamette River must not exceed 120 feet in length; and

(2) When bonus height will be used on sites that are not located between NW Naito Parkway and the Willamette River the following must be met:

- The building must not be taller than 175 feet; or
- If the building is taller than 175 feet, the floors of the building above 100 feet must not be more than 12,500 square feet each.

e. RiverPlace Height Opportunity Area. Up to 325 feet of height is allowed in the RiverPlace height opportunity area shown on Map 510-16 when the following standard is met:

(1) Purpose. In the RiverPlace height opportunity areas, additional building heights may be appropriate to meet density goals as well as:

- Provide diverse housing opportunities;
- Support high quality design;
- Create additional opportunities for visual access through the area;
- Promote the development of slender towers with an east-west orientation;
- Establish and maintain a pedestrian environment with access to sunlight;
- Create open space amenities connecting to the riverfront;
- Contribute to the area's urban variety, adding visual interest at the pedestrian level and from vantage points outside of the area;
- Create an urban form that is visually permeable and maintains all protected public views and view corridors.

(2) Standard. If the building is taller than 75 feet, the floors of the building above 100 feet must not be more than 10,000 square feet each. Adjustments are prohibited, however modification through design review may be requested if the north-south dimension of the building above 75 feet is 112 feet or less. The north-south dimension is measured as specified in 33.510.251.A.3.e.

E. Open space height transfers.

1. Purpose. These regulations provide an incentive for the creation and development of needed open space in the Central City plan district.

2. Requirements for open space areas eligible for the height transfer.

a. The proposed open space area must be in the Central City plan district outside of the South Waterfront subdistrict. The site is subject to the review requirements stated in Paragraph E.4.

b. The area designated for the open space must be dedicated to the City as a public park. The minimum size of the open space must be a full block at least 35,000 square feet in size. However, the open space may be 20,000 square feet in size if located along the alignment of the North Park Blocks.

c. All park improvements must be made by the applicant prior to dedication to the City. The improvements to the park are subject to a design review using the specific area's design guidelines.

3. Amount of height potential that can be transferred. The allowed height at the proposed open space site may be transferred within the Central City plan district consistent with the limits stated below.

a. The maximum amount of height that may be transferred is 100 feet. The transfer may only be to a site eligible for additional height as shown on Map 510-3. Increases in height that result in buildings greater than the maximum height shown on Map 510-4 are prohibited. The transferred height may not be used in addition to any bonus heights allowed by Paragraph D.3.

b. The open space site must be dedicated to the City before the issuance of building permits for the building receiving the increased height.

4. Design Review.

a. Procedure. The review is processed with a Type III procedure. The Parks Bureau will provide advice to the Design Commission.

b. Approval criteria. The proposed open space site will be approved for the height transfer if the review body finds that the applicant has shown that all of the following approval criteria are met:

(1) The proposed site will help to alleviate an area's identified projected future open space deficiency. This determination is based on such things as proximity to parks, proximity to people living or working in the Central City plan district, and how the site relates to the Central City 2035 Plan's park and open space policies;

(2) The proposed improvements on the open space site are consistent with the design guidelines for the area; and

(3) The Parks Bureau approves of the site.

33.510.211 Shadow Study Required

A shadow study is required for new structures that are 100 feet or more in height on sites shown on Map 510-11, and for major remodels to existing structures that increase the height of the existing structure to 100 feet or higher on sites that are shown on Map 510-11. The shadow study must show that the shadow cast by the new or remodeled structure does not cover more than 50 percent of the adjacent open space at 10 am on March 21. Adjacent includes open space located across a right-of-way from the site. Adjustments are prohibited.

33.510.215 Required Building Lines

A. Purpose. The required building line standards ensure that buildings in certain parts of the Central City are built to the sidewalk's edge unless landscaping or an extension of the sidewalk is provided. The standards support the street and development character objectives of the Central City 2035 Plan by creating diverse street character, promoting active uses, pedestrian movement, and opportunities for stopping and gathering. Extensions of the sidewalk may incorporate trees, landscape planters, groundcover, and areas for stormwater management between the building and the sidewalk.

B. Required building line standards.

1. General Standards. Unless otherwise specified in Paragraphs B.2. through B.5., new development and major remodels in the RX, CX and EX zones must meet one of the following standards. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge:

   a. The building must extend to the street lot line along at least 75 percent of the lot line; or

   b. The building must extend to within 12 feet of the street lot line along at least 75 percent of the length of the street lot line. The space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places."

2. Standards for sites with frontage on a street shown on Map 510-7. New development and major remodels on a site with frontage on a street shown on Map 510-7 must meet one of the following standards. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge:

   a. The building must extend to the street lot line along at least 75 percent of the length of the street lot line; or

   b. The building must set back at least 6 feet from the street lot line along at least 75 percent of the length of the street lot line. The space between the building and the street lot line must be landscaped as follows. All plants must be selected from the Portland Tree and Landscaping manual:

      (1) When the setback area is at least 6 feet and less than 12 feet wide at least 50 percent of the setback must be landscaped with ground cover plants and shrubs;

      (2) When the setback area is 12 feet wide or more, at least 80 percent of the setback area must be landscaped with ground cover plants and shrubs, and contain one tree per 400 square feet of the setback area.

3. Standards for the South Waterfront subdistrict. In the South Waterfront subdistrict, new development and major remodels must meet one of the following standards.

Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge:

a. The building must extend to the street lot line along at least 75 percent of the lot line; or

b. The building must extend to within 12 feet of the street lot line for 75 percent of the lot line, and the space between the building and the street lot line must meet one of the following:

(1) Be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places;" or

(2) Be landscaped in one of the following ways:
- The proposed landscaping meets the L2 standard;
- The proposed landscaping meets the landscaping regulations of 33.510.253.E.5.f(5) for subarea 3 of the South Waterfront Greenway Area except that trees are not required; or
- The applicant submits with the application for a land use review a letter from the Bureau of Environmental Services stating that the landscaping meets the guidelines of the Stormwater Management Manual.

4. Standards for West Burnside. On sites with frontage on West Burnside between 10th and 21st Avenues, buildings must be set back 10 feet from the street lot line. This standard applies to new development and major remodels. The space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places." Exterior walls of buildings designed to meet the requirements of this section must be at least 15 feet high measured from the finished sidewalk at the buildings edge.

5. Standards for the Park Blocks. On sites with frontage on a street shown on Map 510-22, and on sites that are adjacent to an open area shown on Map 510-22, buildings must be set back at least 12 feet from the street or adjacent lot line along at least 75 percent of the length of the lot line. At least 50 percent of the space between the building and the street or adjacent lot line must be landscaped with ground cover plants and shrubs, and contain one tree per 400 square feet. All plants must be selected from the Portland Tree and Landscaping Manual. This standard applies to new development. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge.

33.510.220 Ground Floor Windows

A. Purpose. In the Central City plan district, blank walls on the ground level of buildings are limited in order to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
- Encourage continuity of retail and service uses;

- Encourage surveillance opportunities by restricting fortress-like facades at street level;
- Avoid a monotonous pedestrian environment; and
- The plan district modifications to the base zone standards for ground floor windows are intended to promote ground floor windows in a larger number of situations than in the base zones and to provide additional flexibility in meeting the standard.

B. Ground floor windows. The following ground floor window standards apply in the RX, CX and EX zones. The standards of B.1 and B.2 apply to new development and major remodeling projects. B.3. only applies to major remodeling projects. To meet the standards, ground floor windows must be windows that allow views into work areas or lobbies, or be windows in pedestrian entrances. Windows into storage areas, vehicle parking areas, garbage and recycling areas, mechanical and utility areas and display cases attached to outside walls do not qualify. Windows into bicycle parking areas are allowed to qualify for up to 25 percent of the ground floor windows coverage requirement. The bottom of the windows of nonresidential spaces must be no more than 4 feet above the finished grade:

1. Ground level facades that face a street or open area shown on Map 510-8 must have windows that cover at least 60 percent of the ground level wall area. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade.

2. All other ground level facades that face a street lot line, sidewalk, plaza, or other publicly accessible open area or right-of-way must have windows that cover at least 40 percent of the ground level wall area. For street facing facades of dwelling units the regulations of 33.130.230.B.4 apply. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade.

3. Optional artwork. Projects proposing to use artwork as an alternative to the ground floor window requirements may apply for this through the adjustment procedure. Projects may also apply for a modification through design review if they meet the following qualifications. Buildings having more than 50 percent of their ground level space in storage, parking, or loading areas, or in uses which by their nature are not conducive to windows (such as theaters), may be allowed to use the design review process. Artwork and displays relating to activities occurring within the building are encouraged. In these instances, the artwork will be allowed if it is found to be consistent with the purpose for the ground floor window standard.

33.510.221 Windows Above the Ground Floor

A. Purpose. Windows on building facades above the ground floor ensure opportunities for active uses, contribute to the skyline, and add interest to the built environment in the area near the streetcar alignment.

B. Where this regulation applies. The regulation of this section applies to sites near the streetcar alignment shown on Map 510-13 as follows:

1. In the Central Eastside subdistrict, the standard in Subsection C. applies to the portion of a site within 200 feet of a streetcar alignment, if the site is in the EX zone.

2. In the South Waterfront Subdistrict, the standard in Subsection C. applies to the portion of a site within 200 feet of a streetcar alignment. The regulation also applies to the portion of a site within 200 feet of a proposed streetcar alignment, as shown on the street plan for the area that has been accepted by City Council. The street plan is maintained by the Portland Office of Transportation.

3. In all other subdistricts, the standard in Subsection C. applies to the portion of a site within 200 feet of a streetcar alignment.

C. Standard. Windows must cover at least 15 percent of the area of street-facing facades above the ground level wall areas. This requirement is in addition to any required ground floor windows. Ground level wall areas include all exterior wall areas up to 10 feet above the finished grade.

33.510.223 Bird-Safe Exterior Glazing

A. Purpose. The bird-safe glazing standards are intended to reduce the risk of bird-to-building collisions. The standards reduce the transparency, or reflectivity, of exterior windows and other glazed surfaces, thereby improving the visibility of exterior glazed surfaces to birds. The reduction in transparency applies to the portions of buildings that studies show are associated with the greatest occurrence of bird strikes.

B. Development subject to the bird-safe exterior glazing standards. The bird-safe glazing standards apply to new buildings and major remodeling projects. For new buildings, the standards apply per façade when the façade has 30 percent or more glazing within the first 60 feet measured from the grade adjacent to the façade. For major remodeling projects, the standards apply per facade when at least 75 percent of the façade is altered and the altered façade has 30 percent or more glazing within the first 60 feet measured from the grade adjacent to the facade. The standards also apply to glazing located directly adjacent to an ecoroof, roof garden, or other vegetated or landscaped roof area. The standards do not apply to houses, attached houses, manufactured homes, accessory dwelling units, duplexes, attached duplexes, triplexes, historic landmarks, and contributing resources in historic or conservation districts.

C. Bird-safe exterior glazing standards. At least 90 percent of the windows and glazing on the following portions of each façade must choose treatment patterns and application techniques from the *Portland Bird Safe Windows List*:

1. Windows and glazing, including glazed balcony railings, located within the first 60 feet of the building measured from the grade adjacent to the facade;

2. Windows and glazing located within the first 15 feet of the building above an adjacent ecoroof, roof garden, or other vegetated or landscaped roof area; and

3. The glazed portions of sky bridges or fences.

33.510.225 Ground Floor Active Uses

A. Purpose. The ground floor active use standards are intended to reinforce the continuity of pedestrian-active ground-level building uses. The standards help maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible public uses and activities, and they encourage a transit-supportive, pedestrian-oriented environment that is safe, active with uses, and comfortable for residents, visitors, and others. Active uses include but are not limited to: lobbies, retail, commercial, and office uses, but do not include storage, vehicle parking, garbage, recycling, mechanical, or utility uses.

B. Sites and development subject to the ground floor active use standard. The ground floor active use standards apply to new development and major remodels on sites with frontage on a street shown on Map 510-9.

C. Ground floor active use standards.

1. Dwelling units are prohibited on the ground floor.

2. Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A. Areas designed to accommodate these uses must be developed at the time of construction. This standard must be met along at least 50 percent of the ground floor of walls that front onto a sidewalk, plaza, or other public open space.

   Areas designed to accommodate active uses must meet the following standards:

   a. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;

   b. The area must be at least 25 feet deep, measured from the street-facing facade;

   c. The area may be designed to accommodate a single tenant or multiple tenants. In either case, the area must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code. This code is administered by BDS; and

   d. The street-facing facade must include windows and doors.

3. In the Pearl District and West End subdistricts, on the portion of a site within 100 feet of a streetcar alignment shown on Map 510-13, parking is not allowed in the portions of a building that meet the ground floor active use standard of Paragraph C.

33.510.230 Required Residential Development Areas

A. Purpose. The requirements of this section promote new housing in areas suitable and attractive for housing. The requirement is imposed as an alternative to the creation of exclusively residential zoning. This maintains development flexibility while still promoting the housing objectives of the Central City 2035 Plan.

B. Sites and development subject to the required residential standard. Sites subject to this standard are shown on Map 510-6. On identified sites, all new development must meet the standards below.

C. Required residential standard for new development. For this standard, net site area is the total site area minus land dedicated to public rights-of-way or public open spaces, or land used for a regional public attraction such as a museum or aquarium. New development must include at least 1 dwelling unit per 2,900 square feet of net site area (15 units per acre).

D. Timing and location of the housing. Required housing must be located on the site and if developed as part of a mixed-use project must receive an occupancy permit in advance of or at the same time as an occupancy permit for nonresidential portions of the project.

33.510.240 Drive-Through Facilities

Drive-through facilities are prohibited in the Central City plan district.

33.510.242 Demolitions

In R, C, and E zones, sites must be landscaped within 6 months of the demolition of buildings unless there is an approved development for the site. Approved development means a project approved through design review in design zones, and issuance of a building permit outside of design zones. The landscaping must meet at least the L1 standard of Chapter 33.248, Landscaping and Screening, except that no shrubs or trees are required.

33.510.243 Ecoroofs

A. Purpose. Ecoroofs provide multiple complementary benefits in urban areas, including stormwater management, reduction of air temperatures, mitigation of urban heat island impacts, air quality improvement, urban green spaces, and habitat for birds, plants and pollinators. The standards are intended to:
- Maximize the coverage of ecoroofs;
- Allow for the placement of structures and other items that need to be located on roofs; and
- Support the architectural variability of rooftops in the Central City.

B. Ecoroof standard. In the CX, EX, RX, and IG1 zones, new buildings with a net building area of 20,000 square feet or more must have an ecoroof that meets the following standards:

1. The ecoroofs, including required firebreaks between ecoroofs areas, must cover 100 percent of the building roof area, except that up to 40 percent of the building roof area can be covered with a combination of the following. Roof top parking does not count as roof area. Roof area that has a slope greater than 25% does not count as roof area:

   a. Mechanical equipment, housing for mechanical equipment, and required access to, or clearance from, mechanical equipment;

   b. Areas used for fire evacuation routes;

   c. Stairwell and elevator enclosures;

d. Skylights;

e. Solar panels;

f. Wind turbines;

g. Equipment, such as pipes and pre-filtering equipment, used for capturing or directing rainwater to a rainwater harvesting system; or

h. Uncovered common outdoor areas. Common outdoor areas must be accessible through a shared entrance.

2. The ecoroof must be approved by the Bureau of Environmental Services as meeting the Stormwater Management Manual's *Ecoroof Facility Design Criteria*.

33.510.244 Low-Carbon Buildings

A. Purpose. The low-carbon building standard encourages development that achieves third party green building certification. Buildings that are third party certified tend to have a lower carbon footprint and increased energy efficiency as compared to buildings that do not have green building certifications. In addition, green buildings help to preserve natural resources and protect the health of occupants.

B. Low-carbon building standard. New development with a net building area of at least 50,000 square feet, and alterations to existing development that increase net building area by at least 50,000 square feet must provide a letter from the Bureau of Planning and Sustainability that verifies that the project has registered for a green building certification program, approved by the Bureau of Planning and Sustainability, and has prepared a preliminary description of how the building can achieve the certification.

33.510.250 Additional Standards in the Pearl Subdistrict. Sites in the Pearl subdistrict south of the Fremont Bridge and north of NW Lovejoy Street must meet the following standards:

A. Special building height. A special building height corridor shown on Map 510-18 is designated along NW 13th Avenue. In this corridor the portion of a building that is within 20 feet of the property line along NW 13th Avenue may be no more than 75 feet in height. Adjustments to this requirement are prohibited.

B. Pearl subdistrict waterfront development.

1. Purpose. These standards are intended to ensure both physical and visual connections to the river and river-based activities.

2. Where these standards apply. This section applies only to lands between NW Front Avenue and the Willamette River within the Pearl subdistrict.

3. Development standards.

a. View corridors. At least 25 percent of the width of the site (as measured along NW Naito Parkway) must be maintained as a view corridor or corridors. Buildings and covered structures are not allowed in the view corridor.

b. Setbacks for all development from the Willamette River. The minimum setback for all development from the Willamette River is regulated by the River Overlay zones; see Chapter 33.475.

c. Maximum building dimension. The maximum building dimension is 200 feet. This standard applies to both building length and depth.

d. Public access. As part of each development, public access for pedestrians must be available and clearly posted between NW Naito Parkway and the major public trail.

33.510.251 Additional Standards in the South Waterfront Subdistrict

Sites in the South Waterfront subdistrict must meet the following standards.

A. Special building height corridors and tower orientation.

1. Purpose. Special building heights along designated east-west corridors and tower orientation standards provide visual access to the Greenway from points west of the district, provide visual access to the Tualatin Hills from points east of the district, provide access to sunlight along designated streets, and encourage an urban form that is visually permeable and varied.

2. Special building heights. The portion of a building that is within 50 feet of the centerline of a street or accessway designated as a special building height corridor on Map 510-15 may be no more than 50 feet in height.

3. Maximum north-south dimension. The north-south dimension is measured as specified in Subparagraph A.3.e. See Figure 510-1. Adjustments to this paragraph are prohibited; however, modifications to the standards of this paragraph may be requested through design review. In reviewing such a request, the review body will consider the results of the South Waterfront Public Views and Visual Permeability Assessment for the proposal. The north-south dimensions of buildings are limited as follows:

   a. Less than 75 feet in height. For the portion of a building less than 75 feet in height, there is no limit on the north-south dimension, and no required space between buildings or portions of buildings;

   b. 75 feet in height and above. The portion of a building that is at least 75 feet in height may have a north-south dimension up to 125 feet in width;

   c. Where there is more than one building on a site there must be at least 50 feet between the portions of the buildings that are at least 75 feet in height. If there is less than 50 feet between these portions of the buildings, the north-south dimension is the total of the north-south dimension of each building and the north-south dimension of the space between them. The total may be up to 125 feet in width;

   d. Where a building has more than one element that is at least 75 feet in height, the two elements are measured and regulated as two separate buildings;

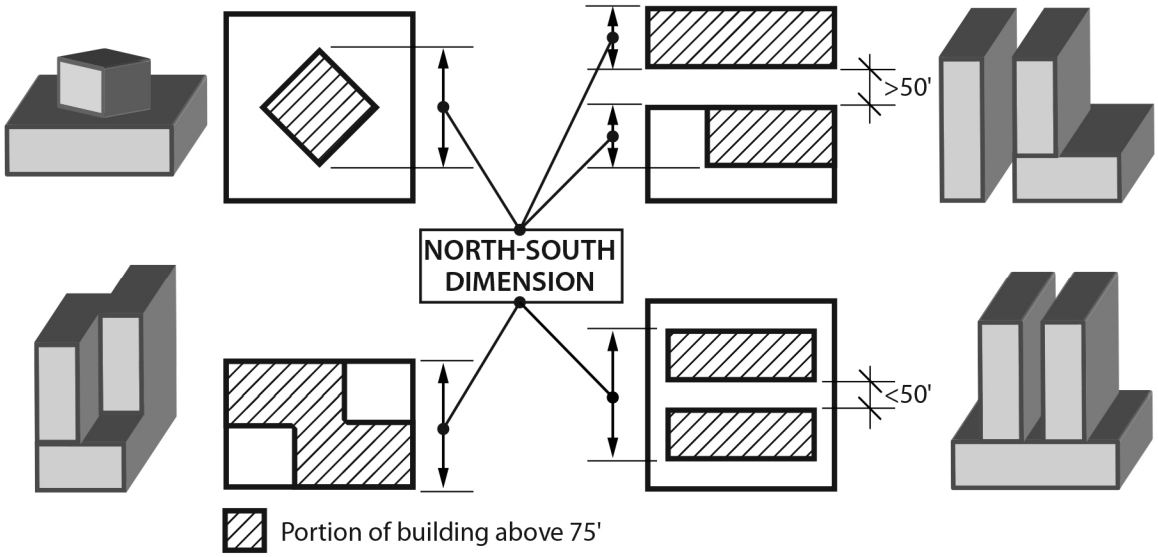
e. Measurements for this paragraph. The measurements for the regulations of this paragraph are as follows. See Figure 510-1:

(1) The north-south dimension of a building is measured as follows:

- From the northernmost point of the portion of a building that is at least 75 feet in height, a line is drawn running due east-west;
- From the southernmost point of the portion of a building that is at least 75 feet in height, a line is drawn running due east-west;
- A line drawn at right angles between the two east-west lines is the north-south dimension;

(2) The space between buildings on a site is measured using the east-west lines created under A.3.e.(1). A line drawn at right angles between the northern east-west line of one building and the southern east-west line of the other is the distance between the buildings.

Figure 510-1
Measuring North-South Dimension



B. Accessways.

1. Purpose. Accessways provide physical access and connections to the Greenway for neighbors, visitors, and residents of South Waterfront who might otherwise be cut off from the Willamette River and the Greenway trail. Accessways are generally extensions of existing and planned east-west public rights-of-way, and may or may not provide vehicle access. Accessways provide safe and convenient bicycle and pedestrian connections to and from the Greenway trail. Accessways contribute to stormwater management in the subdistrict. They also provide a visual connection to the South Waterfront Greenway Area and provide a transition from the natural emphasis of the South Waterfront Greenway Area to the urban emphasis of the rest of the district.

2. Where these regulations apply. These regulations apply to development and landscaping on sites with frontage on accessways that are east of River Parkway;

3. Setback. If the accessway is 60 feet wide or less, buildings must be set back at least 30 feet from the centerline of the accessway. If the accessway is wider than 60 feet, the building must meet the building line requirements of Section 33.510.215 on the accessway frontage;

4. Landscaping. The area between the building and the accessway must meet the landscaping standards of 33.510.253.E.5.f(5) that apply to subarea 3 of the South Waterfront Greenway Area. However, along accessways that are designated as special building height corridors on Map 510-15, trees are not required.

C. Locker rooms and additional bicycle parking.

1. Purpose. These standards support the transportation strategy of the South Waterfront Subdistrict by requiring amenities that support the use of alternative modes of transportation, including bicycling and walking;

2. When these regulations apply. The regulations of this subsection apply to proposals that will add at least 100,000 square feet of nonresidential floor area to a site;

3. Locker rooms. At least one locker room facility must be included in the proposal. The facility must include showers, a dressing area, and lockers. The facility must be available for use by all tenants of the building; and

4. Exception for existing long-term bicycle parking.

   a. Purpose. These regulations allow existing uncovered long-term bicycle parking to continue without upgrading the nonconforming elements of the racks. The existing, attendant monitored, bicycle parking provides a convenient and secure long-term bicycle parking option that works in conjunction with the suspended cable transportation system that provides access to both the Marquam Hill plan district and South Waterfront subdistrict of the Central City plan district.

   b. Where these standards apply. These standards provide an alternative to the long-term bicycle parking standards in 33.266 and apply to required long-term bicycle parking facilities in the South Waterfront subdistrict of the Central City plan district.

   c. Existing Bicycle Parking. Existing long-term bicycle parking may be used to meet required long-term bicycle parking. The existing bicycle parking is not required to meet Subsections 33.266.210.C and D if the long-term bicycle parking meets the following:

      (1) The bicycle parking is located in the South Waterfront subdistrict of the Central City plan district as of March 1, 2020;

      (2) The bicycle parking area has an attendant present during the hours of 6:00 am to 7:30 pm from Monday to Friday to monitor the area and aid in parking bicycles;

      (3) The bicycle parking area does not exceed 500 spaces;

(4) The bicycle parking must be within 100 feet of a suspended cable transportation system; and

(5) The applicant must sign a covenant that ensures that the existing long-term bike parking will continue to meet the above standards until the bike parking is no longer required. The covenant must comply with the requirements of 33.700.060, Covenants with the City.

33.510.252 Additional Standards in the Central Eastside Subdistrict

The following additional standards apply in the Central Eastside subdistrict.

A. Industrial impacts disclosure statement.

1. Purpose. This requirement is intended to ensure that people who choose to live or work in the Central Eastside subdistrict are aware of the potential impacts, such as noise, vibration, odors, glare, and heavy truck traffic that stem from industrial and employment uses.

2. Disclosure statement required. Prior to the issuance of a building permit for a new building that will contain a Household Living, Retail Sales And Service, or Office use, and for alterations to an existing building that contains a Household Living, Retail Sales And Service, or Office use, the owner of the property must sign and record a copy of the City's Industrial Impacts Disclosure Statement. The statement must be recorded in the records of Multnomah County. The statement acknowledges that the property is located near industrial and employment uses, and signifies the owner's awareness of the associated nuisance impacts including noise, odor and light levels. The statement is available in the Development Services Center. After the permit is finalized, the property owner must provide a copy of the disclosure statement to every tenant or buyer, and post a copy of the disclosure statement on the premises in a location that is accessible to all tenants.

B. Noise insulation.

1. Purpose. Noise insulation is required in order to protect homes located near industrial areas from potential noise impacts generated by industrial operations.

2. Where this standard applies. The noise insulation standard applies in the EX zone to sites that have a lot line that abuts or is across the street from an IG1 zone.

3. Noise insulation standard. All new dwelling units must be constructed with sound insulation or other means to achieve a day/night average noise level of 45 dBA. An engineer registered in Oregon who is knowledgeable in acoustical engineering must certify that the building plans comply with the standard for noise insulation prior to issuance of a building permit. Garages or other attached accessory structures that do not include living space are exempt from this standard.

33.510.253 Greenway Overlay Zone in South Waterfront Subdistrict

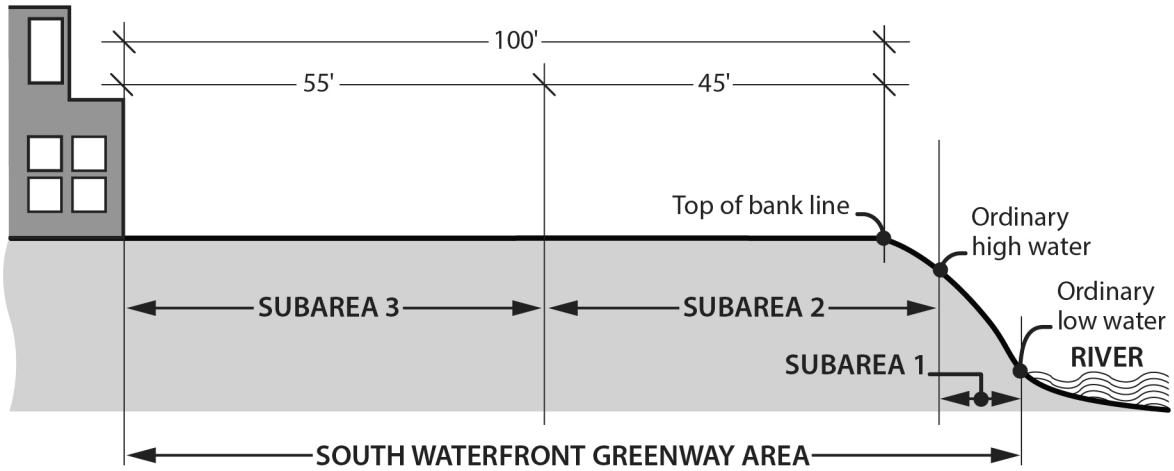
A. Purpose. The regulations of this section:

1. Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along the Willamette River within the South Waterfront Subdistrict of the Central City plan district;
2. Increase public access to and along the Willamette River for the purpose of increasing recreational and transportation opportunities;
3. Support the development of the South Waterfront Subdistrict as a vibrant mixed-use neighborhood within the Central City plan district;
4. Ensure a clean and healthy river for fish, wildlife, and people;
5. Embrace the river as Portland's front yard;
6. Enhance stormwater management in the South Waterfront Subdistrict;
7. Respond to the federal Endangered Species Act and Clean Water Act; and
8. Implement the Willamette Greenway Plan and State law.

B. Relationship to other regulations. Development within the Greenway Overlay Zone in the South Waterfront Subdistrict is also subject to other regulations of the Portland City Code. Development within the Greenway Overlay Zone may also be subject to the regulations and review procedures of state and federal agencies including the Oregon division of State Lands, the National Marine fisheries Service, the US Army Corps of Engineers, and the Oregon Department of Fish and Wildlife.

C. Where these regulations apply. The regulations of this section apply to sites within the South Waterfront Subdistrict where any portion of the site is in the Greenway Overlay Zone, shown on the Official Zoning Map.

Figure 510-2
South Waterfront Greenway Area and Subareas



Greenway Area = from ordinary low water to 100' from top of lank line
Subarea 1 = from ordinary low water to ordinary high water
Subarea 2 = from ordinary high water to 45' in from top of bank line
Subarea 3 = from 45' in from top of bank to 100' in from top of bank line

D. Required South Waterfront Greenway improvements. Adjustments and modifications to this subsection are prohibited.

1. Required landscaping.

   a. When development on the site, or alterations to structures, the site, or rights-of-way are made, and BDS determines that the value of the proposed alterations on the site is more than $300,000, the site must be brought into conformance with the landscape requirements of Paragraph E.5.f. that apply to subareas 2 and 3 of the South Waterfront Greenway Area. The value of the alterations is based on the entire project, not individual building permits. It is the responsibility of the applicant to document the value of the required improvements.

   The following alterations and improvements do not count toward the dollar threshold of this subsection:

   (1) Alterations required by approved fire/life safety agreements;

   (2) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;

   (3) Alterations required by Chapter 24.85, Interim Seismic Design Requirements for Existing Buildings;

(4) Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual; and

(5) Improvements made to sites in order to comply with Chapter 21.35, Wellfield Protection Program, requirements.

b. Caps on the cost of required landscaping. Required landscaping costing more than 10 percent of the value of the proposed alterations does not have to be installed. When all required landscaping is not being installed, the priority for which landscaping is to be installed is:

(1) Trees in subarea 2;

(2) Shrubs in subarea 2;

(3) Ground cover in subarea 2;

(4) Trees in subarea 3;

(5) Shrubs in subarea 3;

(6) Ground cover in subarea 3; and

(7) Other required landscaping;

c. Supplemental application requirement. Where landscaping is required by this paragraph, the applicant must submit a landscape plan to BDS that shows that the landscaping will grow to meet the landscape standards of Subparagraph E.5.f, below, within five years. The landscape plan must be certified by a licensed landscape architect, or by a qualified restoration specialist as part of a formal City revegetation project under authority of Portland Parks and Recreation or the Bureau of Environmental Services.

2. Bank improvements. In subarea 1, when there is any regrading, bank stabilization, or other activities affecting the contours and composition of soil, the requirements of Paragraph E.5.f for subarea 1 must be met.

3. Major public trail and pedestrian connections and public viewpoints. When development on a site, or alterations to structures, the site, or rights-of-way are made that add more than 50,000 square feet of floor area to the site, the applicant must provide public access easements for, and construct, the major public trail, pedestrian connections to the major public trail, and public viewpoints in accordance with Subparagraph E.5.d., and Subparagraph E.5.e. The requirement to provide an access easement for, and construct, the major public trail, pedestrian connections, and public viewpoints applies only when the development described above will increase the use of the major public trail system or will contribute to the need for additional major public trail facilities, and application of the regulations is determined to be roughly proportional to the impacts of the proposed development. The square footage added to the site is calculated based on the total amount added, regardless of the amount demolished;

4. Timing of improvements. The applicant may choose one of the following options for making the improvements required by this subsection:

   a. Option 1. Under Option 1, required improvements must be made as part of the development or alteration that triggers the required improvements;

   b. Option 2. Under Option 2, the required improvements may be deferred if the following are met:

      (1) The applicant must provide the BDS with a performance guarantee for the improvements. See 33.700.050, Performance guarantees; and

      (2) The required improvements must be constructed or installed within 4 years of issuance of the Certificate of Occupancy or within the timeline approved through a South Waterfront Greenway Review. See Chapter 33.851.

5. Landscaping monitoring and reporting. Monitoring required landscaping is the ongoing responsibility of the property owners. If landscaping is required by the subsection, the owner must submit a report to BDS documenting that the landscape standards of Subparagraph E.5.f., below, have been met on the site. The report must be submitted within 1 year of the installation date, or within the timeline approved through a South Waterfront Greenway Review. See Chapter 33.851.

E. Development standards. Generally, proposals are subject to design review. In most instances, applicants may choose between meeting development standards or going through South Waterfront greenway review. In some instances South Waterfront greenway review is required.

1. Where these regulations apply. The regulations of this subsection apply in the South Waterfront Greenway Area as shown on Figure 510-2. The regulations apply to development and alterations to structures, sites, and rights-of-way.

2. Design review. New development, and changes to the land or structures including excavations and fills, bridges, and docks are subject to design review, unless exempted by Paragraph E.4.

3. South Waterfront greenway review. South Waterfront greenway review is required for the following:

   a. New development or exterior alterations that do not meet the standards of Paragraph E.5 and are not exempted by Paragraph E.4;

   b. New development, or changes to the land or structures, riverward of top of bank, including excavations and fills, bridges, and docks, unless exempted by Paragraph E.4.

4. Exempt from design review and South Waterfront greenway review. The following are exempt from design review and South Waterfront greenway review;

   a. Changes to the interior of a building where there are not exterior alterations;

   b. Normal maintenance and repair;

   c. Excavations and fills of less than 50 cubic yards;

d. Dredging, channel maintenance, and the removal of gravel from the river; and

e. Emergency procedures necessary for safety or the protection of property.

f. The placement of up to four single piles, or two multiple-pile dolphins for each 100 feet of shoreline for an existing river-dependent or river-related use.

g. Development of public streets identified in the adopted *South Waterfront District Street Plan, Criteria and Standards* are exempt from design review, but not greenway review.

5. Development standards. The following development standards must be met unless the applicant chooses South Waterfront greenway review. Adjustments and modifications to these standards are prohibited.

a. Non-landscaped area. Limiting the percentage of non-landscaped area allowed in the South Waterfront Greenway Area ensures that the area will be configured to accommodate a minimum percentage of living plant cover. Non-landscaped area includes all aboveground structures and paving materials, including permeable paving materials.

(1) Subareas 1 and 2. Up to 20 percent of the portion of the site in subareas 1 and 2 may be covered by non-landscaped area; however, paved surfaces that are required under the provisions of Paragraph E.5.e., Public viewpoints, are exempt from this limitation. Non-landscaped area may be no closer than 10 feet of the top of bank line as shown on Map 510-21, South Waterfront 2002 Top of Bank Line;

(2) Subarea 3. Up to 20 percent of the portion of the site in subarea 3 may be covered by non-landscaped area. However, required trail and pedestrian connection improvements are exempt from this limitation.

b. Buildings. Buildings are allowed within the South Waterfront Greenway Area if they meet E.5.b.(1) and (2) and either E.5.b.(3) or (4). Other buildings or portions of buildings are not allowed within the South Waterfront Greenway Area.

(1) The site meets the non-landscaped area requirements under E.5.a., above; and

(2) The building does not obstruct required pedestrian connections and trails; and

(3) The building is river-dependent or river related; or

(4) All of the floor area of the building is in Retail Sales And Service uses and the following are met:

- The building has less than 1,000 square feet of floor area;
- The building is entirely within subarea 3; and
- The building is located landward of the South Waterfront recreational trail.

c. Fences and walls. Fences and walls are allowed in subarea 3 of the South Waterfront Greenway Area if they are no more than 3 feet in height and do not

obstruct the required pedestrian connections and trails. Fences and walls are not allowed in subareas 1 and 2 of the South Waterfront Greenway Area.

d. Major public trails and pedestrian connections.

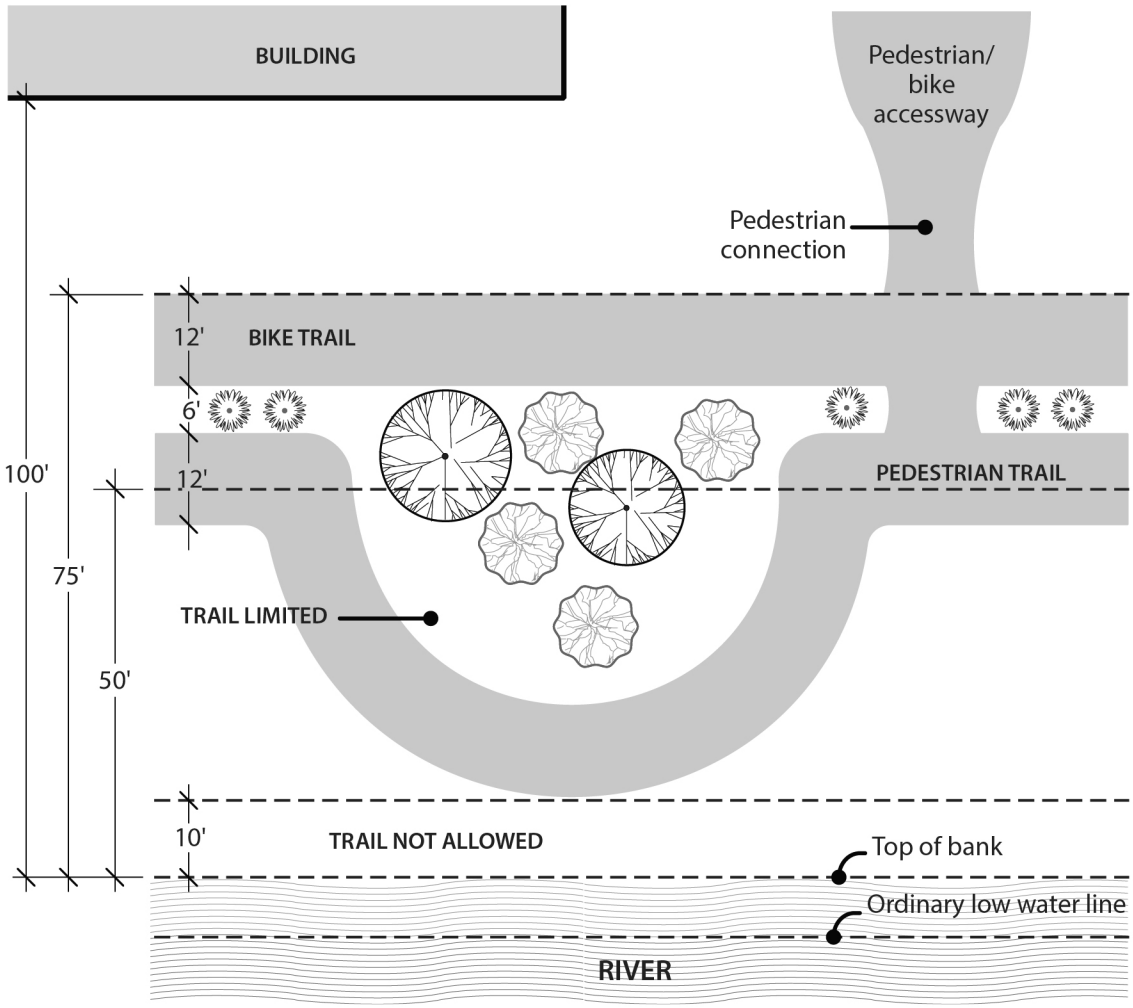
(1) Purpose. Major public trails provide public access to and along both sides of the Willamette River. Major public trails are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan. Pedestrian connections ensure that there is adequate, safe, and direct pedestrian access from the adjacent development and from the district as a whole to the major public trails.

(2) Major public trails. Major public trails must meet the following standards. When required by Subsection D., sites with major public trail symbol shown on the Official Zoning Maps must provide easements that would accommodate construction, maintenance, and public use of a major public trail that meets the following standards. See Figure 510-3.

- Location. The major public trail must be located in the South Waterfront Greenway Area shown on Figure 510-2. All portions of the major public trail must be at least 10 feet and no more than 75 feet from the top of bank line as shown on Map 510-21, South Waterfront 2002 Top of Bank Line; however, any portion of the major public trail that is within 45 feet of the top of bank line as shown on Map 510-21, South Waterfront 2002 Top of Bank Line, is subject to the maximum non-landscaped area limitations of Subparagraph E.5.a.;
- Width. The major public trail must consist of two paths, each at least 12 feet in width;
- Landscaped median. The two paths must be separated by a landscaped median at least 6 feet wide. Landscaping within this median must meet the requirements of Paragraph E.5.f. The landscaping may be interrupted by public access connections between the two paths;
- Use. The path closest to the river must be designated for pedestrians only. The path farthest from the river must be designated for bicycles and other non-motorized transportation modes;
- Connectivity.
  - The major public trail or major public trail easement must connect to the existing major public trails or trail easements on adjacent sites; and
  - The major public trail or major public trail easement must connect to the required pedestrian circulation system on the site.
- Additional standards. In addition to the standards of this subparagraph, the standards of Chapter 33.272, Major Public Trails, must also be met.

(3) Pedestrian connections. When a major public trail or major public trail easement is required, at least one pedestrian connection must be provided between the trail easement and any accessway that terminates on the site.

Figure 510-3
South Waterfront Greenway Trail



e. Public viewpoints.

(1) Purpose. Public viewpoints provide stopping places and clearings along the South Waterfront Greenway trail and the Willamette River where the public can view and enjoy the natural and scenic qualities of the Greenway and the river. Public viewpoints are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

(2) Viewpoint requirements. A public viewpoint must be provided on sites designated in the Central City Scenic Resources Protection Plan.

- Sites with a viewpoint designation must provide a viewpoint area that meets the following standards:
  - The viewpoint area must be at least 500 square feet in area;
  - The viewpoint area must abut the Greenway trail or a public access connection must be provided from the Greenway trail to the viewpoint area;

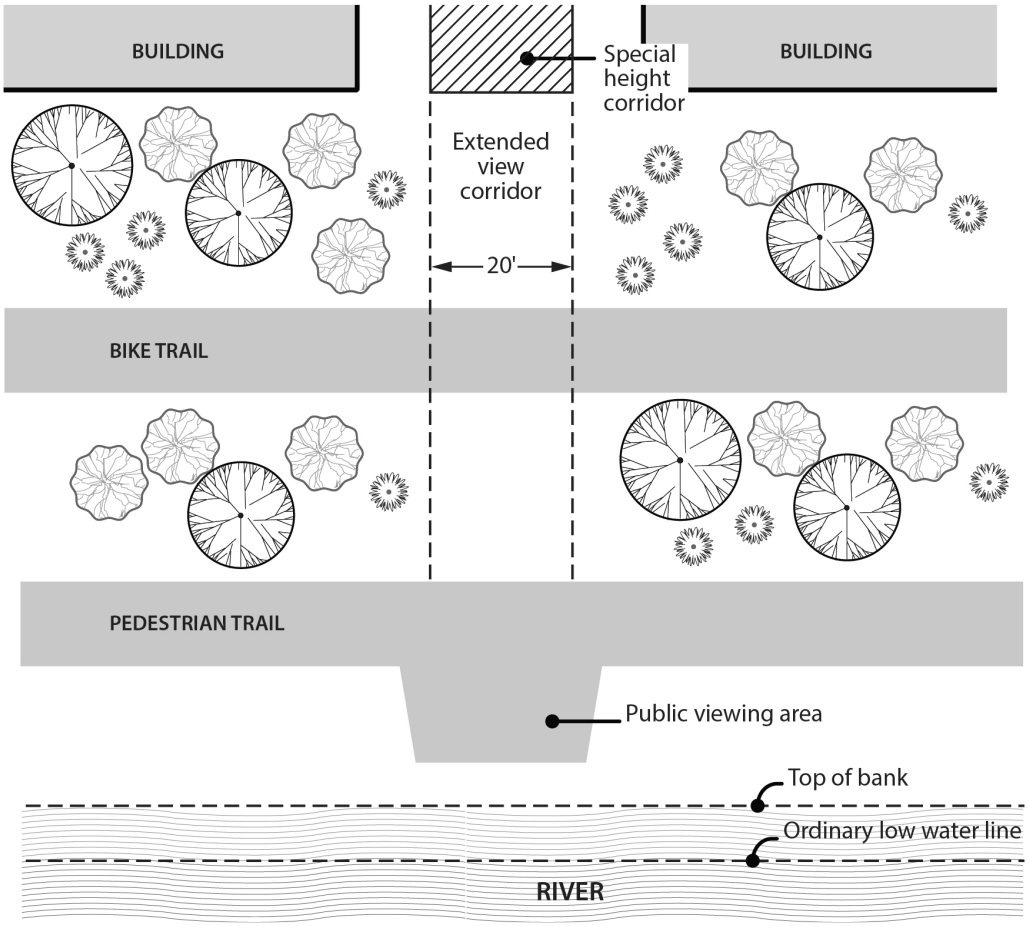
- The viewpoint area and any public access connection to the viewpoint area from the Greenway trail must comply with the Use of Trail, Hours of Use, Trespass, and Trail Maintenance and Liability sections of Chapter 33.272, Major Public Trails;
- Materials, benches, and lighting used in the viewpoint area must meet the requirements of the Portland Bureau of Parks and Recreation; and
- If an accessway or street that is mapped as a special building height corridor on Map 510-15 terminates on the site, the view corridor must continue the projected centerline of the accessway or street as shown in Figure 510-4.

f. Landscaping.

(1) Coverage. Eighty (80) percent of the area that is not covered by buildings, trails, or other allowed non-landscaped area must be covered by shrubs or ground cover, and all trees required by this paragraph must be installed in the ground and healthy;

(2) Existing landscaping. Existing plants may be used to meet the standards of this paragraph, if protected and maintained during construction as specified in Section 33.248.065. However, plants identified in the South Waterfront Greenway Nuisance Plants List of the *Portland Plant List* must be removed.

Figure 510-4
Public Viewpoint and View Corridor



(3) Required landscaping in subarea 1. In subarea 1, the area beginning 3 feet above the ordinary low water line must meet the following requirements:

- Shrubs. At least 80 percent of the required landscaped area must be planted in shrubs;
- Trees. Trees are not required, but are allowed;
- Ground cover. All of the required landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants;
- Plant list. Only plants listed in the South Waterfront Greenway Subarea 1 Plant list of the *Portland Plant List* may be planted; and
- Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within five years. Restoration size plant material, including bare-root, is allowed and recommended. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials. Planting is not allowed during the summer.

(4) Required landscaping in subarea 2. In subarea 2 the required landscaping is:

- Shrubs. At least 80 percent of the landscaped area must be planted in shrubs;
- Trees. At least one tree must be planted for every 400 square feet of landscaped area. Trees may be clustered;
- Ground cover. All of the landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants;
- Plant list. Only plants listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List* may be planted. At least eight different species must be planted; and
- Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within 5 years. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials.

(5) Required landscaping in subarea 3. In subarea 3, the required landscaping is:

- Shrubs. At least 60 percent of the landscaped area must be planted in shrubs. At least 50 percent of the shrubs used to meet this requirement must be listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List*;
- Trees. At least 1 tree must be planted for every 1,000 square feet of landscaped area. At least 50 percent of the trees used to meet this requirement must be listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List*;
- Ground cover. All of the landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants. At least 50 percent of the ground cover plants must be listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List*;
- Plant list. Except as allowed by (1), (2) and (3), only plants listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List* may be planted. The following plants are prohibited:
  - Plants included on the Nuisance Plants List or Required Eradication List of the *Portland Plant List*;
  - Plants included in the South Waterfront Greenway Nuisance Plants List of the *Portland Plant List*.
- Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within five years. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials.

g. Other development. Other development is allowed within the South Waterfront Greenway Area if it meets Subparagraphs g.(1) and (2) and either g.(3) or (4).

(1) The site meets the non-landscaped area requirements under E.5.a., above;

(2) The development does not obstruct required pedestrian connections and trails; and

(3) The development is located in subarea 3; or

(4) The development is river-dependent or river-related.

h. Exterior lighting.

(1) Purpose. The standards for exterior lighting are intended to:
- Avoid or minimize light glare and light spill from artificial lighting and associated negative impacts on fish and wildlife and their habitats;
- Reduce light pollution and glare impacts on residential developments;
- Maintain public safety and security along the major public trail, pedestrian connections to the major public trail, in parks, along public streets, and on piers and gangways; and
- Provide flexibility for river dependent operations associated with docks.

(2) General standards. The following standards apply to all exterior lights located within the River General overlay zone.
- Exterior lights must not project light upward or to the side of the fixture; and
- The top and sides of all exterior light fixtures must be shielded with 100 percent opaque materials.

(3) Additional standards for areas near the Willamette River. The following standards apply to all permanent exterior lights located within and riverward of the greenway setback, and all permanent exterior lights located within 25 feet landward of the greenway setback. Exterior lights within public streets are exempt from this Subsubparagraph.
- Exterior lights are allowed only if the lights are for the following use or development:
  - Park and Open Area uses;
  - The major public trail or pedestrian connections to the major public trail;
  - Public viewing areas; or
  - River-dependent or river-related development.
- Structures that support exterior light fixtures must be setback at least 5 feet from the top of bank of the Willamette River except for docks and gangways, and must be setback at least 30 feet from any other stream, drainageway, wetland or water body;
- Structures that support exterior light fixtures must be spaced at least 25 feet apart;
- Lamps must fall below 3000K or within an S/P ratio range of 1- 1.2; and
- Exterior lights must not project directly into the Willamette River.

F. Greenway goal exception. Approval of an exception to Statewide Planning Goal 15, Willamette Greenway, is required to locate development or a right-of-way that is not river-dependent or river-related within 25 feet of the top of bank. A greenway goal exception is not required to add revetments to a riverbank. The approval criteria are in Section 33.840.200, Greenway Goal Exception.

33.510.255 Central City Master Plans

A. Purpose. A Central City Master Plan establishes a clear development strategy for significant redevelopment sites in the Central City. Central City Master Plan review is intended to ensure that development on the site will positively contribute to the existing and desired surrounding urban form. The review will result in an urban design framework and layout for the site as a whole, allowing subsequent reviews for individual buildings and other development to focus on materials and façade treatment. A Central City Master Plan is intended to result in the following urban design outcomes:

- A development site that has a strong orientation towards transit and multimodal transportation alternatives.
- A safe and vibrant public realm, supported by active ground floor uses, open space areas and an internal circulation system that provides access to adjacent public rights-of-way and multimodal transportation options;
- A development site that has adequate urban services such as water, stormwater, sewers, and fire-hydrants, and
- Building bulk, height, orientation, and programming that protects public views and preserves light and air within the public realm, and is oriented to active and passive public gathering spaces, including public open spaces, transit stations, and the Willamette River.

B. When a Central City Master Plan review is required.

1. Central City Master Plan review is required for the following types of development in the areas shown on Map 510-19:

   a. New development; and

   b. Alterations to existing development that increase the floor area or exterior improvement on a site by more than 20,000 square feet.

2. Exemption. The following are exempt from Central City Master Plan review:

   a. Development associated with a School use; and

   b. Development on a lot that is 40,000 square feet or less in total area. This exemption does not apply if the lot is part of a site that is more than 40,000 square feet in total area.

C. Voluntary Central City Master Plan. An applicant may voluntarily submit for a Central City Master Plan review. The minimum size threshold for a voluntary Central City Master Plan review is 160,000 square feet of lot area. There can be more than one lot and more than one site within the boundaries of a voluntary Central City Master Plan.

D. Flexibility allowed. An approved Central City Master Plan review allows additional flexibility in the following situations:

1. Floor area may be transferred among sites within the master plan boundary without having to meet the prioritization in 33.510.205.B;

2. The minimum floor area ratio standard in 33.510.200.C.2 may be met for the master plan area as a whole rather than on a site-by-site basis;

3. The bonus height limits shown on Map 510-4 may be achieved without having to provide the bonuses or transfers required by 33.510.210.D.3; and

4. Residential uses may be allowed on the sites shown on Map 510-6 as allowing residential uses through a Central City Master Plan.

E. Review procedure. A Central City Master Plan is processed through a Type III procedure.

F. Design advice request. A design advice request is required prior to submitting an application for a Central City Master Plan review.

G. Components. A Central City Master Plan must include the following components:

1. Boundaries. The boundaries of the master plan area must be shown on a site plan. For sites where a Central City Master Plan is required, the boundary must include all contiguous lots in common ownership within the area shown on Map 510-19. Contiguous includes lots across a shared right-of-way. Lots in separate ownership may be included, but are not required.

2. Proposed urban design and development framework. The following materials must be included to provide clear visual information about the proposal:

   a. A site plan showing the following:

      (1) Location, size, and dimensions of all existing and proposed structures, and the location of all main entrances to existing and proposed buildings;

      (2) Location, size and dimensions of the building coverage of all proposed structures;

      (3) Description of existing and proposed land uses. The description must include information as to the general amount, type and location of all uses;

      (4) Existing and proposed internal pedestrian, bicycle, and vehicle circulation system, including where each part of the proposed system connects to public rights-of-way adjacent to the master plan boundary, and transit service lines and stations within or adjacent to the master plan boundary;

      (5) Existing and proposed location of public rights-of-way

      (6) Location of bicycle and vehicle parking; and

      (7) Location, size and shape of all open areas such as parks, plazas, landscaped and hardscaped areas and outdoor recreation amenities including those that are required in 33.510.255.K.

   b. A three-dimensional massing diagram that identifies the maximum existing and proposed building envelopes, with proposed building dimensions and height for each building, including building massing where a tower will be setback from the edge of a podium; and

   c. Sections, sectional elevations, and perspectives that illustrate the relationship of site redevelopment to the surrounding urban form in terms of building height and massing.

3. Project narrative. A narrative that describes the project, identifies how the Central City Master Plan is consistent with the applicable design guidelines. Specific information about the proposed range and density of land uses and the proposed phasing of development must also be included. If the proposed Central City Master Plan involves the transfer of floor area, information about the location of the receiving and sending sites, the ownership of the sites, and amount of floor area to be transferred and retained at each site must be included.

4. Infrastructure capability. The adequacy of infrastructure must be addressed. The plan must identify and link the development of each phase of the project to the provision of services necessary to meet the infrastructure needs of the development associated with that phase.

5. Design advice. A copy of the design advice request summary.

H. Approval Criteria. A Central City Master Plan review will be approved if the review body finds that the following approval criteria have been met. Criteria H.1 through H.11 apply to all Central City Master Plan reviews. Criteria H.12 through H.15 also apply to proposals within the area identified on Map 510-6 as requiring a Central City Master Plan review for residential uses.

1. The Central City Master Plan is consistent with applicable subdistrict goals and policies of the Central City 2035 Plan;

2. The master plan demonstrates how development will comply with the Central City Fundamental Design Guidelines, as well as any applicable design guidelines specific to the subdistrict the master plan site is located within;

3. Development on lots with river frontage incorporates elements that activate the riverfront, such as open areas, trails, accessways, and active land uses that encourage public use and enjoyment of the riverfront;

4. The proposed uses will not have significant adverse effects on industrial firms or result in conflicts with industrial activities located within the plan boundary or within 500 feet of the plan boundary;

5. The master plan demonstrates that development within the plan boundary will establish an overall building orientation through massing, the location of entrances, and the location of ground floor uses that result in an edge that embraces adjacent public park rather than creating an abrupt edge between the plan area and parks, and ensures that development within the plan boundary will not excessively shade the adjacent park;

6. The master plan demonstrates that easy and safe access will be provided to transit stations located within or immediately adjacent to the master plan boundary, and any buildings located immediately adjacent to a transit station include ground floor uses that create an active and safe pedestrian environment throughout the day, evening, and week;

7. Internal open areas are accessible within, and distributed throughout, the master plan area and have connections to the surrounding neighborhood and to any adjacent

open space. Internal open areas enhance visual permeability through the site, especially on sites near the Willamette River. The size and location of each open area must be adequate to accommodate the intended use of the space.

8. The transportation system is capable of supporting the proposed uses in addition to the existing uses in the plan area. Evaluation factors include 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, and safety. 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;

9. The proposed street plan must provide multi-modal street connections to support the surrounding street grid pattern;

10. The plan ensures that there will be adequate and timely infrastructure capacity for the proposed development; and

11. The master plan demonstrates that, to the extent practical and feasible, inactive uses such as, but not limited to, parking and access, loading, and trash and recycling are shared or consolidated, with the goal of activating the pedestrian environment.

12. The proposal will not have a significant adverse effect on truck and freight movement;

13. City-designated scenic resources are preserved;

14. Proposed residential uses are buffered from potential nuisance impacts from uses allowed by right in the zone; and

15. The master plan includes a design, landscape, and transportation plan that will limit conflicts between residential, employment, and industrial uses.

I. Amendments to a Central City Master Plan. Unless specifically addressed in the approved Central City Master Plan review, an amendment to an approved master plan is required for the following changes. The amendment request must meet the applicable approval criteria in 33.510.255.H.

1. The following amendments are processed through a Type III review:

   a. Changes to the boundary of the master plan area;

   b. Removing or changing the location of a proposed public right-of-way, or to the location of a private vehicular accessway that connect to a public right-of-way; or

   c. Removing or changing the location of an open area as required by 33.510.255.K.

2. The following amendments are processed through a Type II review:

   a. Changes to the location or number of buildings;

   b Change to the location of proposed the ground floor active uses; or

c. Increases or decreases of 15 percent or more to an approved massing envelop.

J. Duration. An approved Central City Master Plan remains in effect until development allowed by the plan has been completed, except that a Central City Master Plan expires 10 years from the date of the final decision if none of the development or activity allowed by the plan has commenced.

K. Open area requirement.

1. Purpose. The open area requirements promote a site design that provides access to light and air, opportunities for outdoor activities including active and passive recreation, public gathering spaces, and visual relief from the built environment. The standards are also intended to produce open areas at a scale compatible to what large sites would have if divided by the 200 foot street grid pattern common through the Central City.

2. Amount of required open area. A minimum of 20 percent of the master plan area must be devoted to open area. Open areas may include parks, outdoor recreation amenities, plazas, public fountains, or landscaped areas. Areas used for parking, loading, and driveways do not count toward the 20 percent minimum open area requirement.

3. Required open area development standards.

   a. At least 20,000 square feet, or 50 percent, whichever is less, of the required open area must be designed as parks or plazas. At least one of the parks or plazas must have dimensions that allows a 50 foot by 50 foot square to fit entirely within It, and in Central City Master Plan Area 6, shown on Map 510-19, at least one park or plaza must be located directly adjacent to the OS zone.

   b. Bike and pedestrian accessways may not constitute more than 25 percent of the required open space.

   c. The open space must meet one of the following tree density standards. Tree canopy sizes are defined in 33.248.030.C.2:

      (1) A minimum of one tree per 1,000 square feet of park or plaza area is required if all of the trees are small canopy trees; or

      (2) A minimum of one tree per 2,000 square feet of park or plaza area is required if at least one medium or large canopy tree is provided.

   d. Parks and plazas must be sited so that shadows from buildings cover no more than 50 percent of the park or plaza at noon on March 21, June 21 and September 21, and not more than 75 percent of the adjacent open space at noon on December 21, and 3:00 pm on March 21, June 21, and September 21.

33.510.257 Signs for Additional Uses Allowed in the Open Space Zone

The sign standards are stated in Title 32, Signs and Related Regulations.

Parking and Access

33.510.261 Parking Built After July 9, 2018

A. Purpose. The parking and access regulations implement the Central City 2035 Plan and the Transportation System Plan by managing the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City.

B. Description of types of parking. In the Central City plan district, there are three types of parking. While a proposal may include several types of parking (for example, a garage may include both some Growth Parking and some Preservation Parking), each type of parking is an exclusive category. The same spaces can be more than one type of parking, such as both Growth Parking and Visitor Parking, if the regulations for both types are met.

1. Growth Parking. Growth Parking. Growth Parking is created in conjunction with additions of net building area. Net building area is added either as part of new development or by adding floor area to existing development.

   In the case of new development, the land use or building permit for the parking must be requested by the time the foundation of the new building is complete. If the parking is requested after the foundation is complete, it will be Preservation Parking.

   In the case of additions of net building area to existing development, the land use or building permit for the parking must be requested by the time the building permit for the new net building area is issued. If it is requested after the building permit for the new net building area is issued, it will be Preservation Parking.

   The ratios for Growth Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.

2. Preservation Parking. Preservation Parking is created to serve existing buildings. The ratios for Preservation Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.

3. Visitor Parking. Visitor Parking is created to serve shoppers, tourists, and other such visitors who make occasional trips to the area. It is not associated with a particular development.

C. Organization of parking regulations. This subsection describes the organization of parking regulations that follow, and provides a framework for understanding. See the sections that follow for the specific regulations described below.

Generally, Growth Parking and Preservation Parking are allocated based on net building area of buildings or dwelling units. Visitor Parking may be located where demand is shown.

Each type of parking is regulated differently. For some types of parking, there are no limits on who may park there, even though the parking may have been created in conjunction with a particular development.

Map 510-10 shows the Central City plan district parking sectors. There are maximums for parking in all of the parking sectors. In some cases, Central City Parking Review may be required, while other proposals may need adjustments.

D. Where these regulations apply. The regulations of Sections 33.510.261 apply to parking built after July 9, 2018. Where there is more than one type of parking included in a proposal, each type of parking must meet the regulations in the appropriate subsection.

E. Sites split by parking sector boundaries. If the site is split by parking sector boundaries, and the maximum ratio in the two sectors differ, the maximum ratio is based on the regulations that apply to the site of the use the parking will be serving.

F. Growth Parking. The regulations of this subsection apply to Growth Parking. Adjustments to the regulations of this subsection are prohibited.

1. When Growth Parking is allowed. Growth Parking is allowed when net building area is added to a site either as part of new development or an alteration to existing development.

2. Minimum required parking. There are no minimum parking requirement for Growth Parking.

3. Maximum allowed parking. Growth Parking is limited to the maximum ratios in Table 510-1. Where there is more than one use on a site, the amount of parking allowed is calculated based on the net building area of each use.

4. Operation. Growth Parking may be operated as either accessory or commercial parking at all times.

Table 510-1
Maximum Parking Ratios [1]

Uses	Parking Sectors					
	1 North Pearl	2 North/ Northeast	3 Goose Hollow	4 Core	5 Central Eastside	6 South Waterfront
Residential Uses	1.2	1.2	1.2	1.2	1.2	1.2
Office, Retail Sales And Service, Schools, Colleges, Daycare	1.5	1.35	1.5	1.0	2.0	2.0
Grocery Store	2.0	2.0	2.0	2.0	2.0	2.0
Anchor Retail [2]	1.5	1.5	1.5	1.5	1.5	1.5
Hotel/motel and meeting or conference rooms	1/room, plus 1/1,000 square feet of meeting/conference rooms.					
Manufacturing and Production, Warehouse and Freight Movement, Wholesale Sales, Industrial Service	1.0	2.0	1.0	1.0	2.0	1.0
Medical Center	1.5	1.35	1.5	1.5	2.0	2.0
Major Event Entertainment, Commercial Outdoor Recreation, Parks And Open Areas	Parking requires Central City Parking Review and must meet the Visitor parking approval criteria in 33.808.100.					
Community Service, Religious Institutions, Theaters, and all other uses	.5	.5	.5	.5	.5	.5

[1] Maximum ratios are per 1,000 square feet of net building area for non-residential/hotel uses; per dwelling unit or hotel room for residential/hotel uses
[2] Anchor retail is a single structure with more than 50,000 square feet of net building area in Retail Sales and Service uses.

G. Preservation Parking. The regulations of this subsection apply to Preservation Parking. Adjustments to this subsection are prohibited.

1. When Preservation Parking is allowed. Preservation Parking is allowed when approved through Central City Parking Review. Existing buildings with Residential or hotel uses that have 0.5 or fewer parking stalls per unit or room are eligible to apply for Preservation Parking. In the South Waterfront subdistrict, existing buildings with Medical Center or College uses are eligible to apply for Preservation parking. Other existing buildings that have fewer than 0.7 parking stalls per 1,000 square feet of net building area are eligible to apply for Preservation Parking. If the parking area is

created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking is regulated the same as Growth Parking.

2. Location of Preservation Parking. Preservation Parking must be built within the same parking sector as the building the parking will serve. Parking sectors are shown on Map 510-10.

3. Minimum required parking. There are no minimum parking requirements for Preservation Parking.

4. Maximum allowed parking. The maximum ratio for Preservation Parking is the same as for Growth Parking, except for hotels and motels where the maximum ratio is one half the ratio allowed for new hotels. See Table 510-1. Where there is more than one use on a site, the amount of parking allowed is calculated based on the net building area of each use.

5. Required covenants. Preservation Parking requires the following covenants:

   a. Common ownership. If the parking is based on the net building area of buildings under the same ownership as the parking, the following must be met:

      (1) The owner must specify which buildings the parking is based on;

      (2) The owner must execute a covenant with the City that ensures that the parking will be primarily for those buildings for at least 10 years. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the property.

   b. Different ownership. Where the parking structure is under different ownership than the buildings the parking will serve, the following must be met:

      (1) Covenant:
         - There must be signed and recorded covenants between the owner of the parking and the owners of buildings for which the parking will be provided. The covenants must specify which buildings the parking is based on, and ensure that the parking will be primarily for those buildings for at least 10 years from the date the garage begins operation. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the property; and
         - A copy of the covenant must be provided to the Bureau of Development Services as part of the application for a building permit. Written documentation must be provided that shows that the changes comply with the regulations of this Chapter.

      (2) Changes to existing covenants. Changes to a covenant between the owner of the parking and owners of buildings for which the parking is provided are allowed only if the regulations of this Chapter are still met. The length of the covenant cannot be reduced to cover fewer than 10-years from the date the

garage began operation. The applicant must notify the Bureau of Development Services in writing of any changes to existing covenants.

(3) New covenants. A new covenant between the owner of the parking and the owners of buildings for which the parking will be provided is allowed only if the regulations of this Chapter are still met. The length of the covenant cannot be reduced to cover fewer than 10-years from the date the garage began operation. The applicant must notify the Director of the Bureau of Transportation in writing of any new covenants.

6. Operation. Preservation Parking may be operated as either accessory or commercial parking at all times.

H. Visitor Parking. The regulations of this subsection apply to Visitor Parking. Adjustments to this subsection are prohibited.

1. When Visitor Parking is allowed. Visitor Parking is allowed when approved through Central City Parking Review.

2. Minimum required parking. There are no minimum parking requirements for Visitor Parking.

3. Maximum allowed parking. There are no maximum parking ratios for Visitor Parking. The appropriate number of parking spaces allowed is determined based on a demand analysis, traffic analysis, and other considerations specified in the approval criteria for Central City Parking Review.

4. Operation. Visitor Parking is operated as commercial parking, except as follows:

a. "Early Bird" discounts are prohibited on weekdays, and

b. The sale of monthly permits that allow parking between 7:00 AM and 6:00 PM on weekdays is prohibited.

I. All parking built after July 9, 2018. The regulations of this subsection apply to all new parking regardless of type.

1. The applicant is required to report the number of constructed parking spaces to the Director of the Bureau of Transportation within 30 days of parking operations beginning.

2. Carpool parking. The carpool regulations of this Paragraph do not apply to Residential uses or hotels.

a. Five spaces or five percent of the total number of parking spaces on the site, whichever is less, must be reserved for carpool use before 9:00 AM on weekdays. More spaces may be reserved, but they are not required;

b. The carpool spaces must be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking; and

c. Signs must be posted indicating that the spaces are reserved for carpool use before 9:00 AM on weekdays.

3. Surface parking and structured parking with no gross building area above it are prohibited except as follows:

   a. Parking on top of a structure is allowed.

   b. Up to 100 parking spaces may be on a surface parking lot or in structured parking with no gross building area above it if the parking is for a public school use;

   c. In the Central Eastside and Lower Albina subdistricts up to 20 of the maximum allowed number of parking spaces for a site may be on a surface parking lot if the following are met. Adjustments to these standards are prohibited:

      (1) The parking is accessory to a Manufacturing and Production, Wholesale Sales, Industrial Service, or Warehouse and Freight Movement use;

      (2) The parking is located in the IH or IG1 zones; and

      (3) The surface parking lot is located directly adjacent to the building in which the use exists. In this case, the parking on the surface parking lot must operate as accessory parking only and is prohibited from operating as commercial parking.

   d. In the South Waterfront subdistrict, surface parking that is operated by the City of Portland on a site that will be developed as a park in the future is allowed. The property owner must execute a covenant with the City reflecting that the future development and use of the site will be a park, and the covenant must be attached to and recorded with the deed of the site. The covenant must meet the requirements of 33.700.060.

4. Parking structures. Where parking occupies more than 50 percent of the gross building area of a structure the following must be met. Adjustments to the following standards are prohibited.

   a. The structure may not be on any block bounded by both Fifth and Sixth Avenues between NW Irving and SW Jackson Streets.

   b. The structure must be at least 100 feet from Fifth and Sixth Avenues between NW Glisan and SW Jackson Streets.

   c. The structure may not be on any block bounded by both SW Morrison and SW Yamhill Streets between SW First and SW Eighteenth Avenues.

   d. If the site is within a historic district, the building coverage of the portion of the parking structure within the district may not be larger than 20,000 square feet.

   e. Street-facing facades.

      (1) Street-facing facades in Parking Sector 6. Within Parking Sector 6, 50 percent of facades that face and are within 50 feet of streets, accessways, or the South Waterfront Greenway Area must be designed to accommodate Retail Sales And Service or Office uses at the time of construction. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Ground Floor Active Uses.

(2) Street facing facades in all other Parking Sectors. In all other parking sectors, 50 percent of the street-facing facade must be designed to accommodate Retail Sales And Service or Office uses. Areas designed to accommodate these uses must be developed at the time of construction. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Ground Floor Active Uses. See Map 510-10 for parking sectors.

5. Operation reports. The applicant must provide operation reports to the Director of the Bureau of Transportation upon request. The operation reports must be based on a sample of four days during every 12-month period, and must include the following information:

   a. The number of parking spaces and the amount of net building area on the site.

   b. A description of how the parking spaces were used in the following categories. Percentage of parking used for:

      (1) Short-term (less than 4 hours);

      (2) Long-term daily (four or more hours);

      (3) Average number of monthly permits issued (other than carpool), and

      (4) Number of signed monthly Carpool stalls in the facility.

   c. Rate schedule for:

      (1) Hourly parking;

      (2) Daily Maximum Rate;

      (3) Evening Parking;

      (4) Weekend Parking;

      (5) Monthly parking; and

      (6) Carpool parking

   d. The hours of operation on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.

6. Changes from one type of parking to another.

   a. Changes from one type of parking to another are processed as if they were new parking. For example, changing Growth Parking to Preservation Parking requires a Central City Parking Review.

   b. Visitor Parking must operate as Visitor Parking for at least 10 years before it may be changed to Preservation Parking. Changing Visitor Parking that has been operating for less than 10 years is prohibited.

33.510.262 Parking Built before July 9, 2018

A. Purpose. With adoption of the Central City 2035 Plan, the regulations for parking in the Central City plan district were significantly revised. To simplify and streamline regulations for parking that existed when the regulations changed, operation restrictions and reporting requirements have been reduced.

The new regulations do not supersede other types of approvals such as existing Preservation Parking covenants, design review and adjustments.

B. Where these regulations apply. These regulations apply to all parking that legally existed on July 9, 2018. The regulations also apply to all parking where a complete application was received before July 9, 2018, or parking that received either a land use or building permit before July 9, 2018.

C. Assignment of parking types. The parking types assigned below are the same types as described in Subsection 33.510.261.B.; or if not assigned below the parking is Undedicated General. Undedicated General is all parking other than Visitor Parking, that is not associated with a particular development.

1. If the parking was built as Growth Parking it continues to be Growth Parking.
2. If the parking was built as Preservation Parking it continues to be Preservation Parking.
3. If the parking was built as RX Zone Parking or Residential/Hotel Parking it is now Growth Parking.
4. If the parking was built as Visitor Parking it continues to be Visitor Parking.
5. All other parking is Undedicated General Parking.

D. Operation.

1. If the parking is in a structure:
   a. Growth and Preservation parking may operate as accessory or commercial parking.
   b. Visitor Parking is operated as commercial parking except as follows:
      (1) "Early Bird" discounts are prohibited on weekdays, and
      (2) The sale of monthly permits that allow parking between 7:00 AM and 6:00 PM on weekdays is prohibited.
   c. Undedicated General Parking is subject to all previous conditions of approval.

2. If the parking is on a surface parking lot:
   a. Growth Parking:

(1) Unless specified in Subsubparagraph D.2.a.(2), Growth Parking may operate as accessory or commercial parking. In the Central Eastside subdistrict, growth parking that operates as commercial parking is subject to the following limitations:
- Monthly permits are only allowed for residents and employees of the subdistrict;
- Hourly and daily parking is prohibited; and

(2) Growth Parking that was operating as RX Zone Parking on July 9, 2018 must operate as accessory to a Residential use.

b. Preservation Parking may operate as accessory or commercial parking. In the Central Eastside subdistrict, Preservation parking that operates as commercial parking is subject to the following limitations:

(1) Monthly permits are only allowed for residents and employees of the subdistrict; and

(2) Hourly and daily parking is prohibited.

c. Undedicated General Parking. The operation of Undedicated General Parking is subject to all previous conditions of approval.

E. Changes. Changes to parking regulated by this Section are regulated as follows.

1. Changes that would be prohibited if requested for new parking are prohibited.
2. Changes from one type of parking to Visitor Parking or changes from Visitor Parking to Preservation or Growth requires a Central City Parking Review.
3. Changes in conditions of approval requires Central City Parking Review.
4. An increase in the number of spaces for all other parking types is subject to the regulations of Section 33.510.261.
5. An increase in the number of spaces for Undedicated General Parking is prohibited.
6. An increase in site area devoted to surface parking is prohibited.

33.510.263 Parking and Loading Access

The regulations of this section apply to all parking and loading access.

A. Purpose. The purpose of the parking and loading access regulations is to ensure the safety of pedestrians, bicyclists, and motorists, to avoid significant adverse impact on transit operations, and to ensure that the transportation system functions efficiently. The regulations require that the access to parking and loading areas be designed so that motor vehicles can enter and exit the parking facility without being required to cross the tracks of a light rail or streetcar alignment. Parking access shall be designed to avoid adverse impacts on operation and safety of pedestrian, bicycle, or motor vehicle circulation, and shall not preclude the future construction of facilities such as protected bikeways. A driveway is not automatically considered such an impact. On blocks where transit stations are located, the pedestrian environment on both sides of the streets will be considered and protected.

B. Parking and loading access standards.

1. Motor vehicle access to or from any parking area, loading area, or parking structure is prohibited on or along the following streets unless the street listed is the site's only frontage, in which case access is not allowed:

   a. On Fifth and Sixth Avenues between NW Irving and SW Jackson Streets;

   b. On SW Park between SW Jackson Street and SW Salmon Street;

   c. On NW Park Avenue and NW 8th Avenue between W. Burnside and NW Lovejoy Street;

   d. On SW Morrison and SW Yamhill Streets between SW 1st and SW 18th Avenues;

   e. On 1st Ave between NW Davis Street and SW Stark Streets;

   f. On 1st Ave between SW Washington and SW Yamhill Streets; and

   g. Motor vehicle access to or from any parking area or structure is prohibited along any site frontage that abuts a street with a light rail or street car alignment in it unless entering and exiting the parking area or structure does not result in any motor vehicle travelling onto or across the light rail or streetcar alignment, in which case the access is allowed.

2. Unless addressed by Paragraph B.1., motor vehicle access to any parking area, loading area, or parking structure is not allowed in the following situations:

   a. To or from any of the following streets:

      (1) Major City bikeway;

      (2) Major City Traffic Street;

      (3) Major Truck Street; and

      (4) Major Transit Priority Street.

   b. To or from any parking area or structure when the access will cause or allow a vehicle to travel onto or across a light rail or street car alignment anywhere within 75 feet of the parking access measured from the property line.

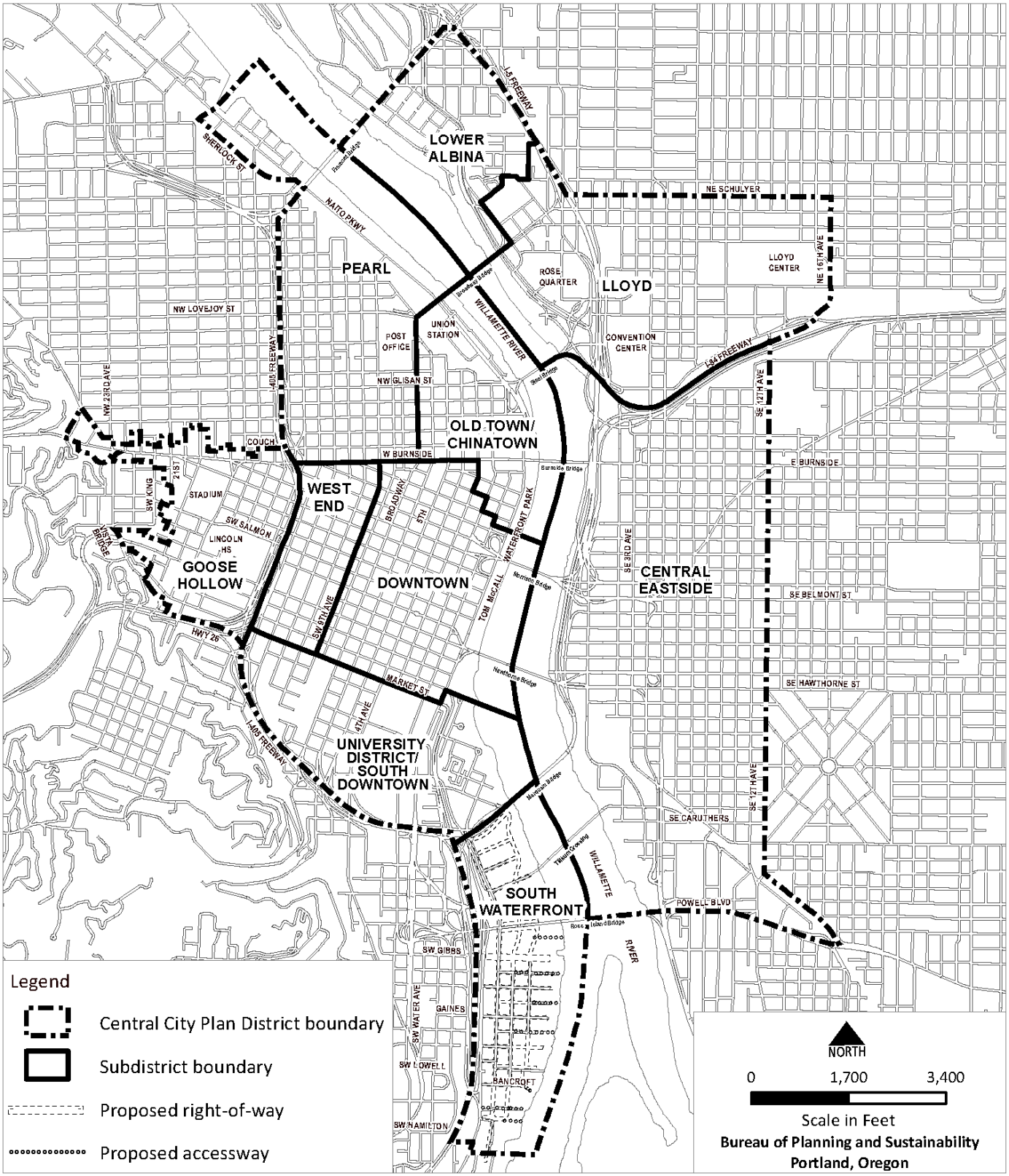
3. All other streets. Motor vehicle access to any parking area, loading area, or parking structures is allowed.

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167515, effective 3/30/94; Ord. No. 167464, effective 4/15/94; Ord. No. 167650, effective 6/10/94; Ord. No. 169535, effective 1/8/95; Ord. No. 168702, effective 7/1/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169699, effective 2/7/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171522, effective 9/19/97; Ord. No. 171648, effective 10/8/97; Ord. No. 172040, effective 3/13/98; Ord. No. 173259, effective 5/14/99; Ord. No. 174160, effective 2/9/00; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175163, effective 1/1/01; Ord. No. 175204, effective 3/1/01; Ord. No. 175294, effective 3/2/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 176024 and 176193, effective 2/1/02; 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. 177920, effective 11/8/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178425, effective 5/20/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179084, effective 3/26/05; Ord. No. 179092, effective 4/1/05; Ord. No. 179925, effective 3/17/06; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 180667, effective 1/12/07; Ord. No. 181357, effective 11/9/07; Ord. No. 182319, effective 12/5/08Ord. No. 182429, effective 1/16/09, Ord. No. 183517, effective 3/5/10; Ord. No. 183269, effective 10/21/09; Ord. No. 183518, effective 03/05/10; Ord. No. 183598, effective 4/24/10; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. Nos. 187216 and 187217, effective 7/24/15; Ord. No. 187796, effective 7/8/16; Ord. No. 188162, effective 2/1/17; Ord. No. 188631, effective 11/4/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189001, effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20.)

Central City Plan District and Subdistricts

Map 510-1

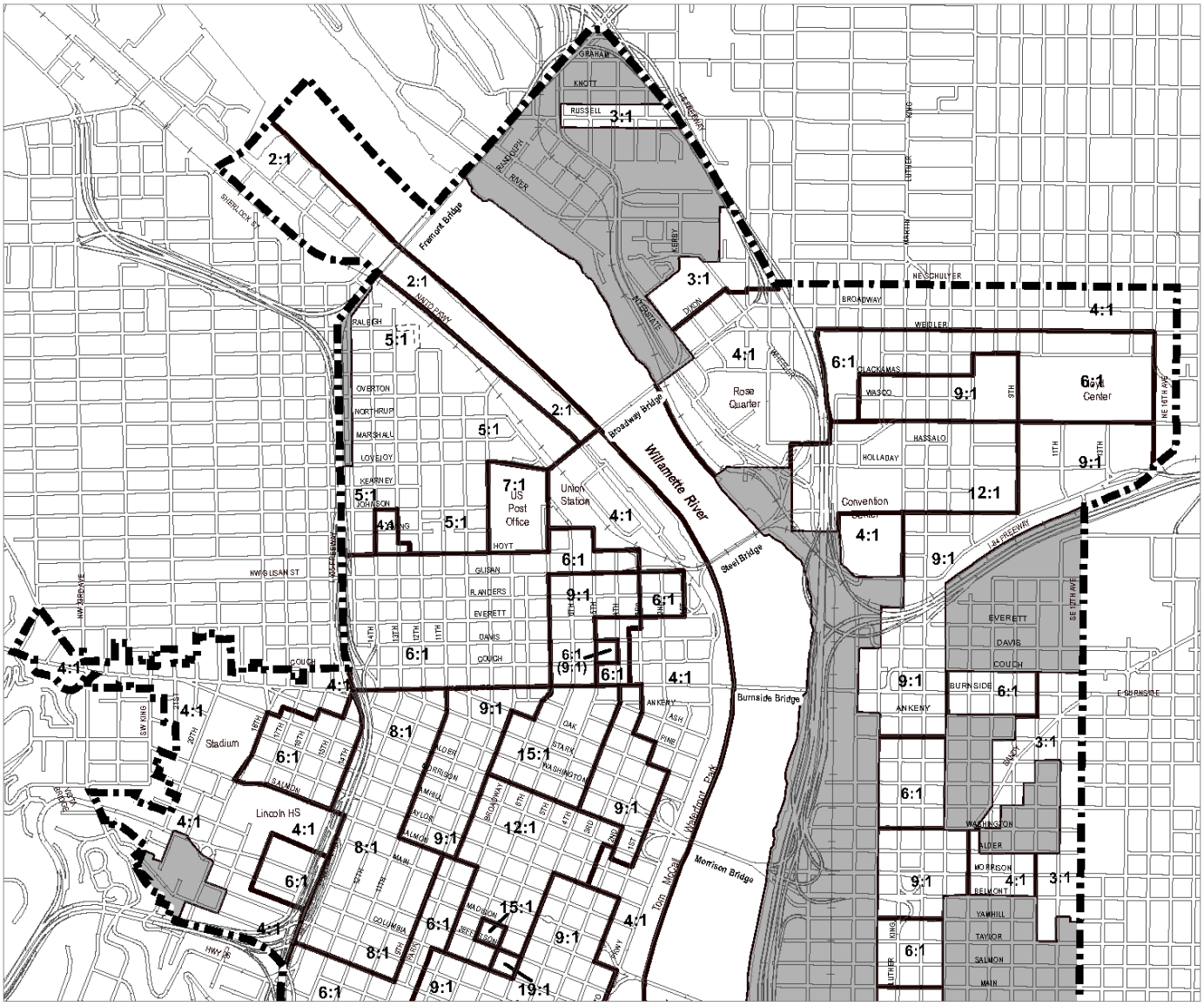
Map Revised August 10, 2020



Maximum Floor Area Ratios

Map 510-2

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Maximum FAR area boundary
- Area where floor area ratio (FAR) is determined by base zone
- Proposed right-of-way
- Proposed accessway

X:Y Maximum FAR
X = Gross square foot of building
Y = Square foot of site

(X:Y) Residential required see 33.510.200.C.2.

NORTH

0 1,400 2,800

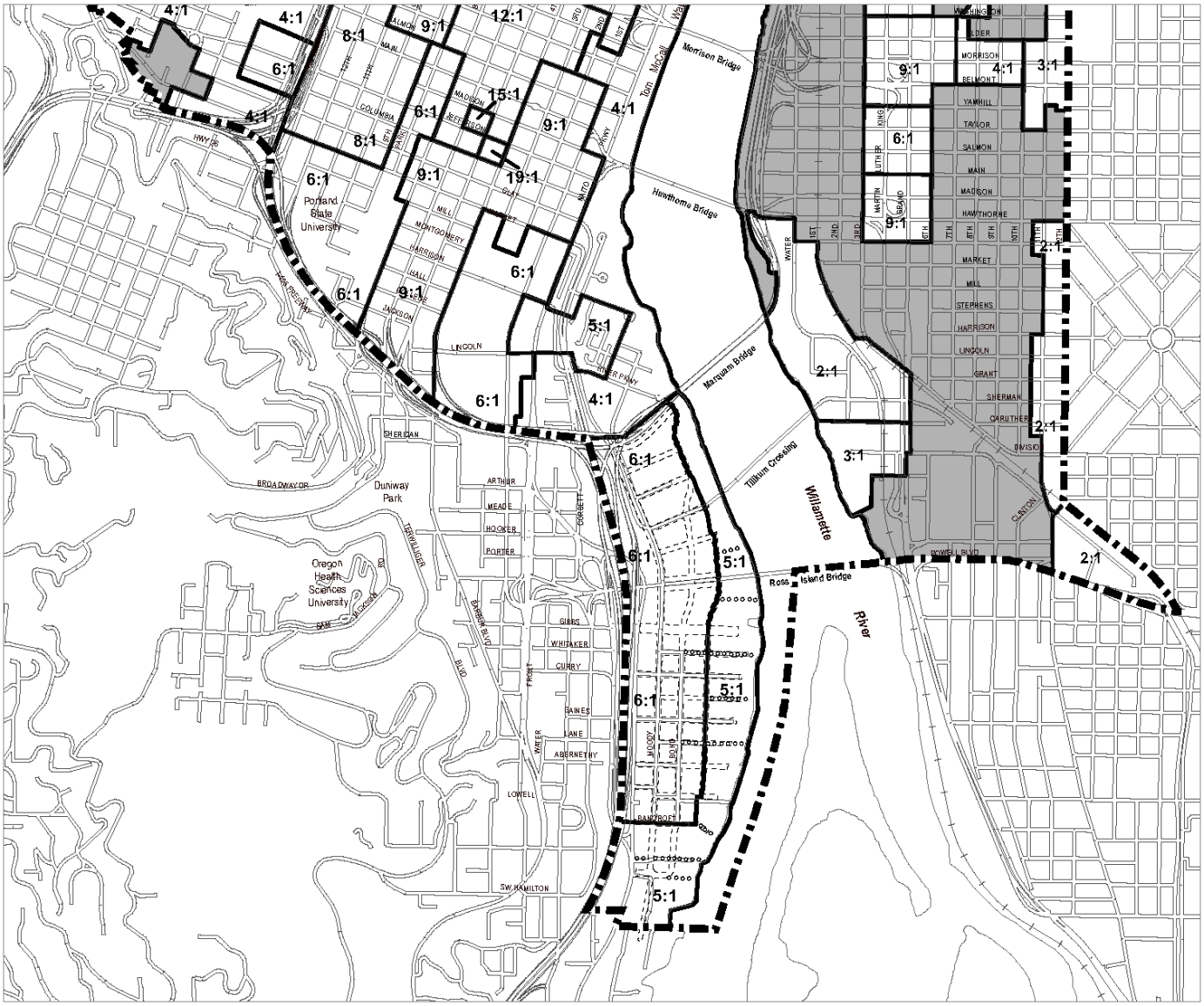
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Maximum Floor Area Ratios

Map 510-2

Map Revised September 11, 2020



Legend

- Central City Plan District boundary
- Maximum FAR area boundary
- Area where floor area ratio (FAR) is determined by base zone
- Proposed right-of-way
- Proposed accessway

X:Y Maximum FAR
X = Gross square foot of building
Y = Square foot of site

(X:Y) Residential required see 33.510.200.C.2.

NORTH

0 1,400 2,800

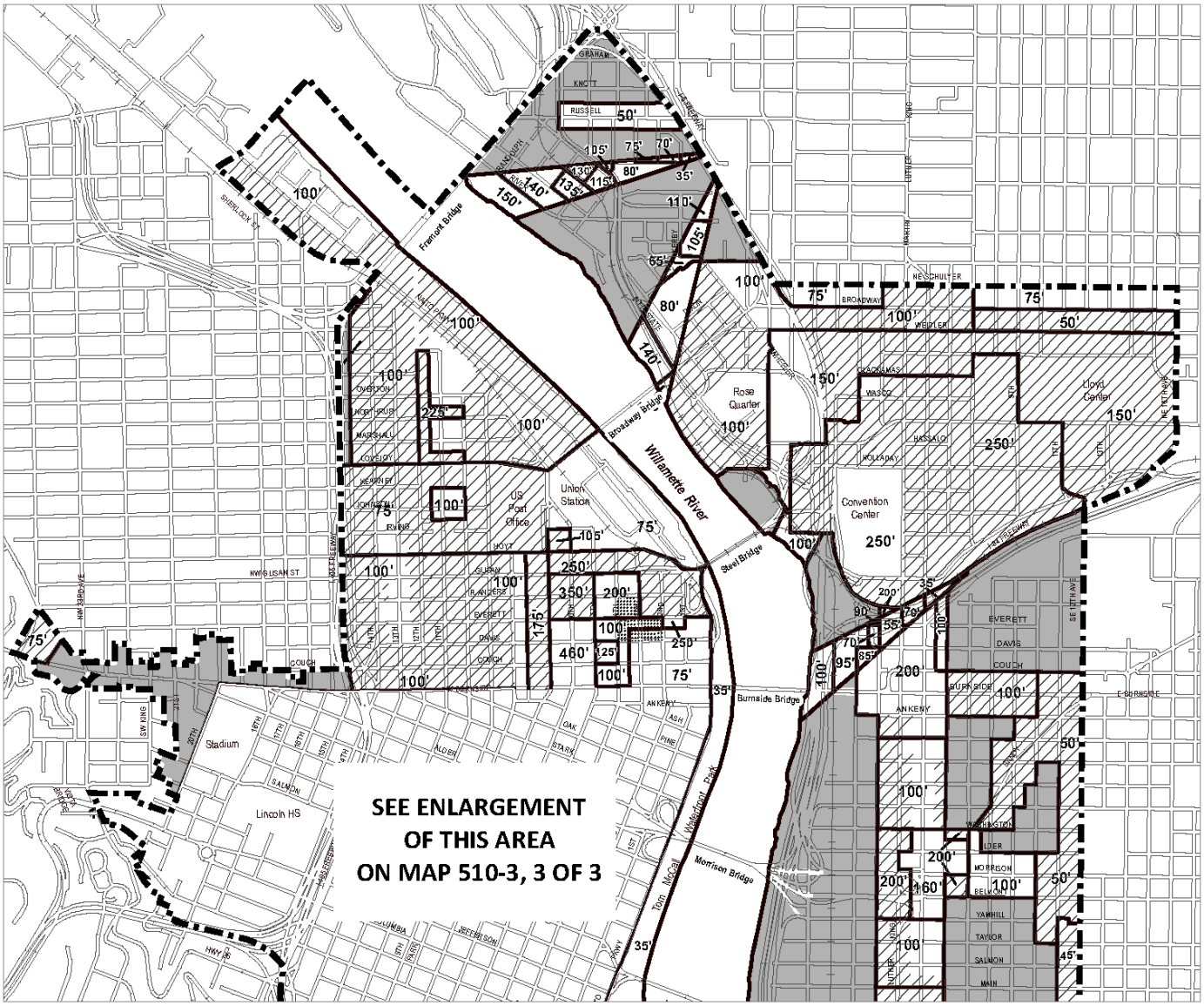
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Base Heights

Map 510-3

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- X' Base building height
- Areas where height is determined by base zone
- Proposed right-of-way
- Proposed accessways
- Area eligible for height increase
- Base height limit of 75' for first 125 feet from top of bank
- Areas where a shadow analysis is required

NORTH

0 1,400 2,800

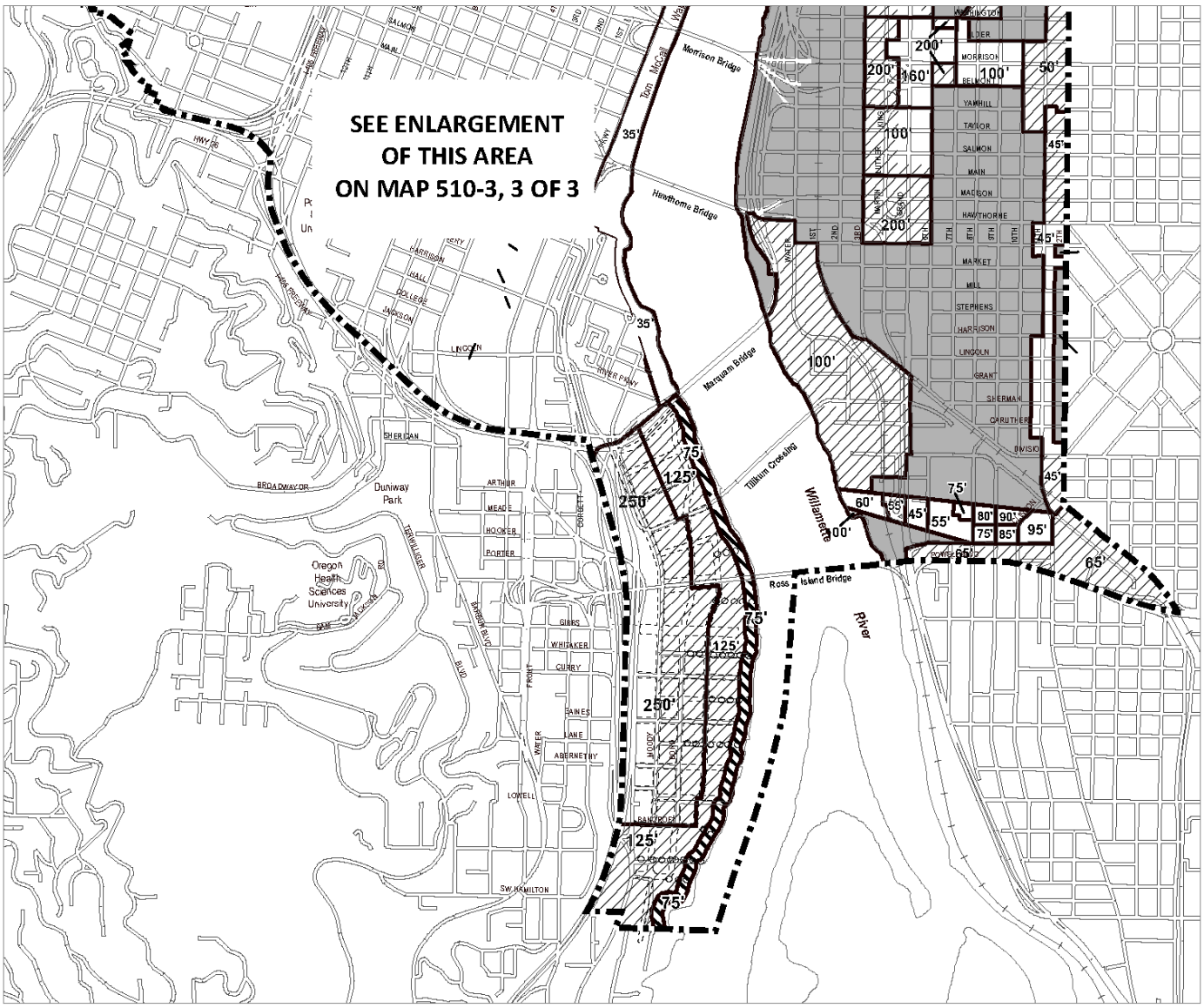
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Base Heights

Map 510-3

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- X' Base building height
- Areas where height is determined by base zone
- Proposed right-of-way
- Proposed accessways
- Area eligible for height increase
- Base height limit of 75' for first 125 feet from top of bank
- Areas where a shadow analysis is required

NORTH

0 1,400 2,800

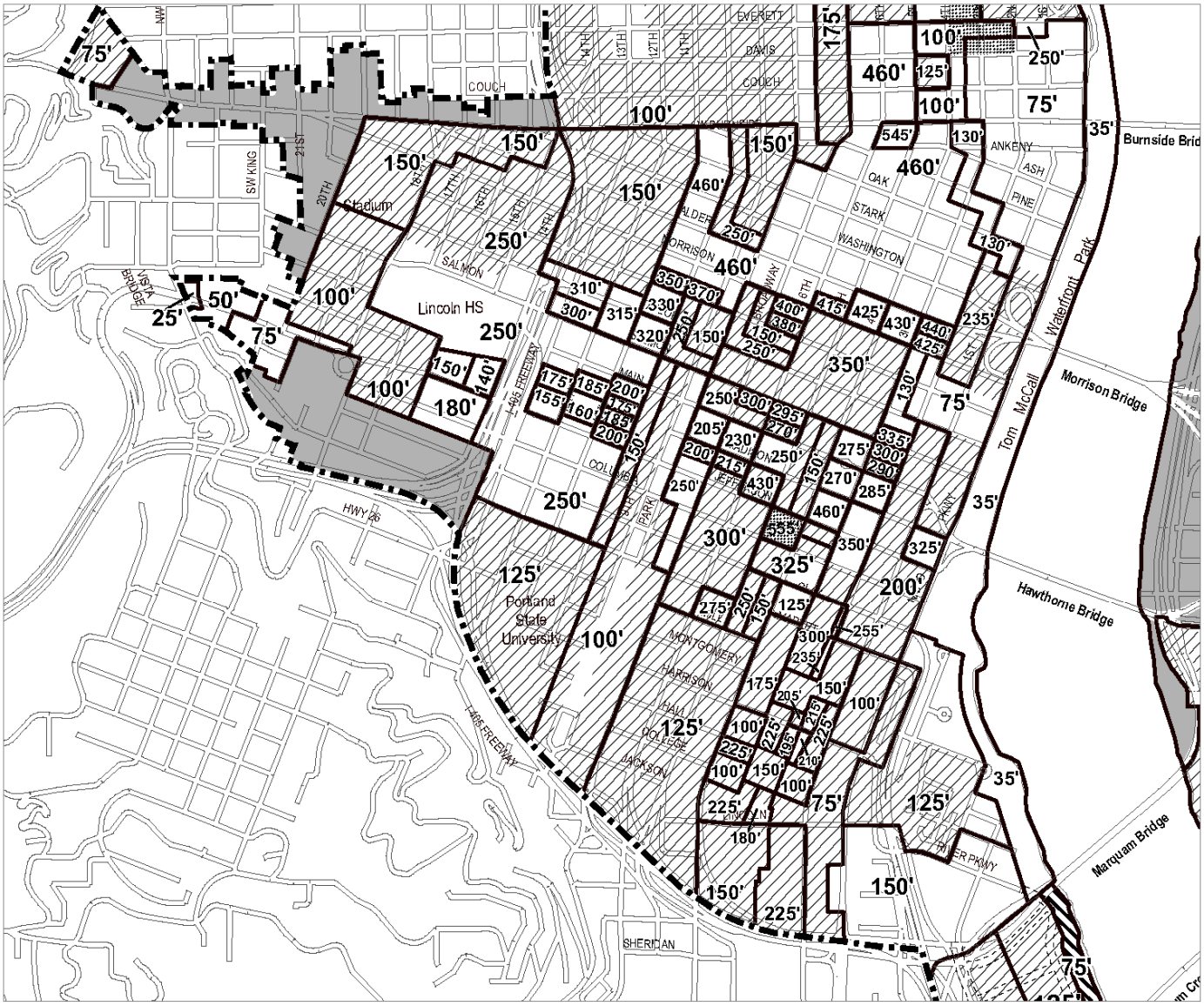
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Base Heights

Map 510-3

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- X' Base building height
- Areas where height is determined by base zone
- Proposed right-of-way
- Proposed accessways
- Area eligible for height increase
- Base height limit of 75' for first 125 feet from top of bank
- Areas where a shadow analysis is required

NORTH

0 1,000 2,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Bonus Heights

Map 510-4

Map Revised August 10, 2020

Legend

- Central City Plan District boundary
- X' Maximum bonus height
- Areas where height is determined by base zone
- Area where residential required
- Proposed right-of-way
- Proposed accessways
- UL Unlimited height allowed
- Areas where a shadow analysis is required
- Area eligible for additonal height under 33.510.210.D.2

NORTH

0 1,400 2,800

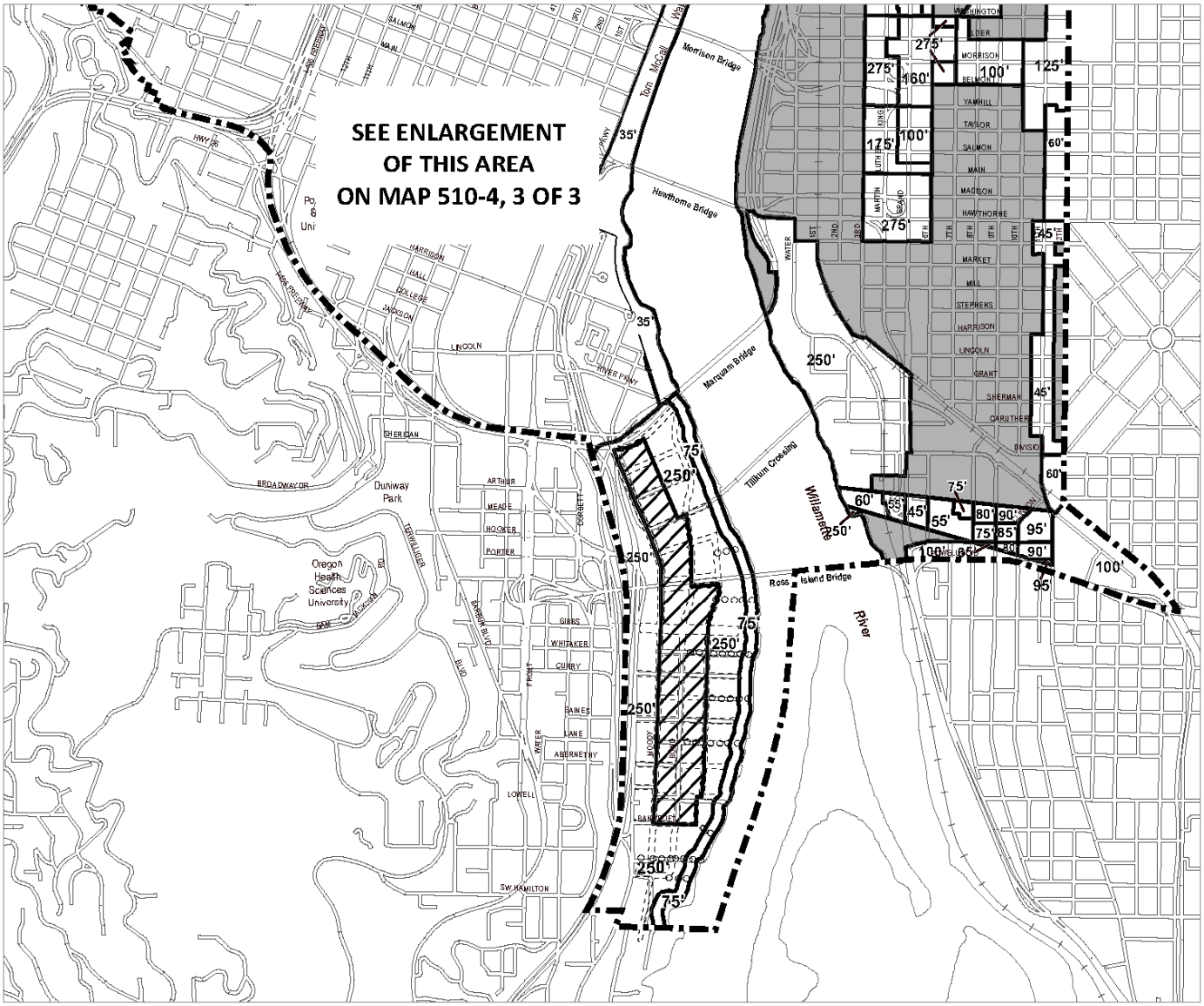
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Bonus Heights

Map 510-4

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- X' Maximum bonus height
- Areas where height is determined by base zone
- Area where residential required
- Proposed right-of-way
- Proposed accessways
- UL Unlimited height allowed
- Areas where a shadow analysis is required
- Area eligible for additonal height under 33.510.210.D.2

NORTH

0 1,400 2,800

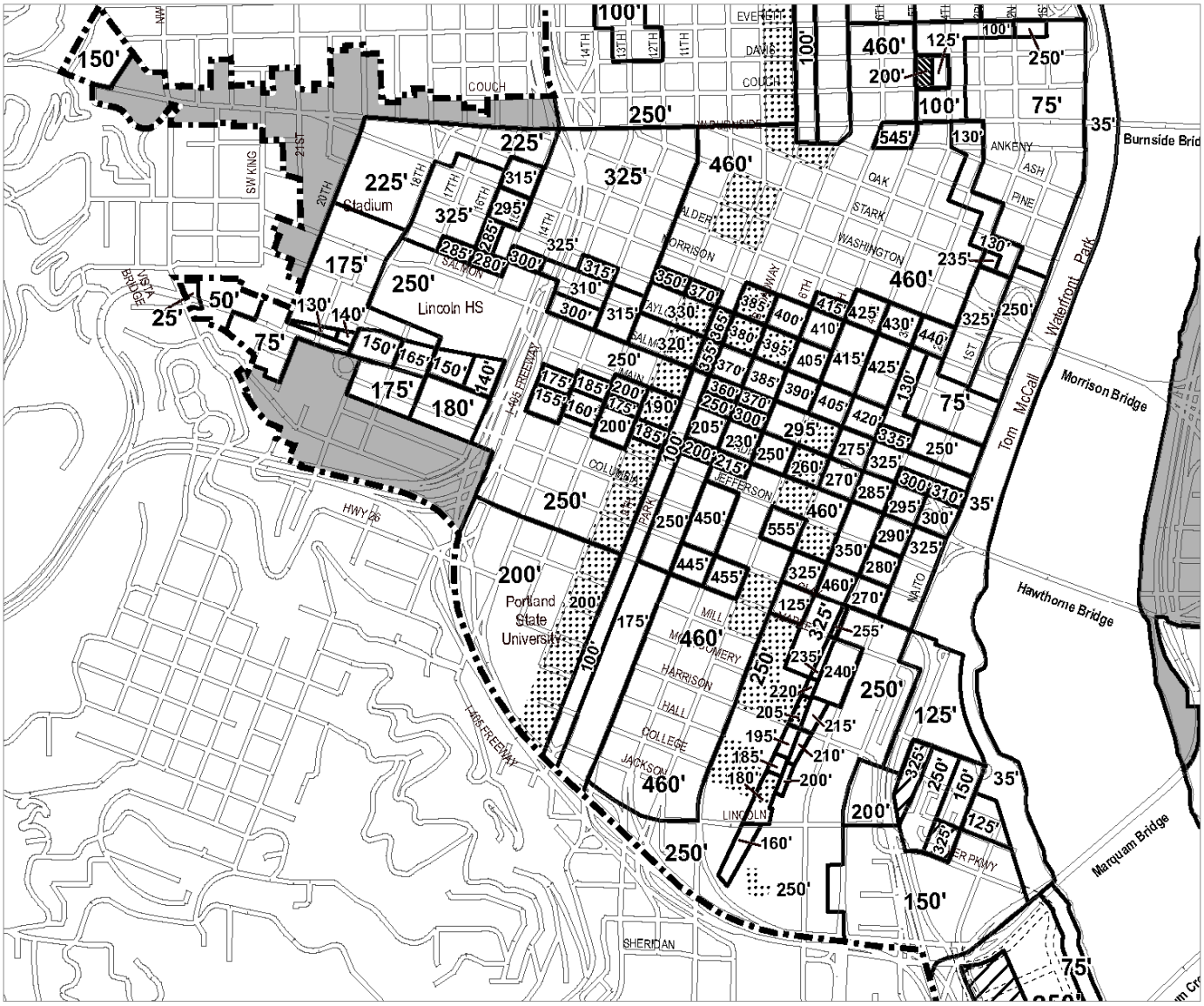
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Bonus Heights

Map 510-4

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- X' — Maximum bonus height
- Areas where height is determined by base zone
- Area where residential required
- Proposed right-of-way
- Proposed accessways
- UL — Unlimited height allowed
- Areas where a shadow analysis is required
- Area eligible for additonal height under 33.510.210.D.2 and 33.510.210.D.3.e

NORTH

0 1,000 2,000

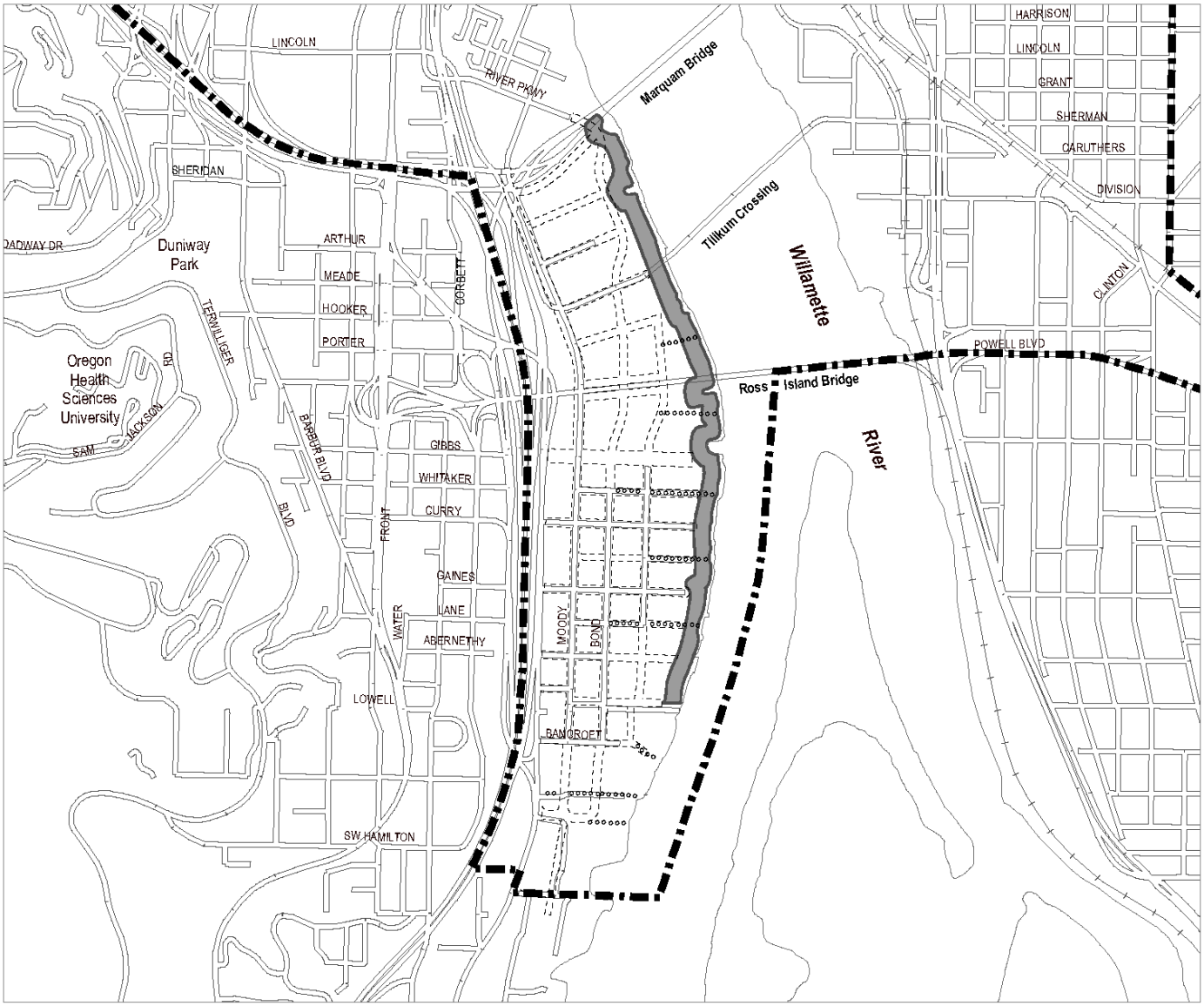
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Greenway Bonus Target Area

Map 510-5

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Greenway bonus target area extends 150' back from top of bank
- Proposed right-of-way
- Proposed accessway

NORTH

0 1,000 2,000

Scale in Feet

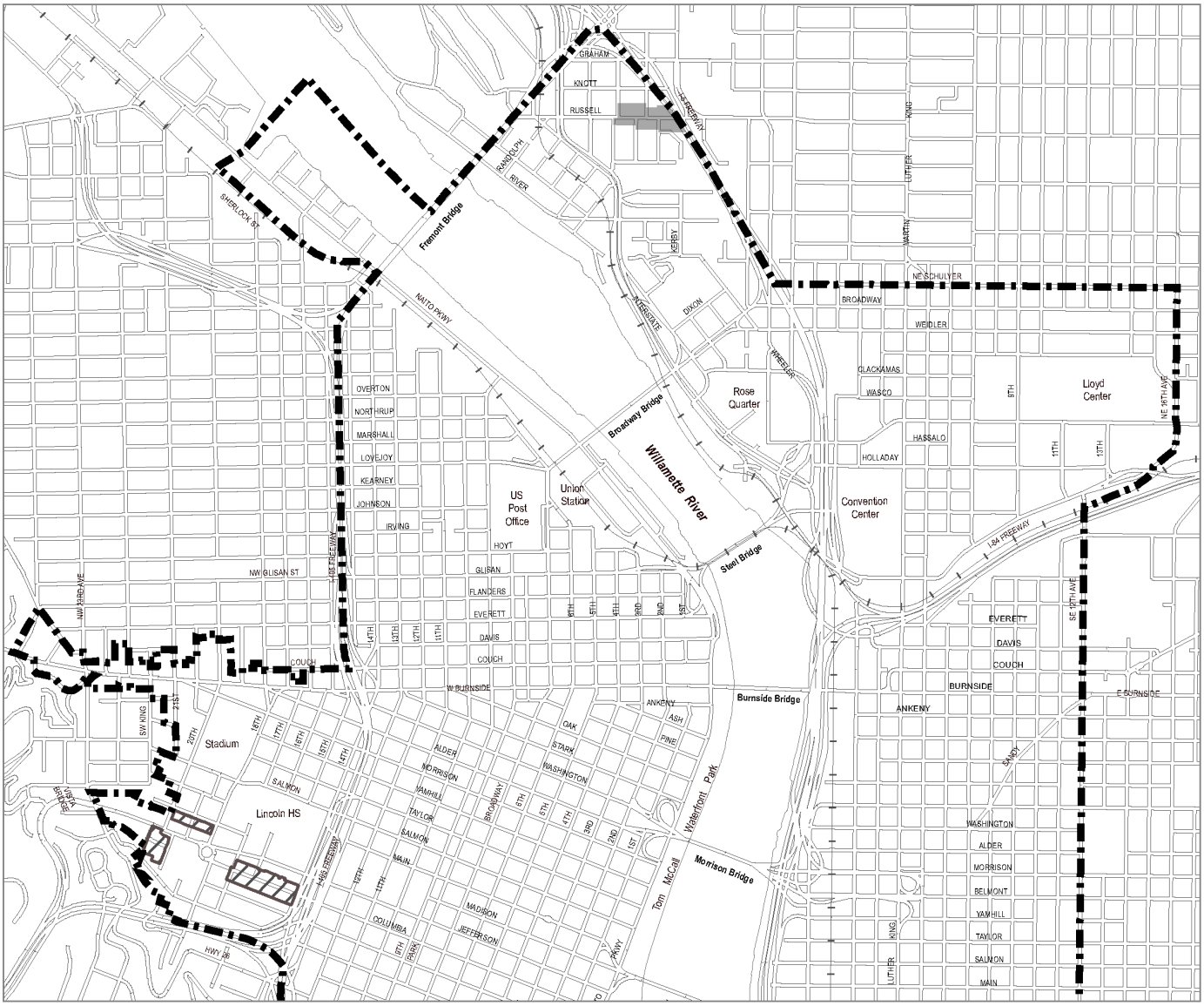
Bureau of Planning and Sustainability
Portland, Oregon

Special Residential Use Areas

Map 510-6

Map 1 of 2

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Required residential development area
- Residential uses prohibited
- Residential uses require a Central City Master Plan
- Proposed right-of-way
- Proposed accessway

NORTH

0 1,400 2,800

Scale in Feet

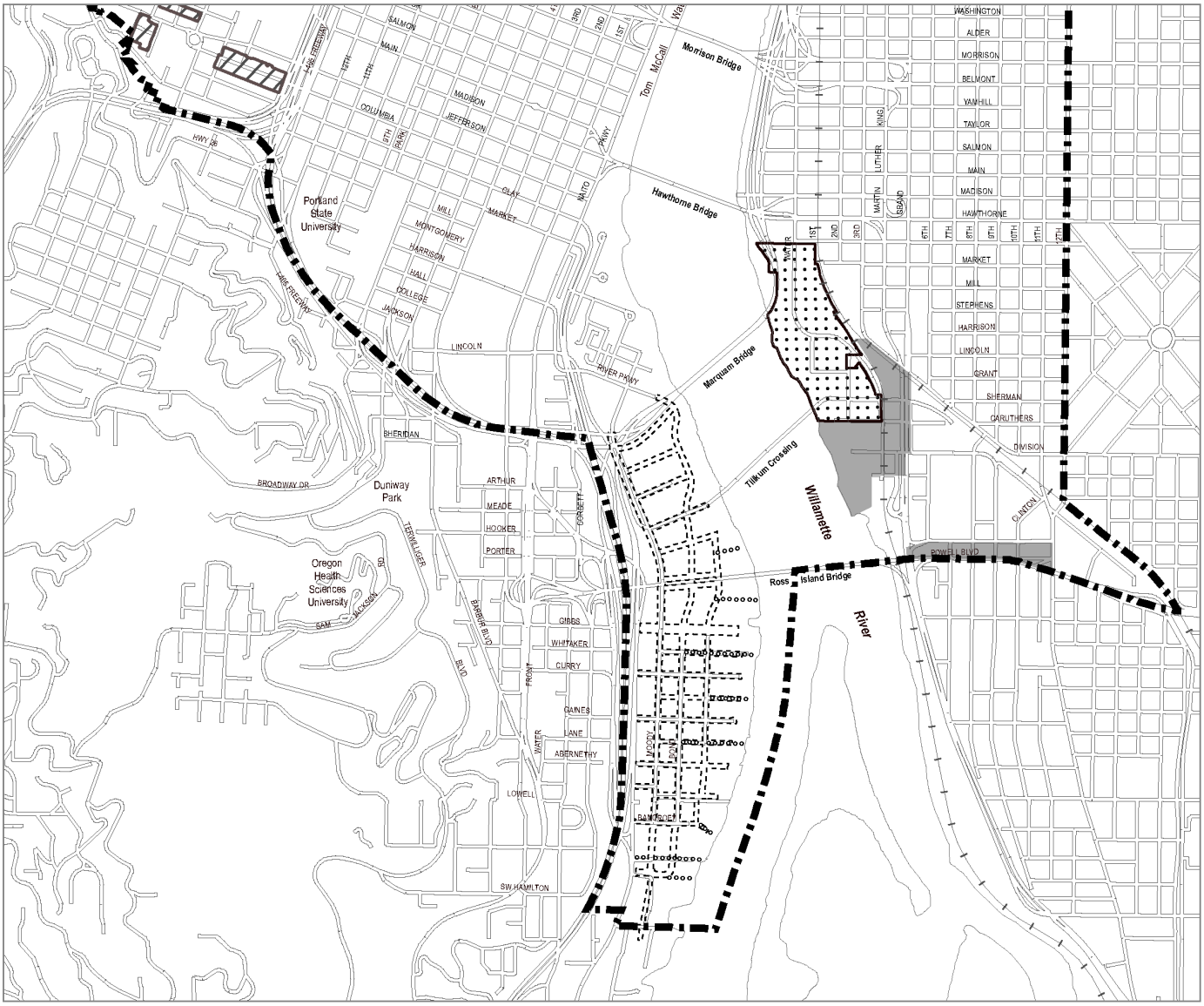
Bureau of Planning and Sustainability
Portland, Oregon

Special Residential Use Areas

Map 510-6

Map 2 of 2

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Required residential development area
- Residential uses prohibited
- Residential uses require a Central City Master Plan
- Proposed right-of-way
- Proposed accessway

NORTH

0 1,400 2,800

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Required Building Lines

Map 510-7

Map 1 of 2

Map Revised August 10, 2020

Legend

- Central City Plan District boundary
- Landscaping standards option
- Proposed right-of-way
- Proposed accessway

NORTH

0 1,400 2,800

Scale in Feet

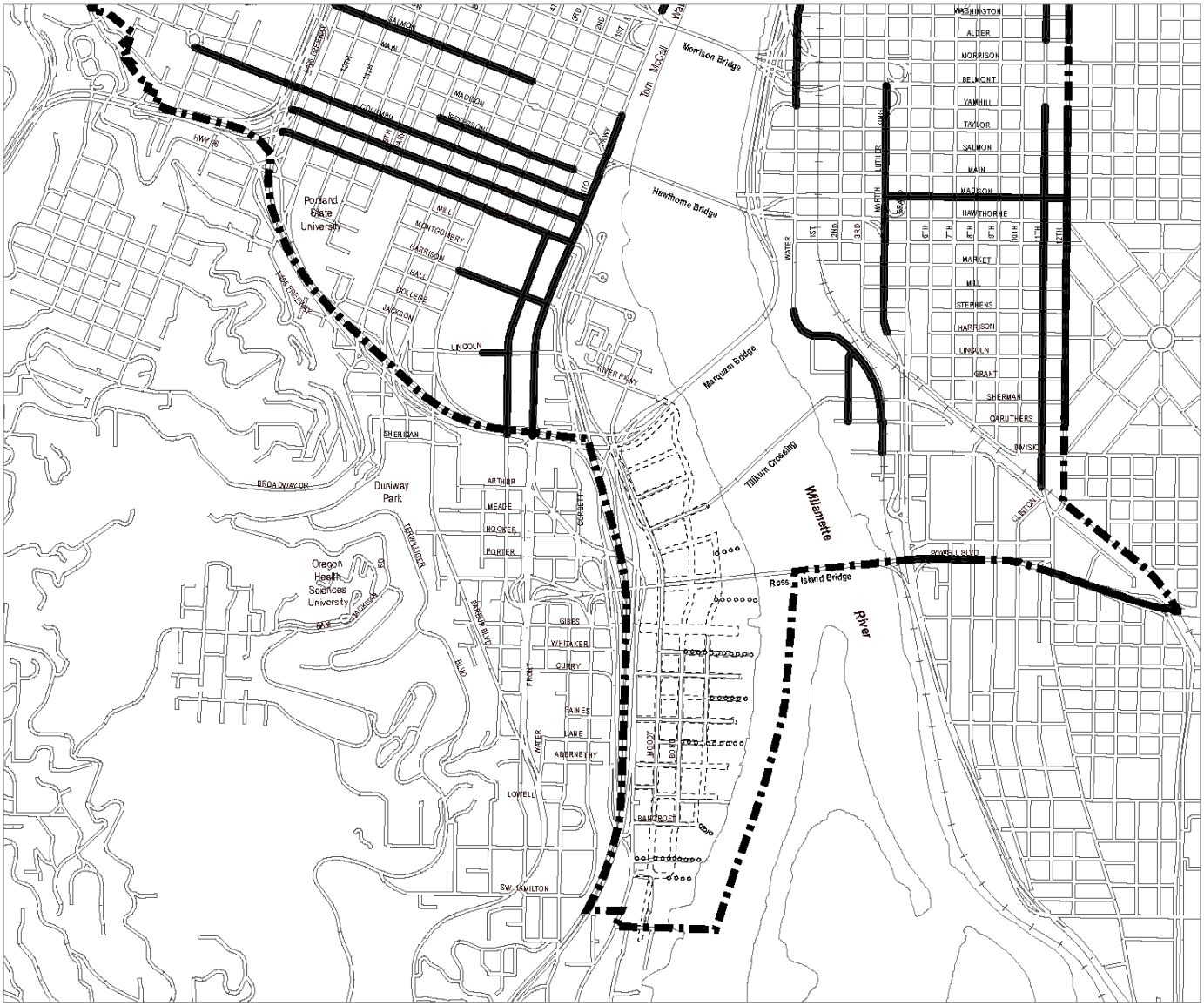
Bureau of Planning and Sustainability
Portland, Oregon

Required Building Lines

Map 510-7

Map 2 of 2

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Landscaping standards option
- Proposed right-of-way
- Proposed accessway

NORTH

0 1,400 2,800

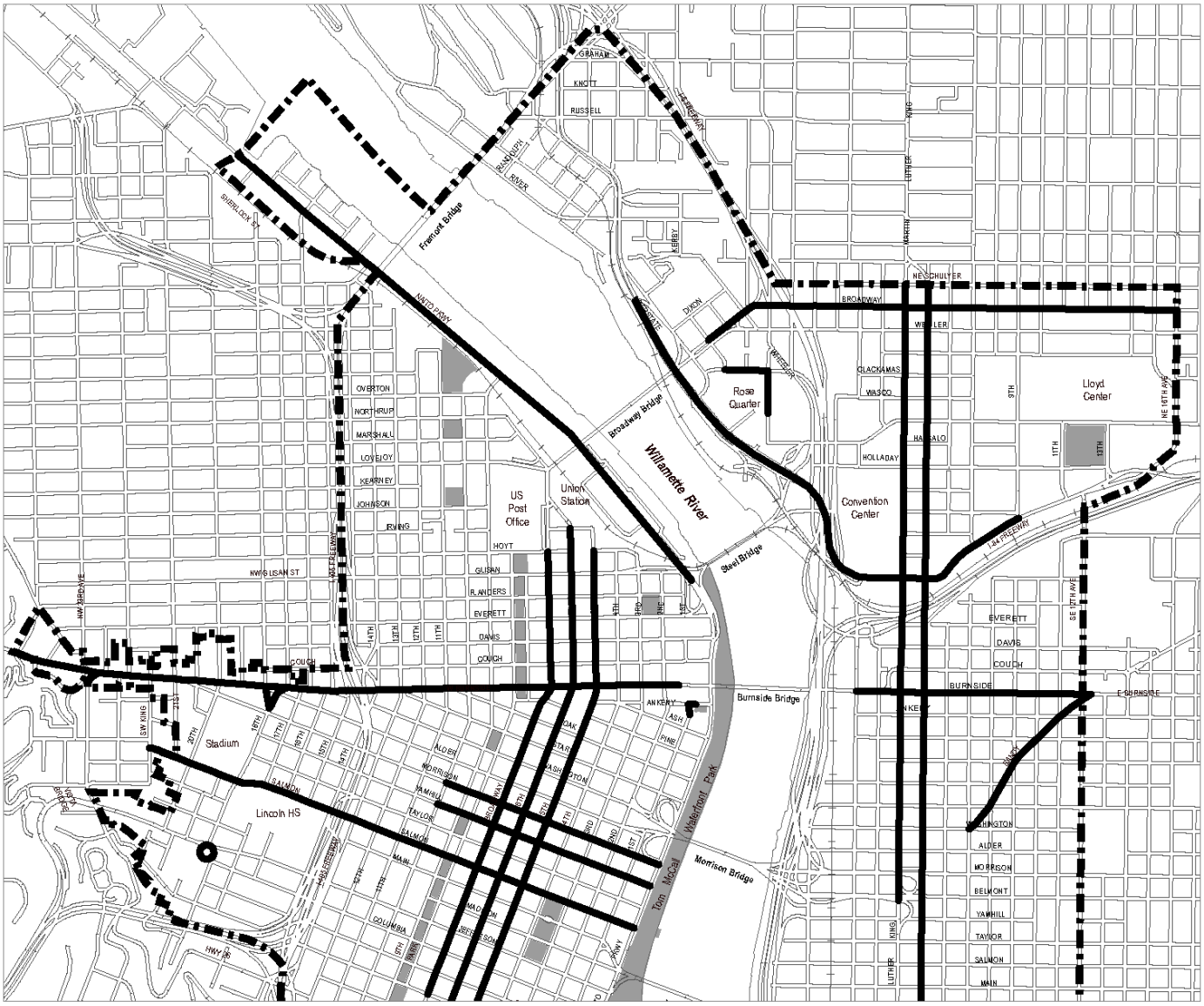
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Ground Floor Windows

Map 510-8

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Street facing facade; 60% ground floor window requirement
- Open area facing facade; 60% ground floor window requirement.
- Proposed right-of-way
- Proposed accessway

NORTH

0 1,400 2,800

Scale in Feet

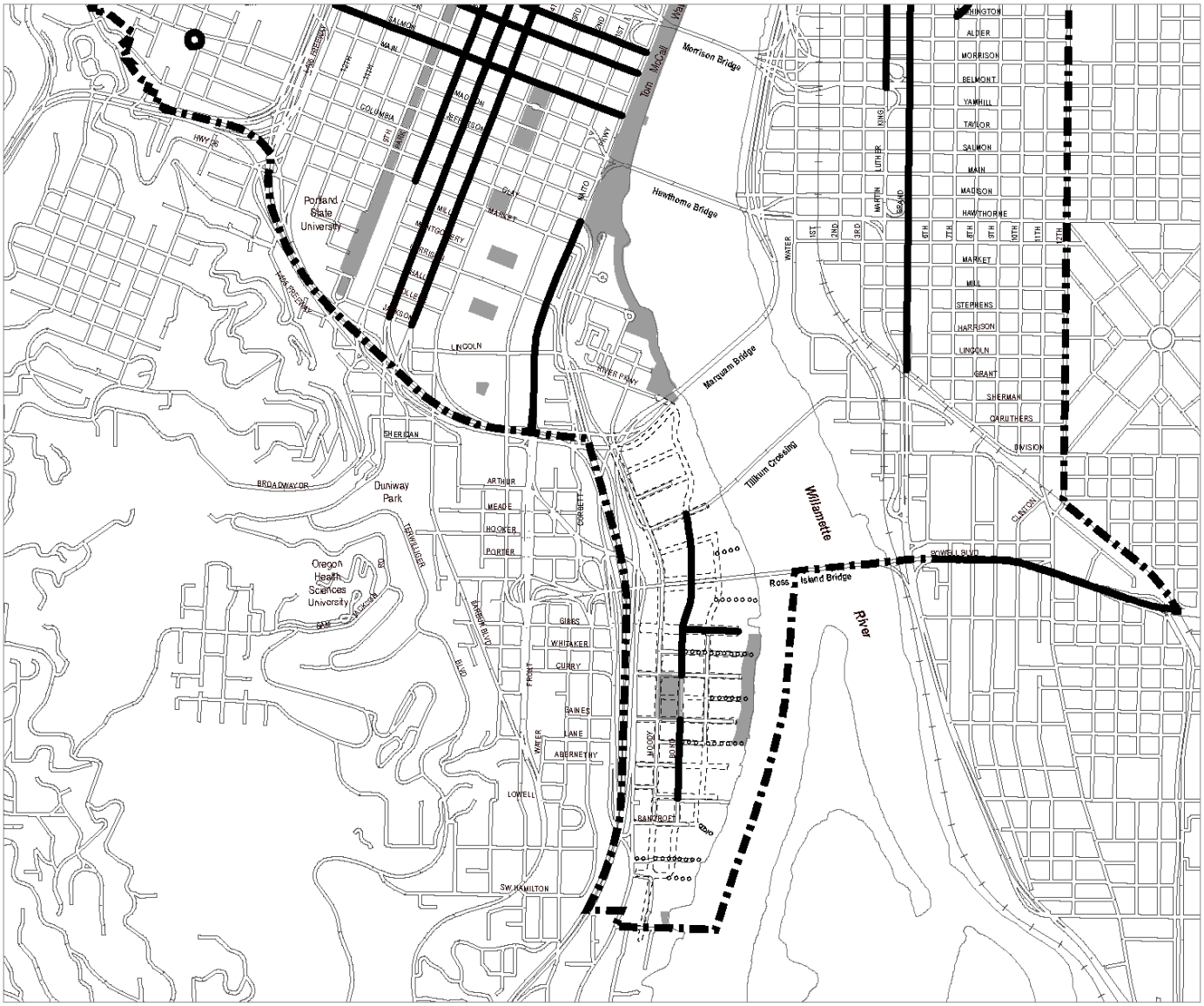
Bureau of Planning and Sustainability
Portland, Oregon

Ground Floor Windows

Map 510-8

Map 2 of 2

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Street facing facade; 60% ground floor window requirement
- Open area facing facade; 60% ground floor window requirement.
- Proposed right-of-way
- Proposed accessway

NORTH

0 1,400 2,800

Scale in Feet

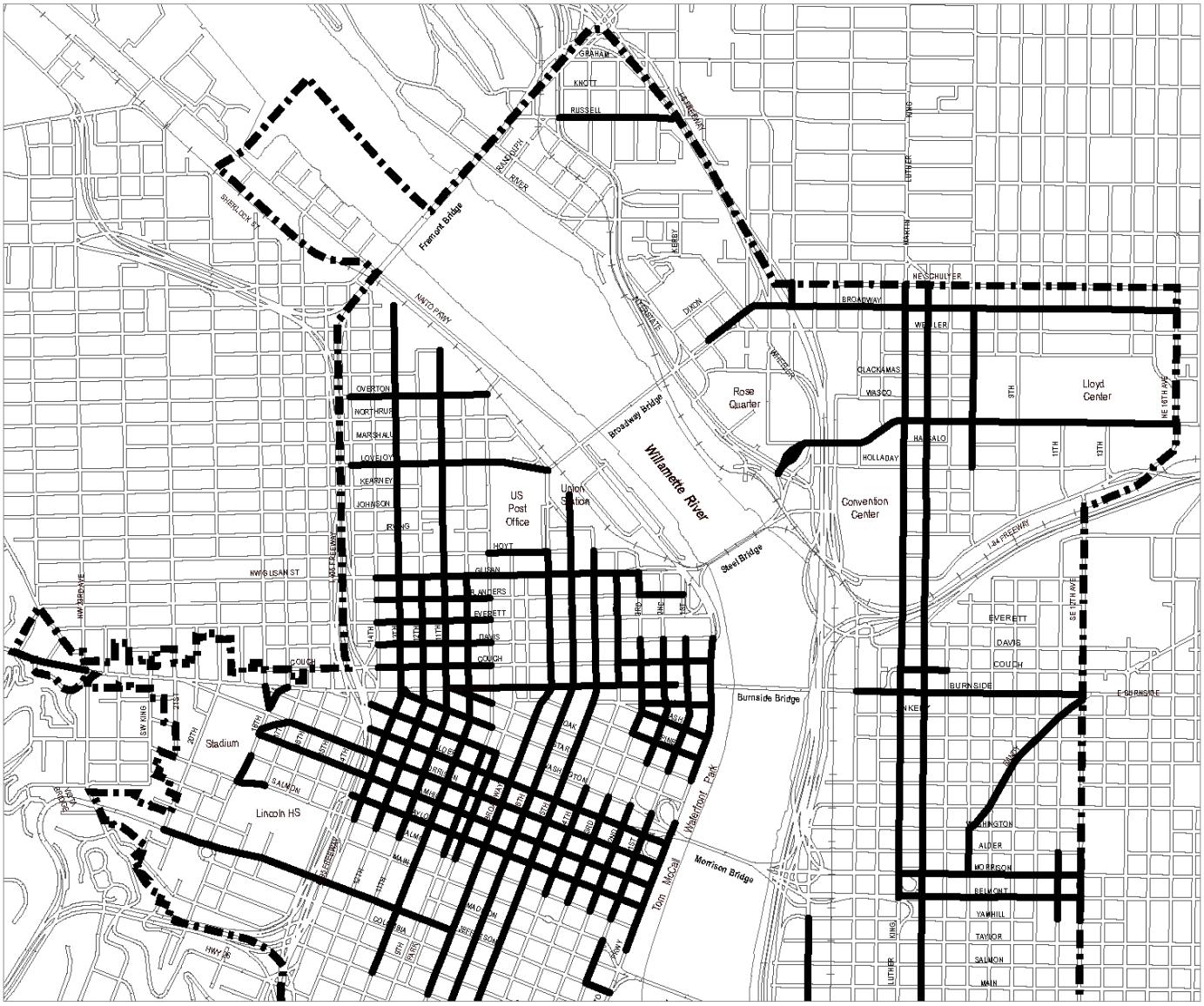
Bureau of Planning and Sustainability
Portland, Oregon

Ground Floor Active Use Areas

Map 510-9

Map 1 of 2

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Required ground floor active uses
- Proposed right-of-way
- Proposed accessway

NORTH

0 1,400 2,800

Scale in Feet

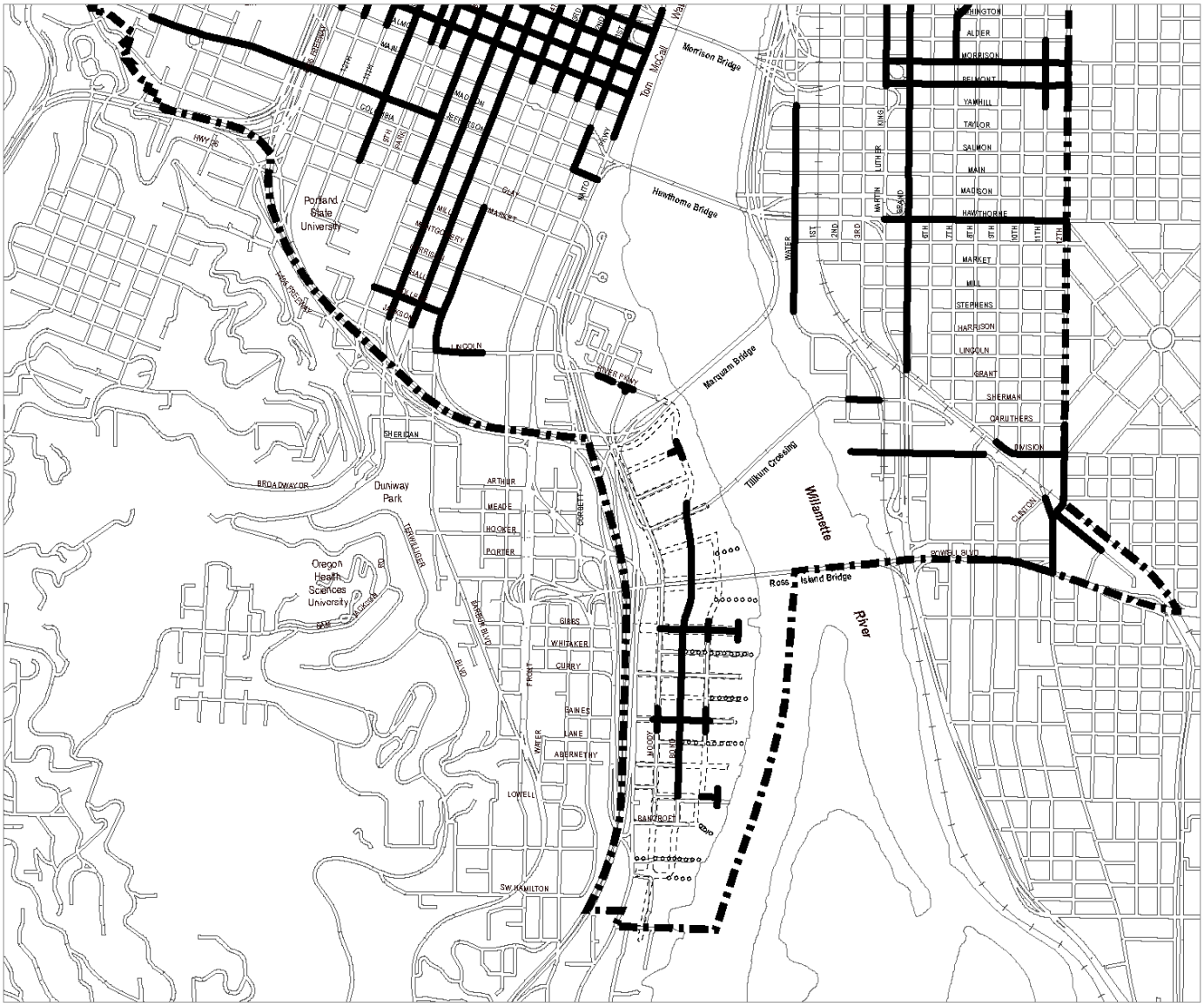
Bureau of Planning and Sustainability
Portland, Oregon

Ground Floor Active Use Areas

Map 510-9

Map 2 of 2

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Required ground floor active uses
- Proposed right-of-way
- Proposed accessway

NORTH

0 1,400 2,800

Scale in Feet

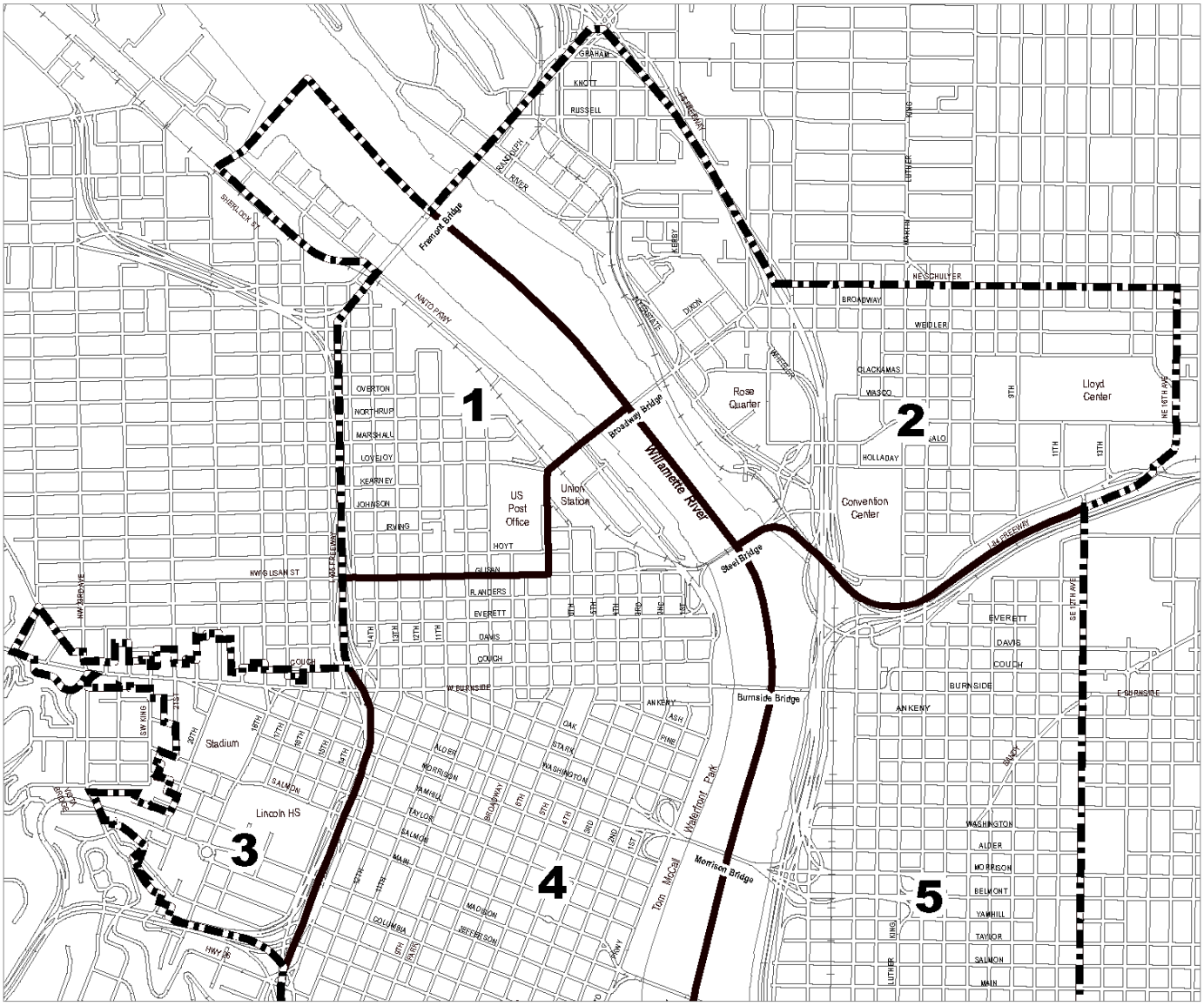
Bureau of Planning and Sustainability
Portland, Oregon

Parking Sectors

Map 510-10

Map 1 of 2

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Sector boundary
- Proposed right-of-way
- Proposed accessway

NORTH

0 1,400 2,800

Scale in Feet

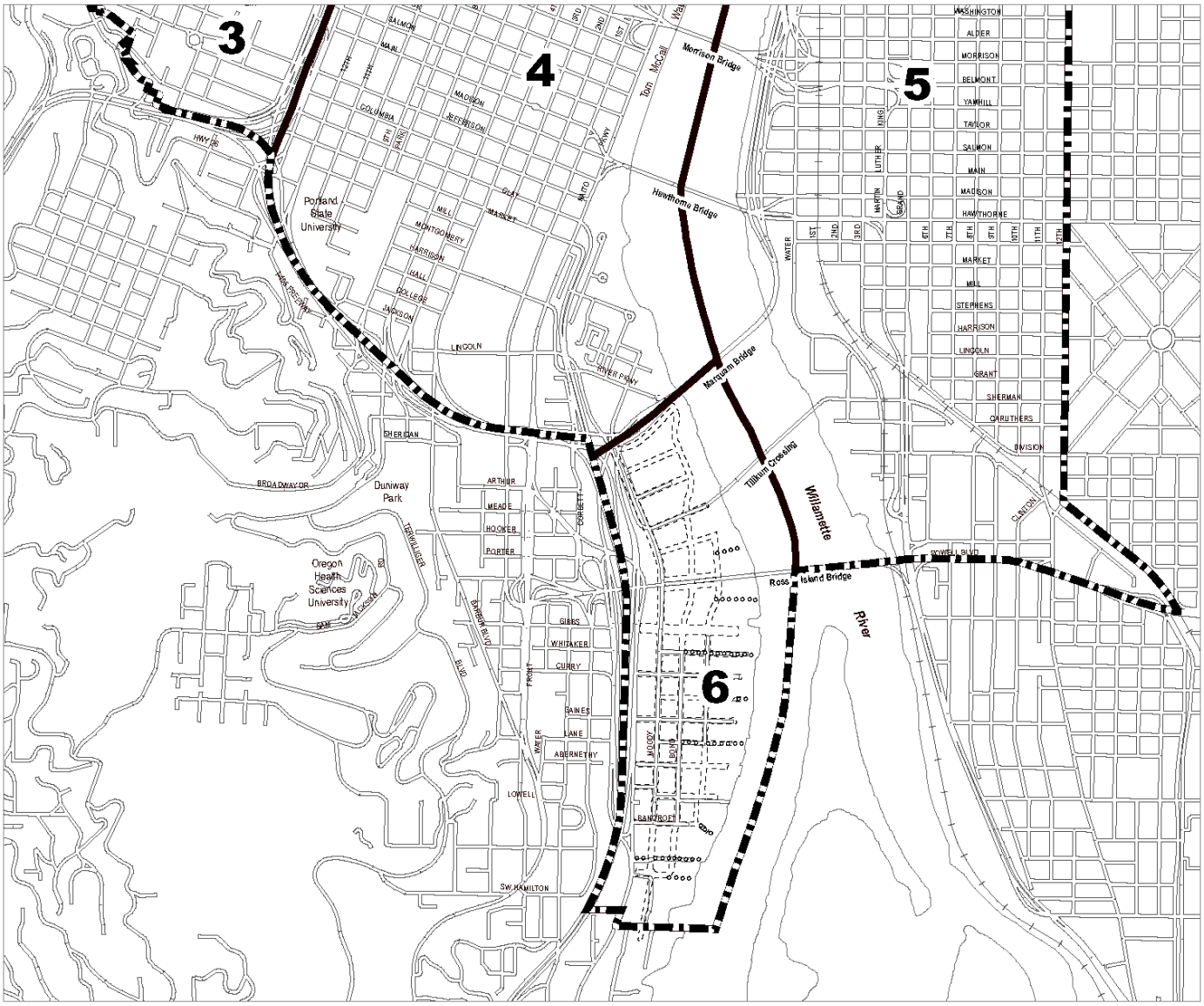
Bureau of Planning and Sustainability
Portland, Oregon

Parking Sectors

Map 510-10

Map 2 of 2

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Sector boundary
- Proposed right-of-way
- Proposed accessway

NORTH

0 1,400 2,800

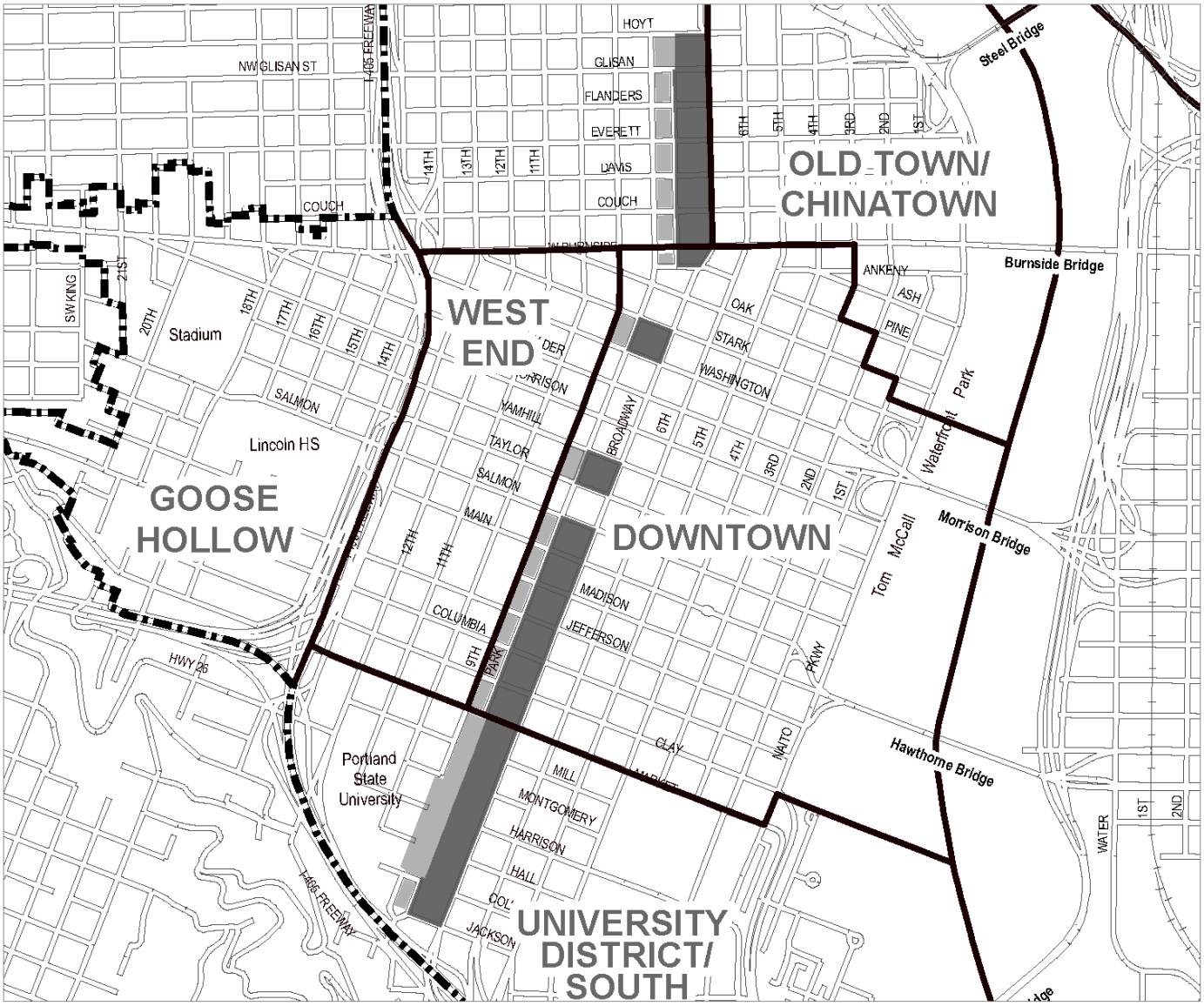
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Required Shadow Study Areas

Map 510-11

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Subdistrict boundary
- Area where shadow study required
- Open Space
- Proposed right-of-way
- Proposed accessway

NORTH

0 900 1,800

Scale in Feet

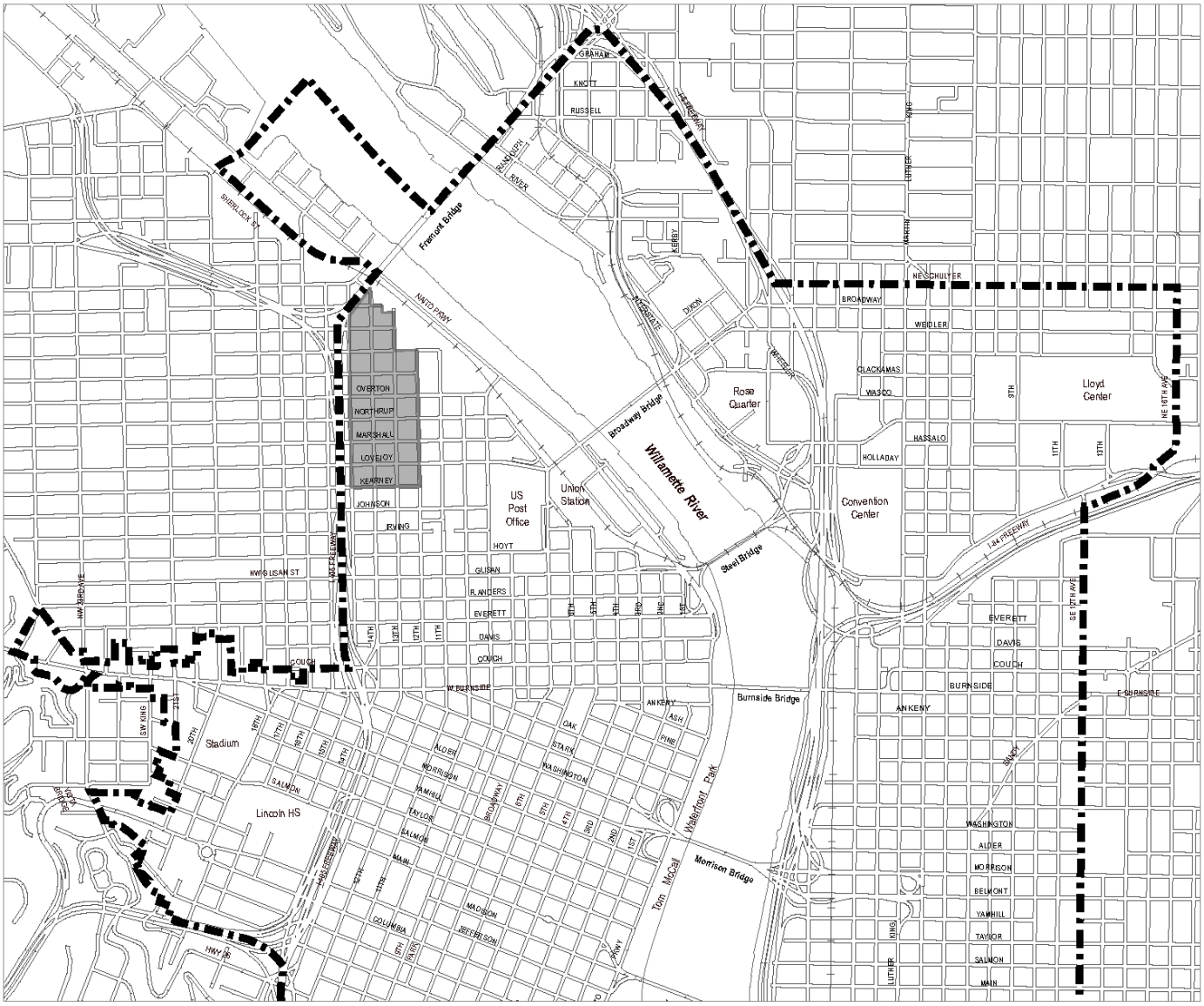
Bureau of Planning and Sustainability
Portland, Oregon

Retail Sales and Services Limited

Map 510-12

Map 1 of 2

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Areas where size of retail sales and service uses is limited
- Proposed right-of-way
- Proposed accessway

NORTH

0 1,400 2,800

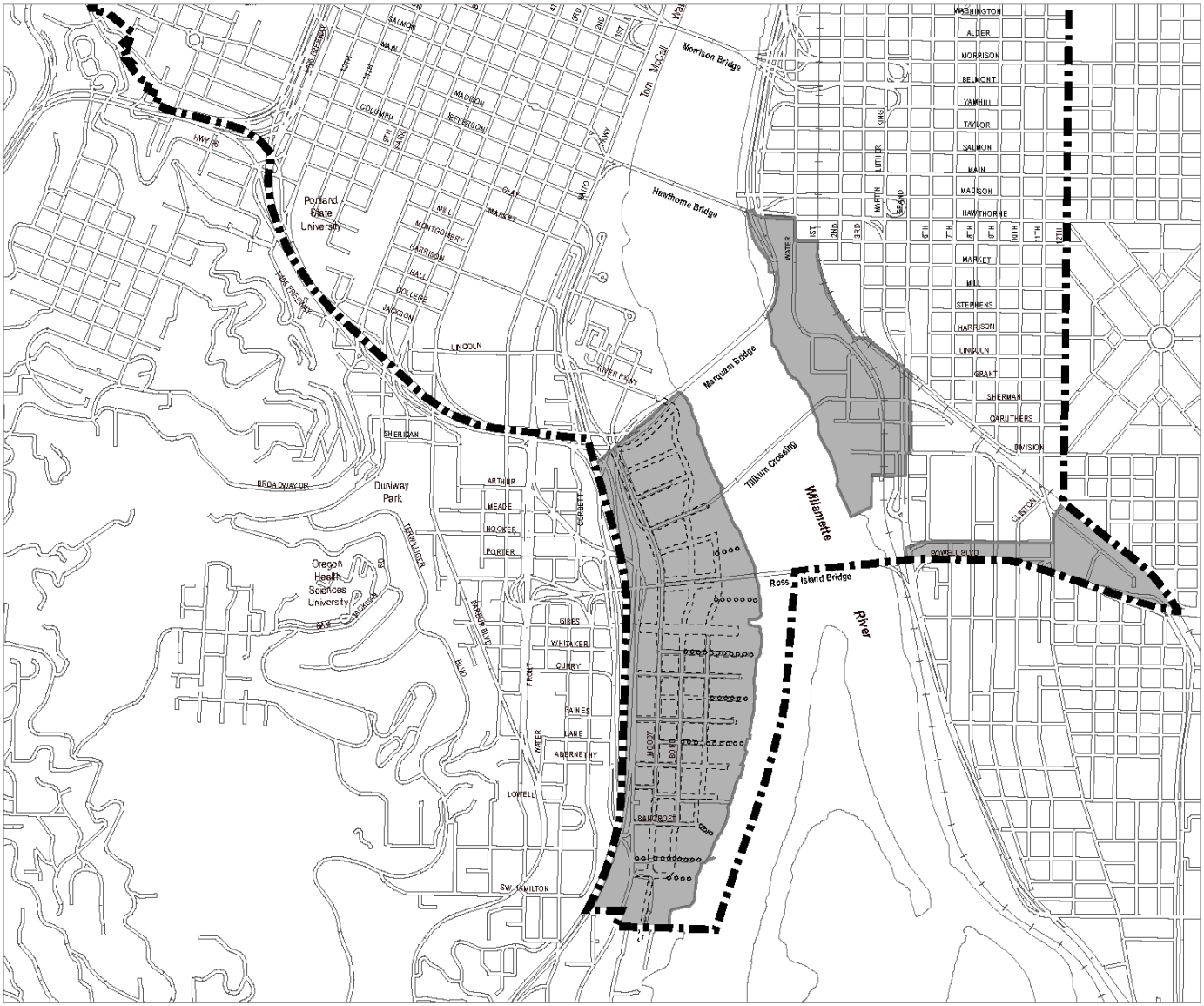
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Retail Sales and Services Limited

Map 510-12

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Areas where size of retail sales and service uses is limited
- Proposed right-of-way
- Proposed accessway

NORTH

0 1,400 2,800

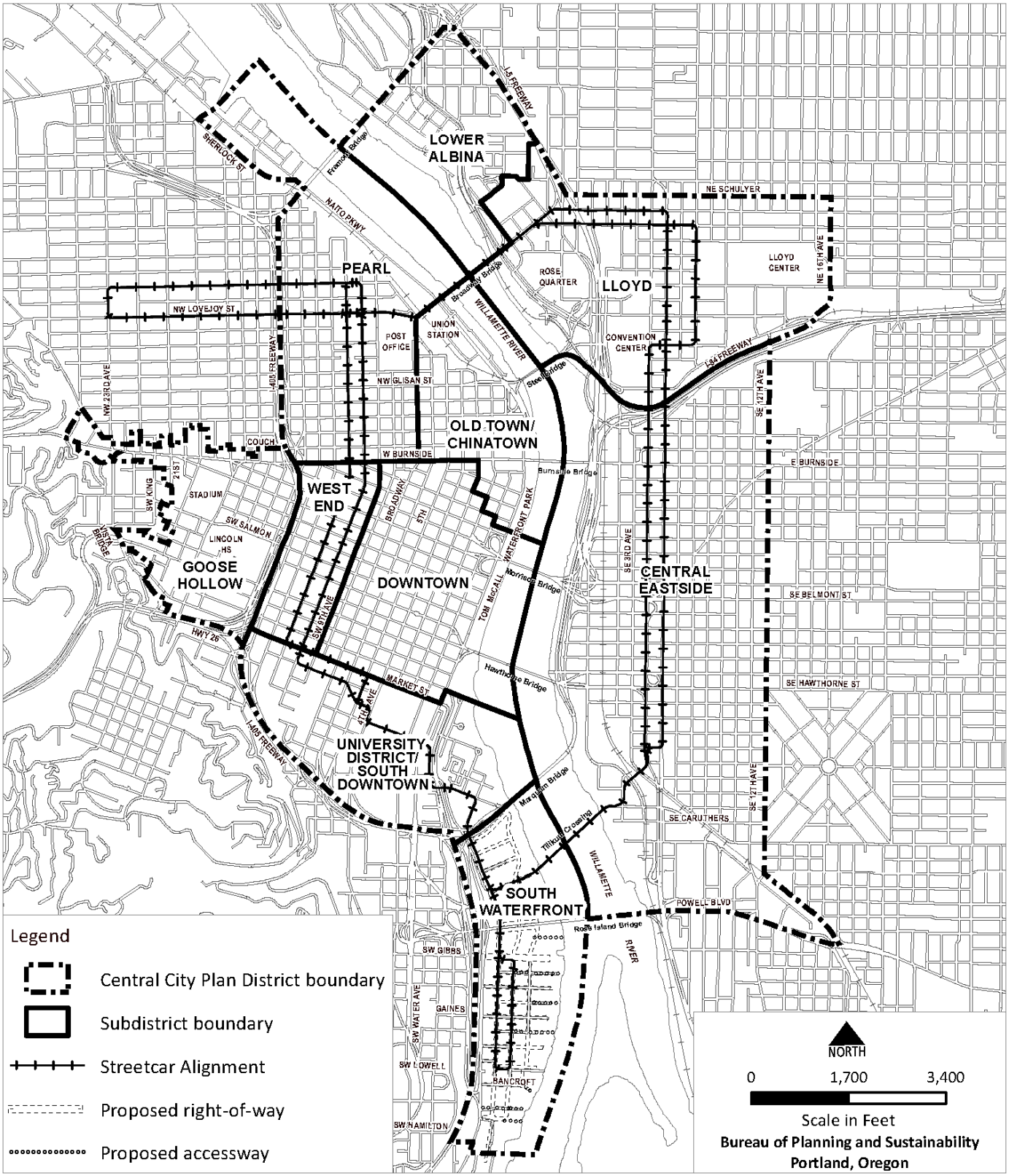
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Streetcar Alignment

Map 510-13

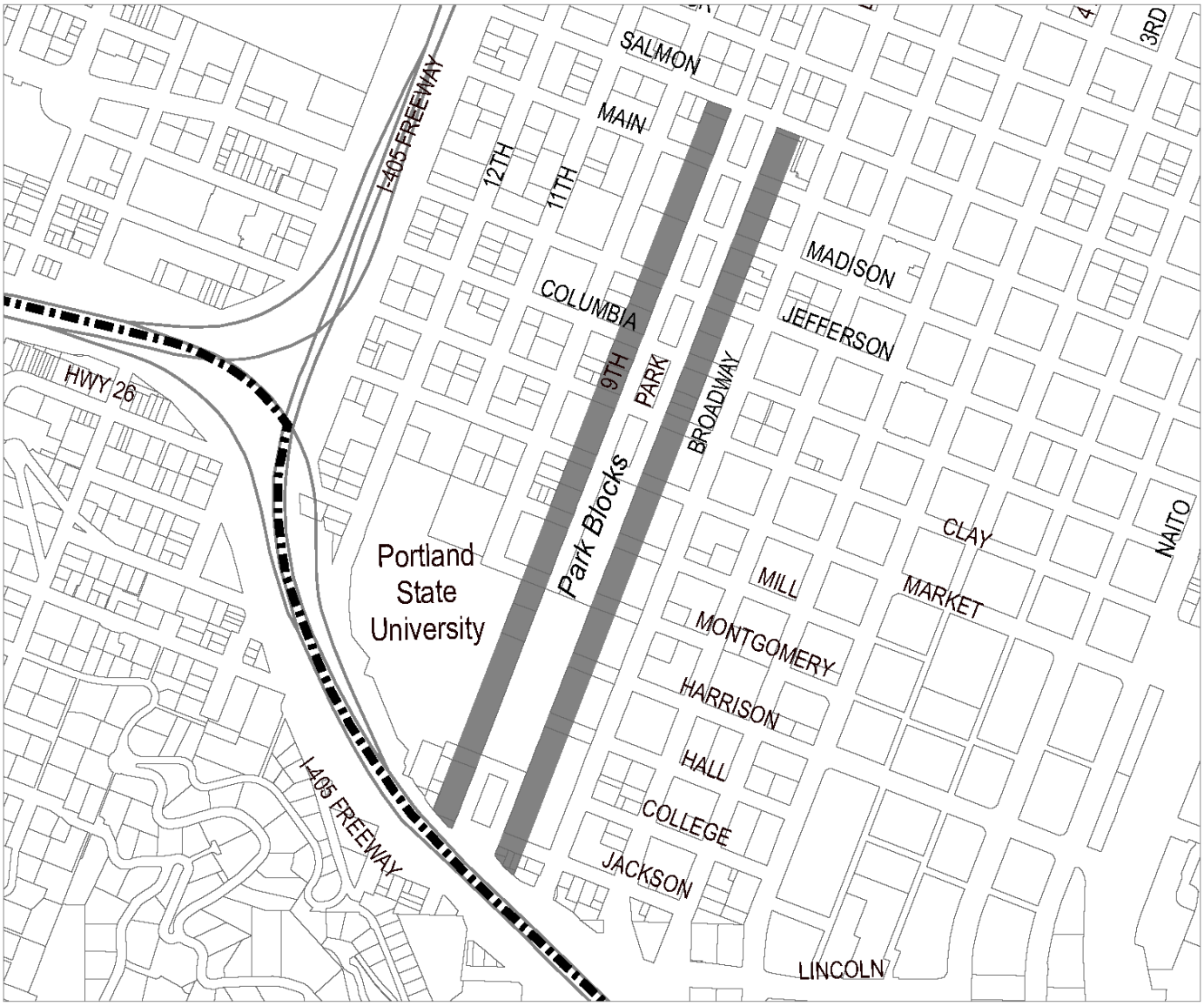
Map Revised August 10, 2020



South Park Blocks Frontages

Map 510-14

Map Revised August 10, 2020



Legend

Central City Plan District Boundary

Park block frontage

NORTH

0 500 1,000

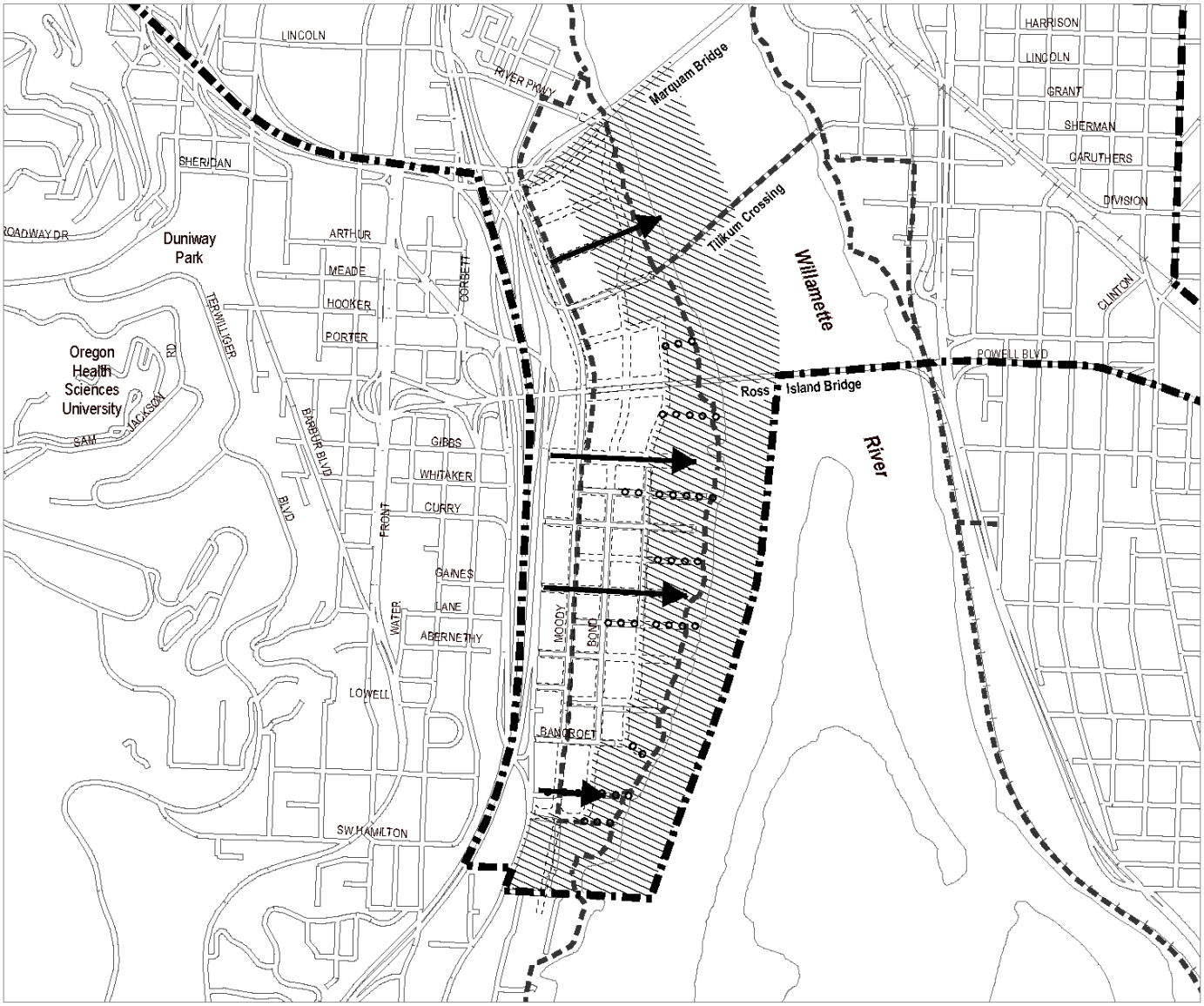
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

South Waterfront Greenway Public Access

Map 510-15

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Special building height corridor
- Major Public Trail
- "g" River General overlay
- Proposed right-of-way
- Proposed accessway

NORTH

0 900 1,800

Scale in Feet

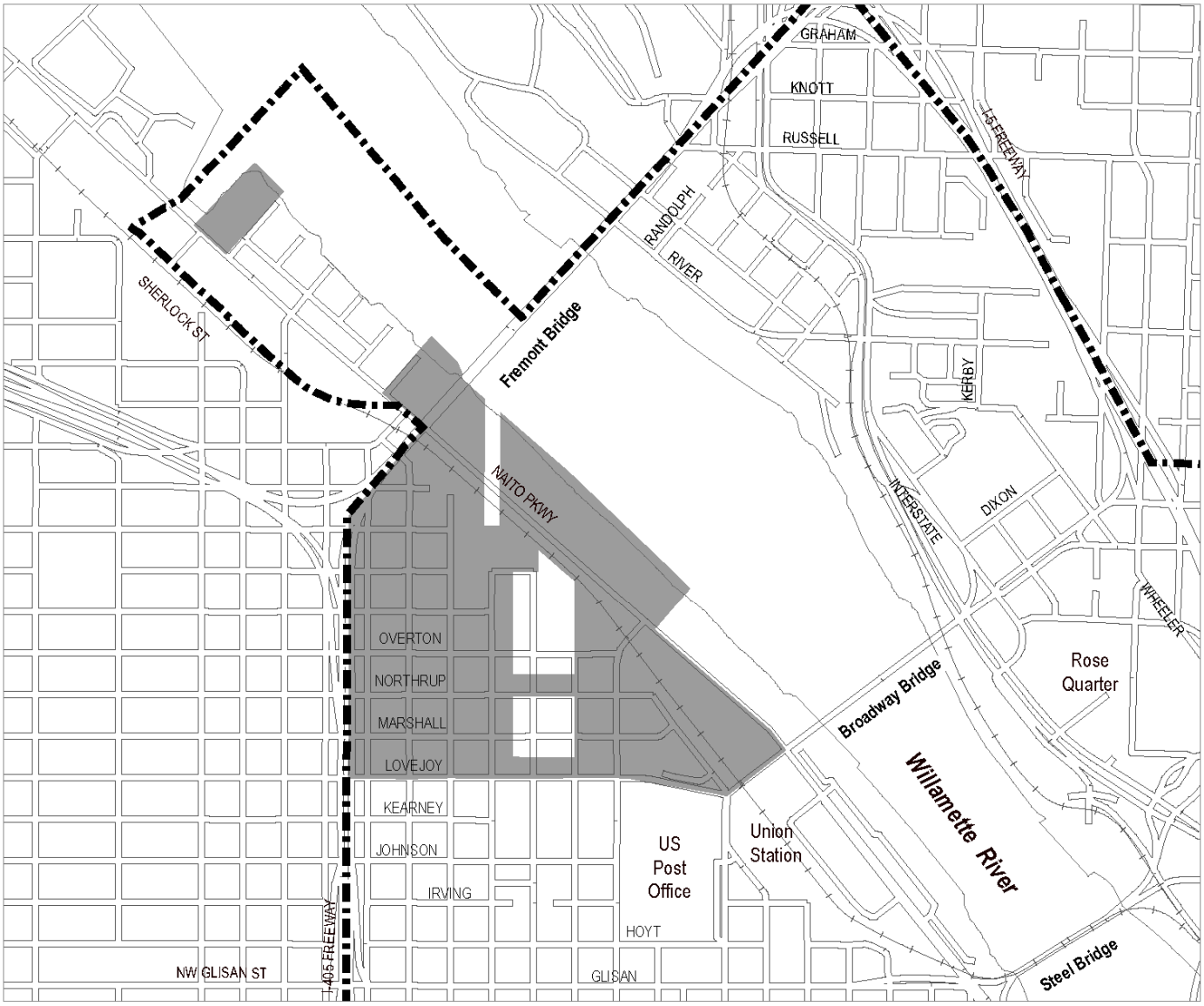
Bureau of Planning and Sustainability
Portland, Oregon

North Pearl
Height Opportunity Area

Map 510-16

Map 1 of 3

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Area eligible for additonal height
- Proposed right-of-way
- Proposed accessway

NORTH

0 700 1,400

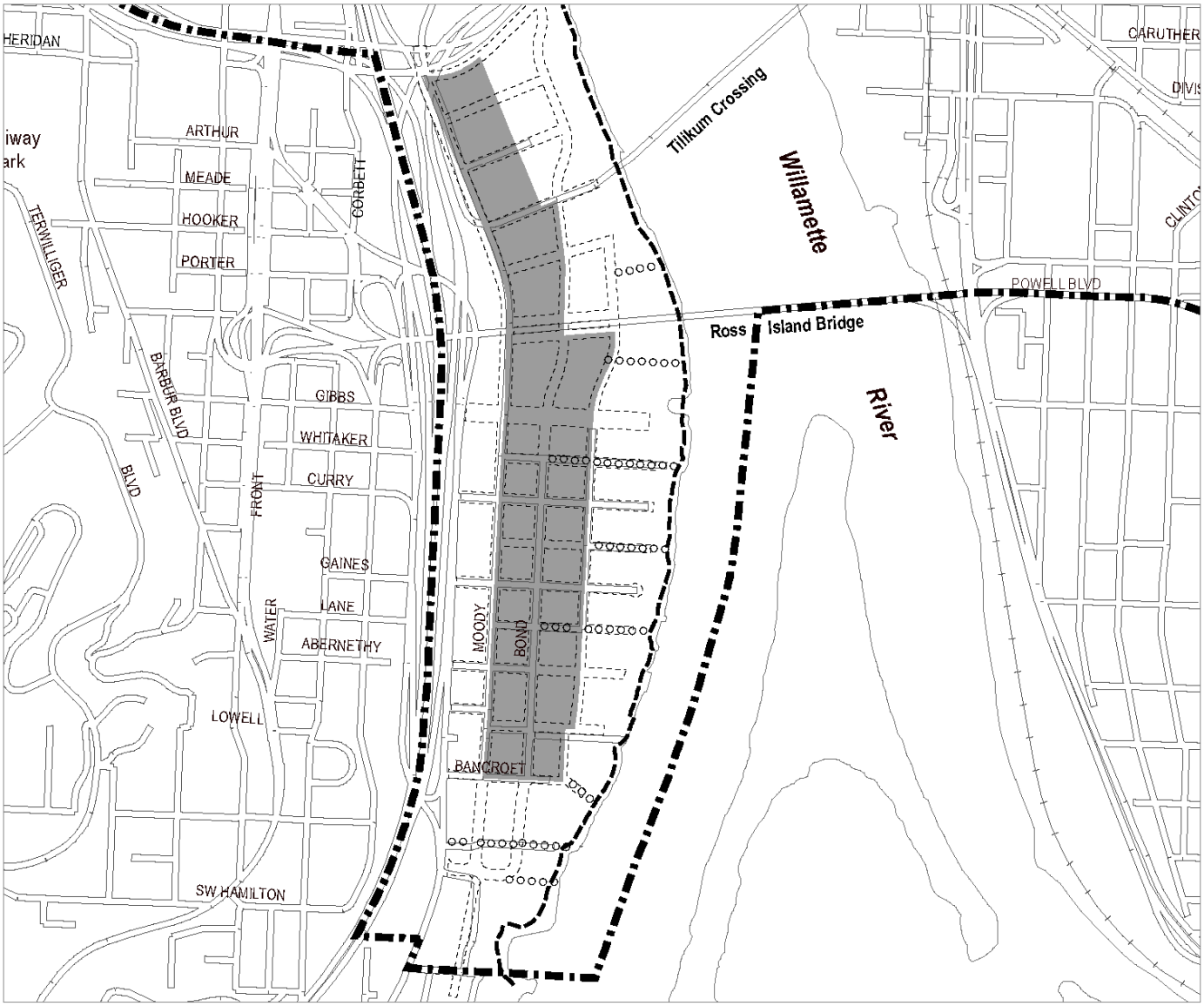
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

South Waterfront Height Opportunity Area

Map 510-16

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Area eligible for additonal height
- Height reference line
- Proposed right-of-way
- Proposed accessway

NORTH

0 700 1,400

Scale in Feet

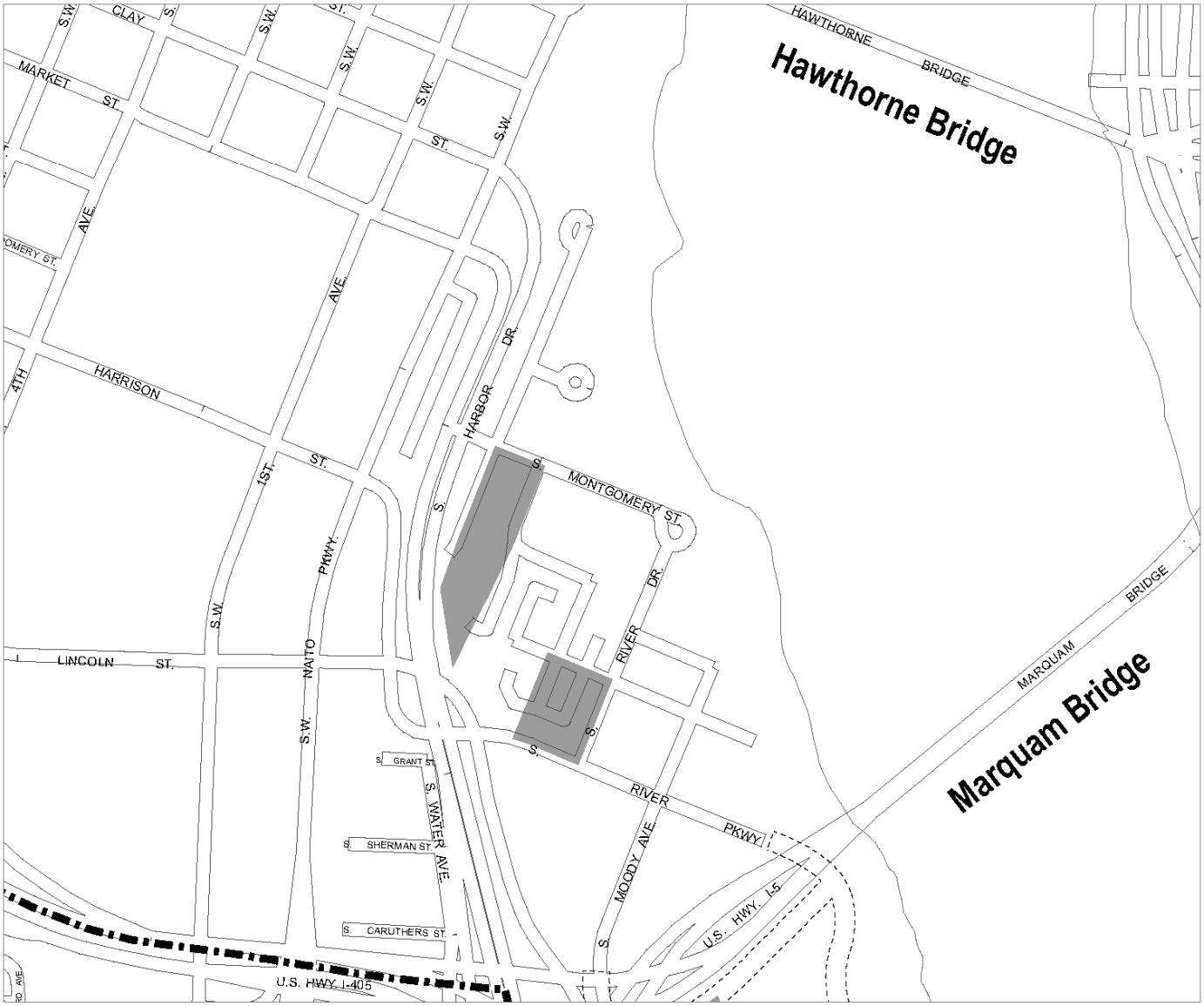
Bureau of Planning and Sustainability
Portland, Oregon

RiverPlace
Height Opportunity Area

Map 510-16

Map 3 of 3

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Area eligible for additonal height
- Proposed right-of-way
- Proposed accessway

NORTH

0 400 800

Scale in Feet

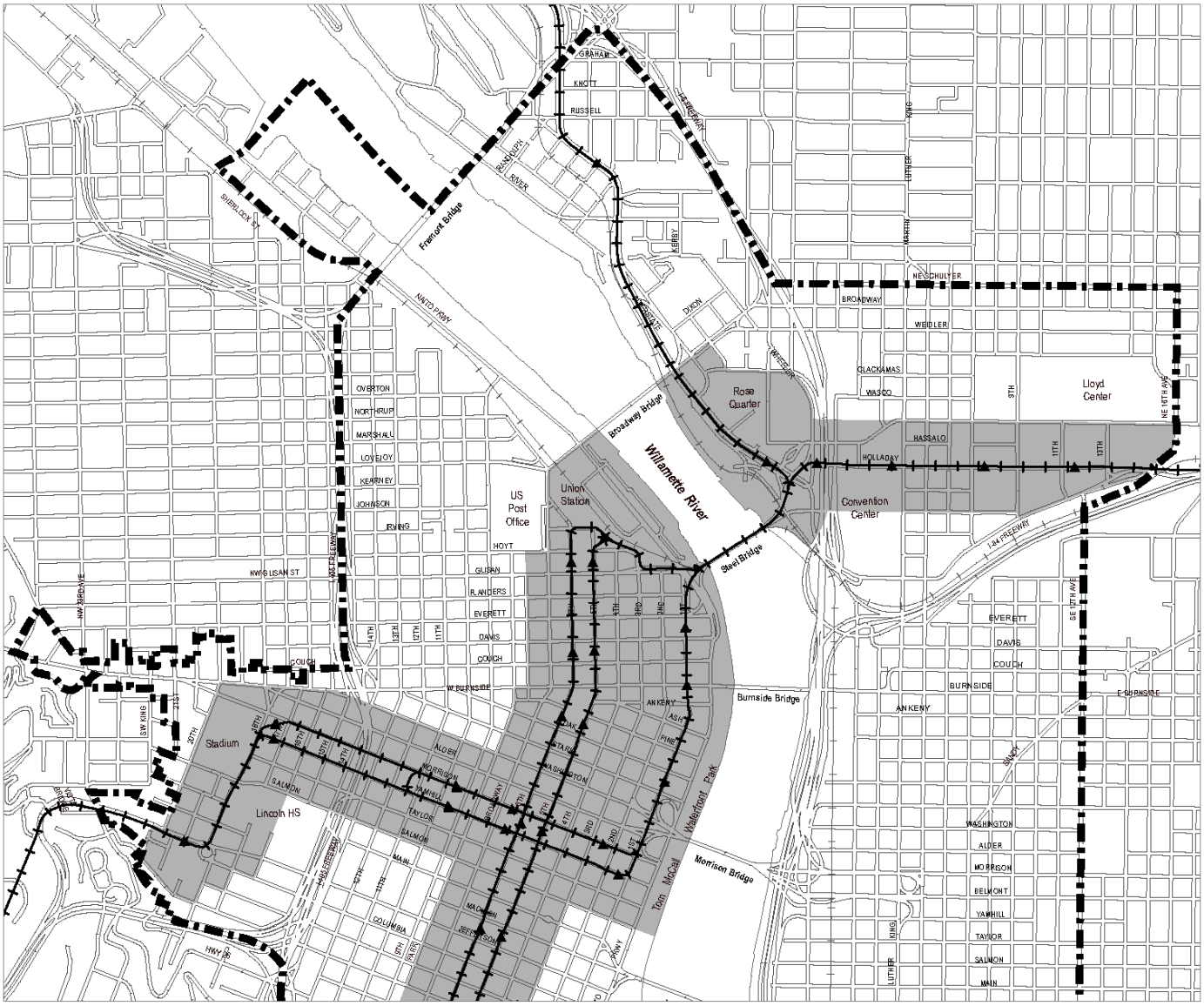
Bureau of Planning and Sustainability
Portland, Oregon

Area Where Vehicle Repair and Vehicle Sales and Leasing Uses are Restricted

Map 510-17

Map 1 of 2

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Area where restrictions apply
- MAX Light Rail line and stops
- Proposed right-of-way
- Proposed accessways

NORTH

0 1,400 2,800

Scale in Feet

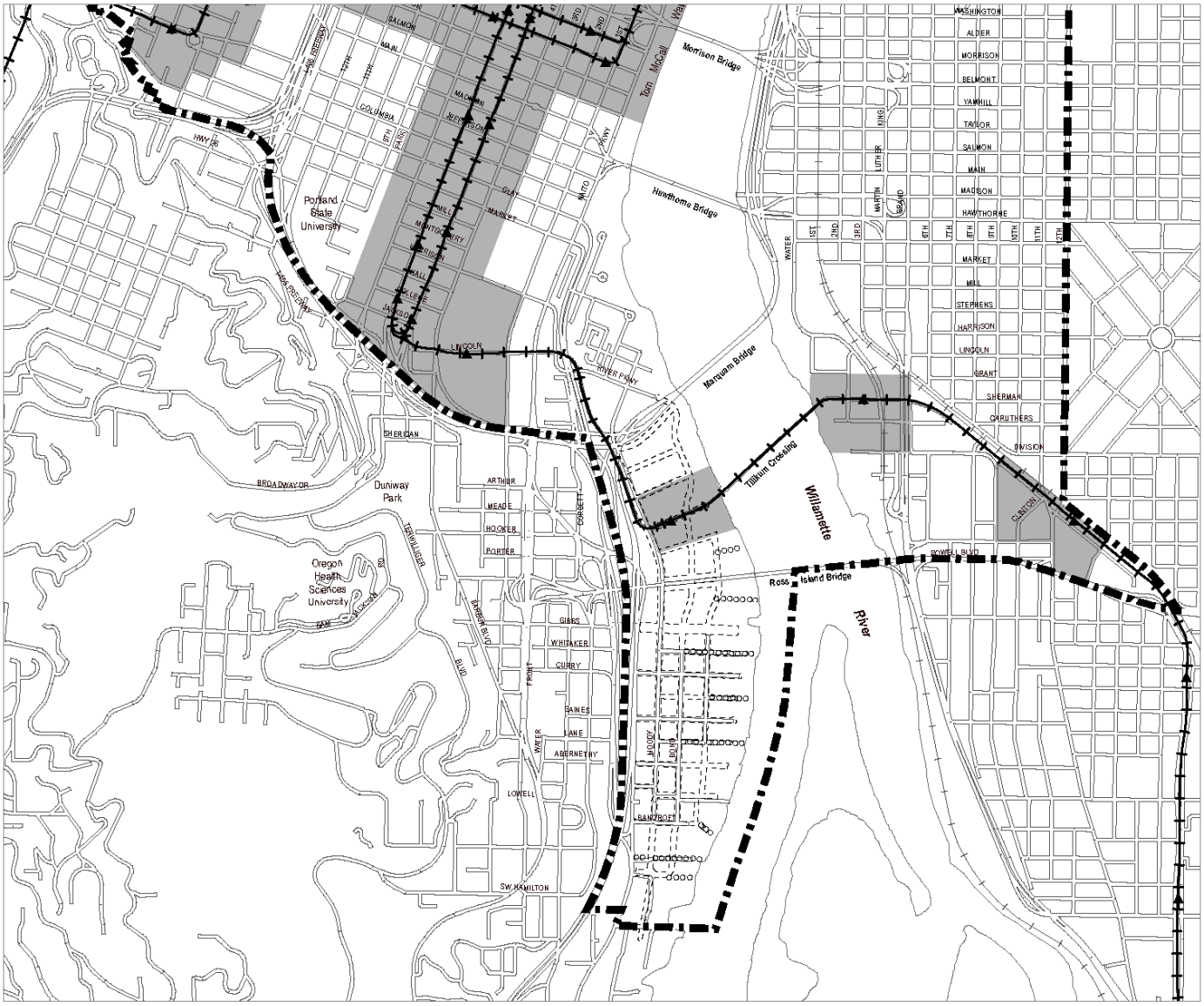
Bureau of Planning and Sustainability
Portland, Oregon

Area Where Vehicle Repair and Vehicle Sales and Leasing Uses are Restricted

Map 510-17

Map 2 of 2

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Area where restrictions apply
- MAX Light Rail line and stops
- Proposed right-of-way
- Proposed accessways

NORTH

0 1,400 2,800

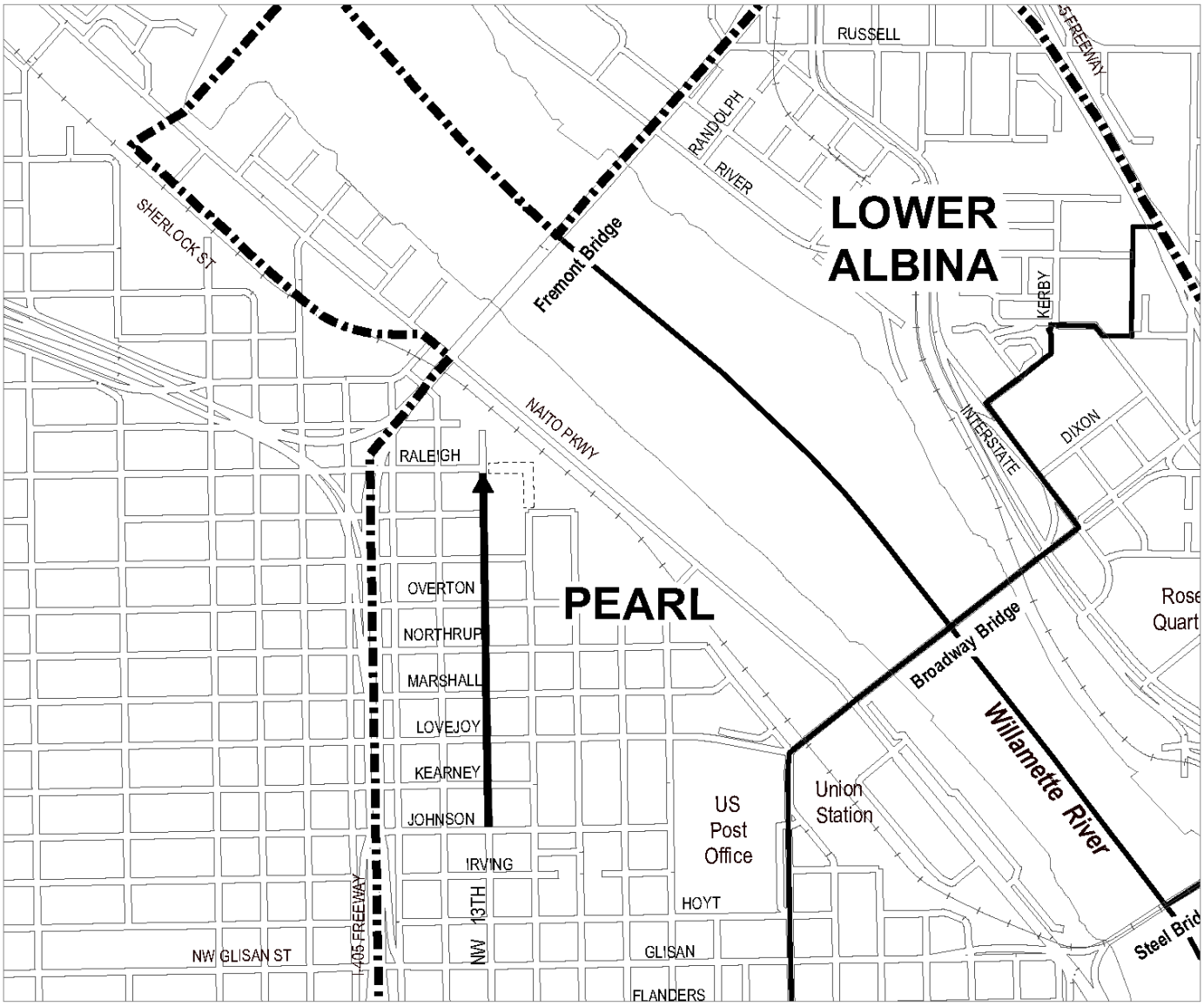
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Pearl District
Special Building Height Corridor

Map 510-18

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Subdistrict Boundary
- Special building height corridor
- Proposed right-of-way
- Proposed accessway

NORTH

0 700 1,400

Scale in Feet

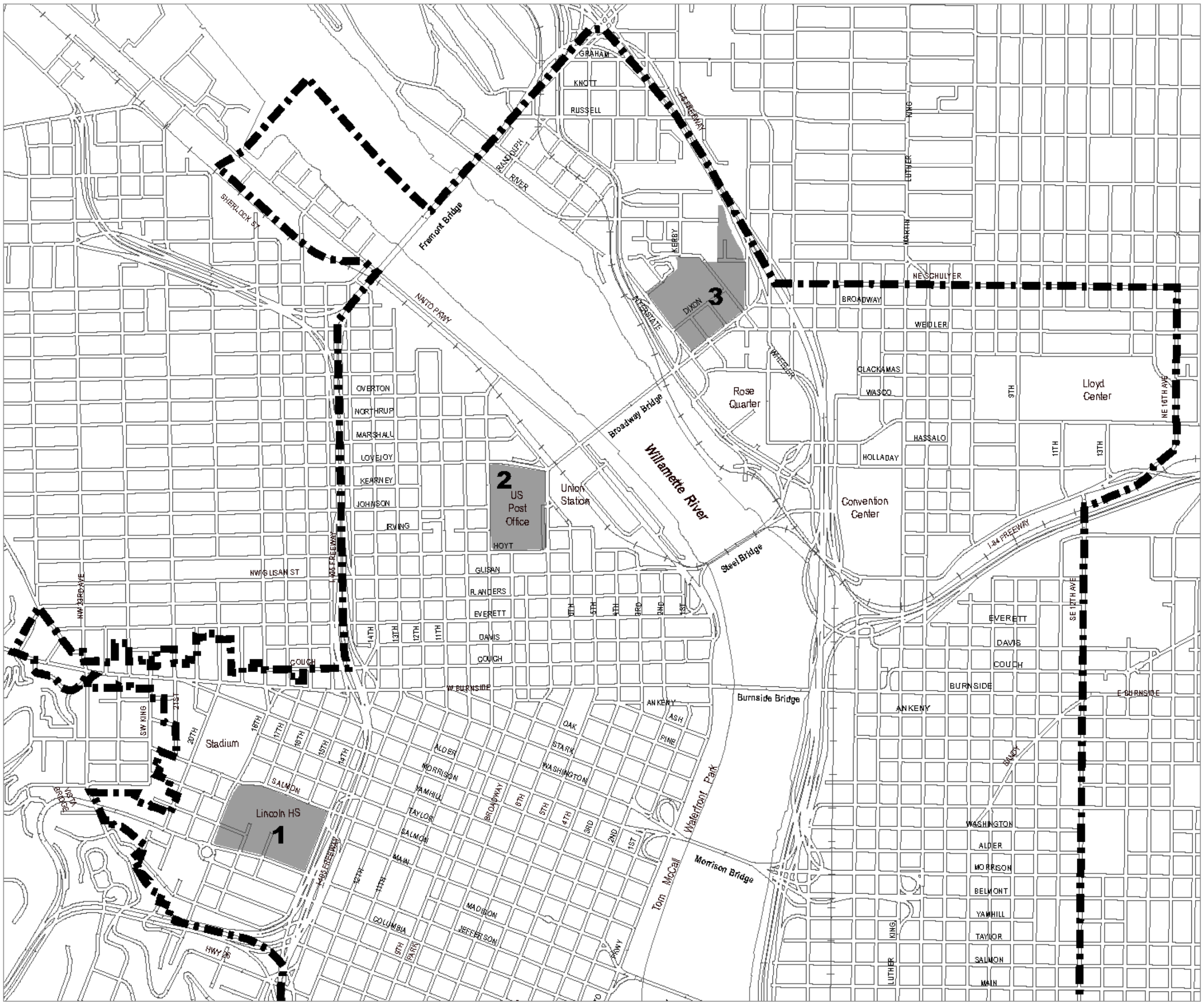
Bureau of Planning and Sustainability
Portland, Oregon

Required Central City Master Plan Areas

Map 510-19

Map 1 of 2

Map Revised August 10, 2020



Legend

Central City Plan District boundary

Required Central City Master Plan areas

Proposed right-of-way

Proposed accessway

NORTH

0 1,400 2,800

Scale in Feet

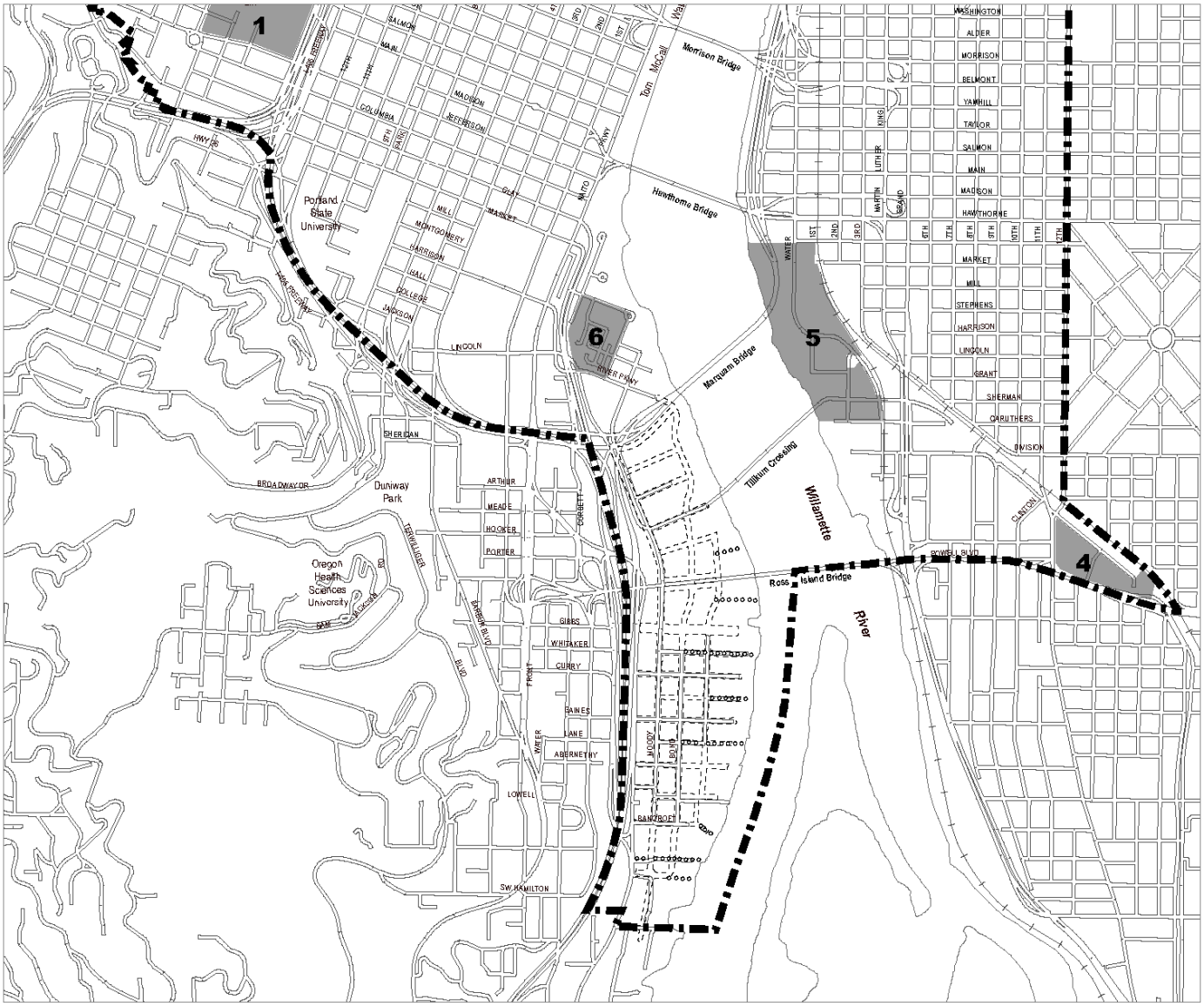
Bureau of Planning and Sustainability
Portland, Oregon

Required Central City Master Plan Areas

Map 510-19

Map 2 of 2

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- # Required Central City Master Plan areas
- Proposed right-of-way
- Proposed accessway

NORTH

0 1,400 2,800

Scale in Feet

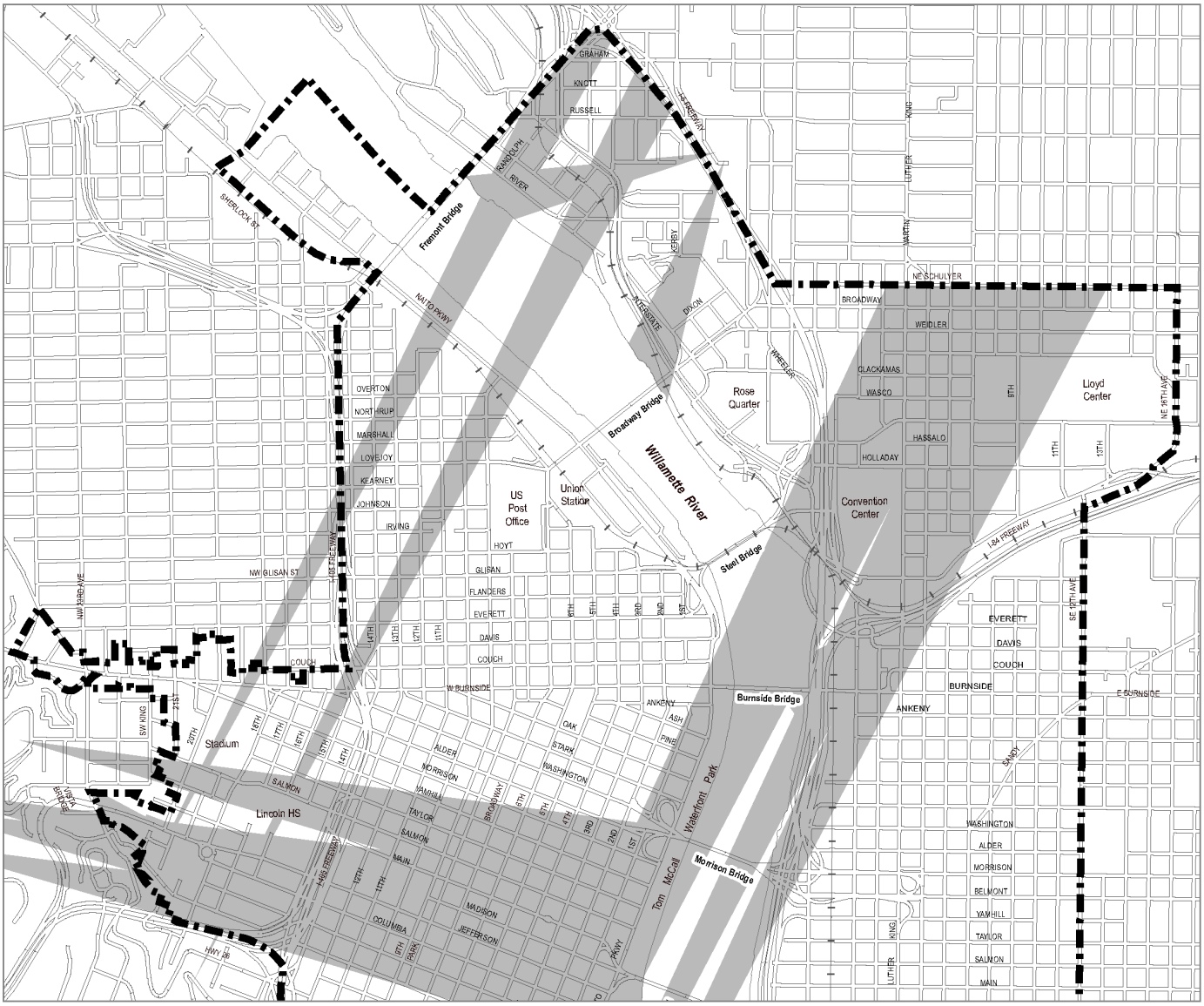
Bureau of Planning and Sustainability
Portland, Oregon

View Corridor Areas

Map 510-20

Map 1 of 2

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Areas within Scenic View Corridors
- Proposed right-of-way
- Proposed accessway

NORTH

0 1,400 2,800

Scale in Feet

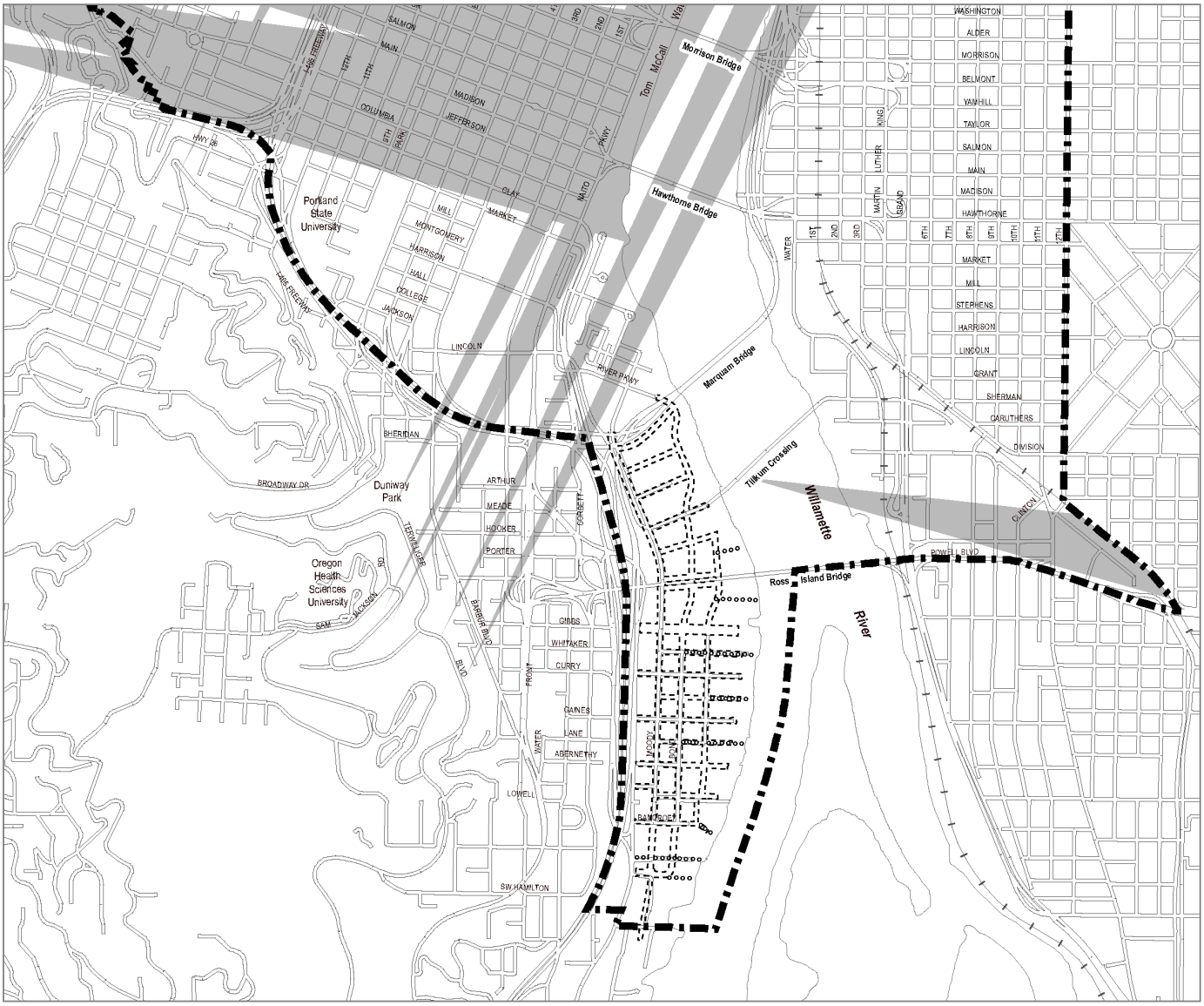
Bureau of Planning and Sustainability
Portland, Oregon

View Corridor Areas

Map 510-20

Map 2 of 2

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Areas within Scenic View Corridors
- Proposed right-of-way
- Proposed accessway

NORTH

0 1,400 2,800

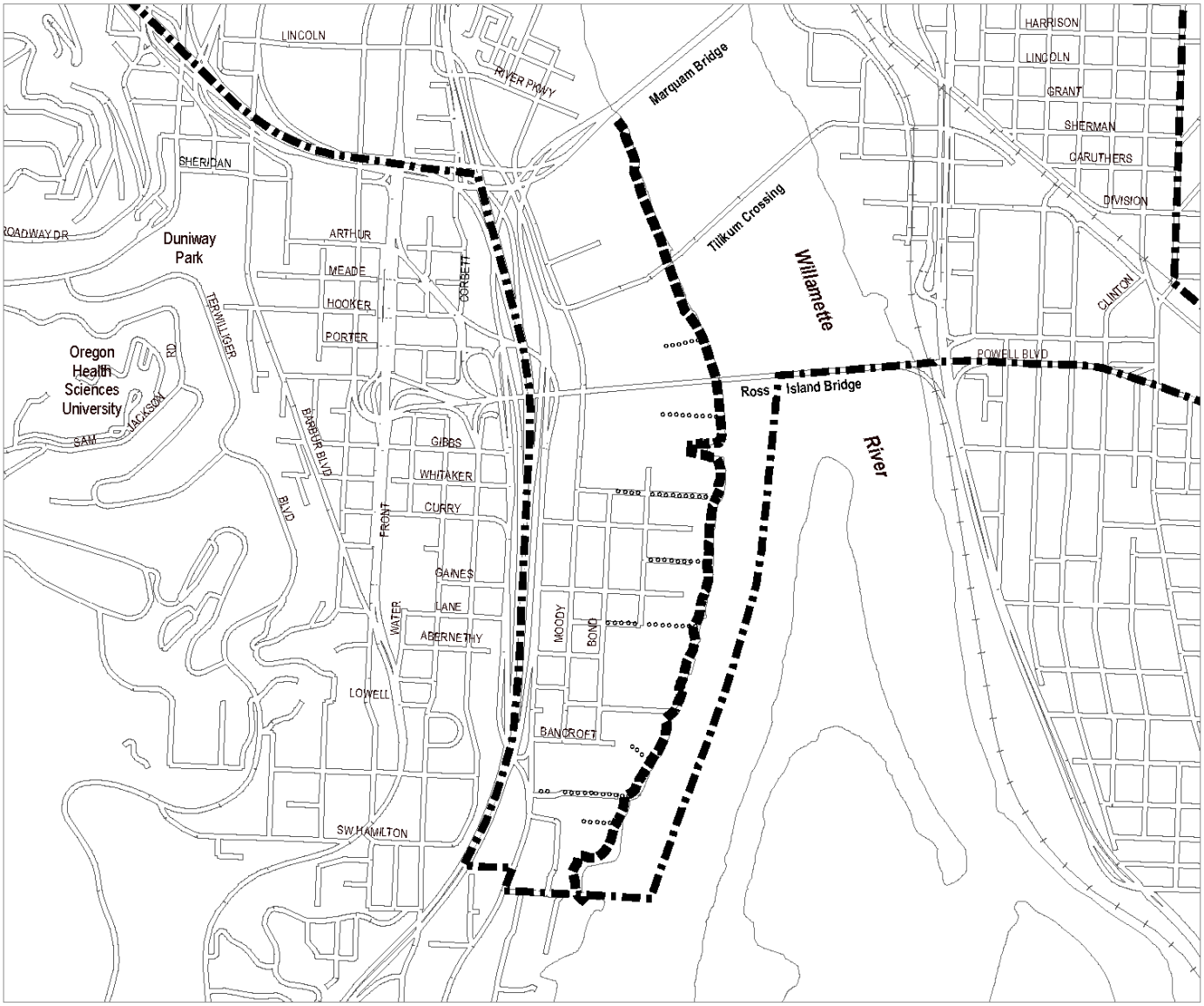
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

South Waterfront
2002 Top of Bank Line

Map 510-21

Map Revised August 10, 2020



Legend

Central City Plan District boundary

2002 Top of Bank line
Note: See map in Development Services Center for more detail

Proposed right-of-way

Proposed accessway

NORTH

0 900 1,800

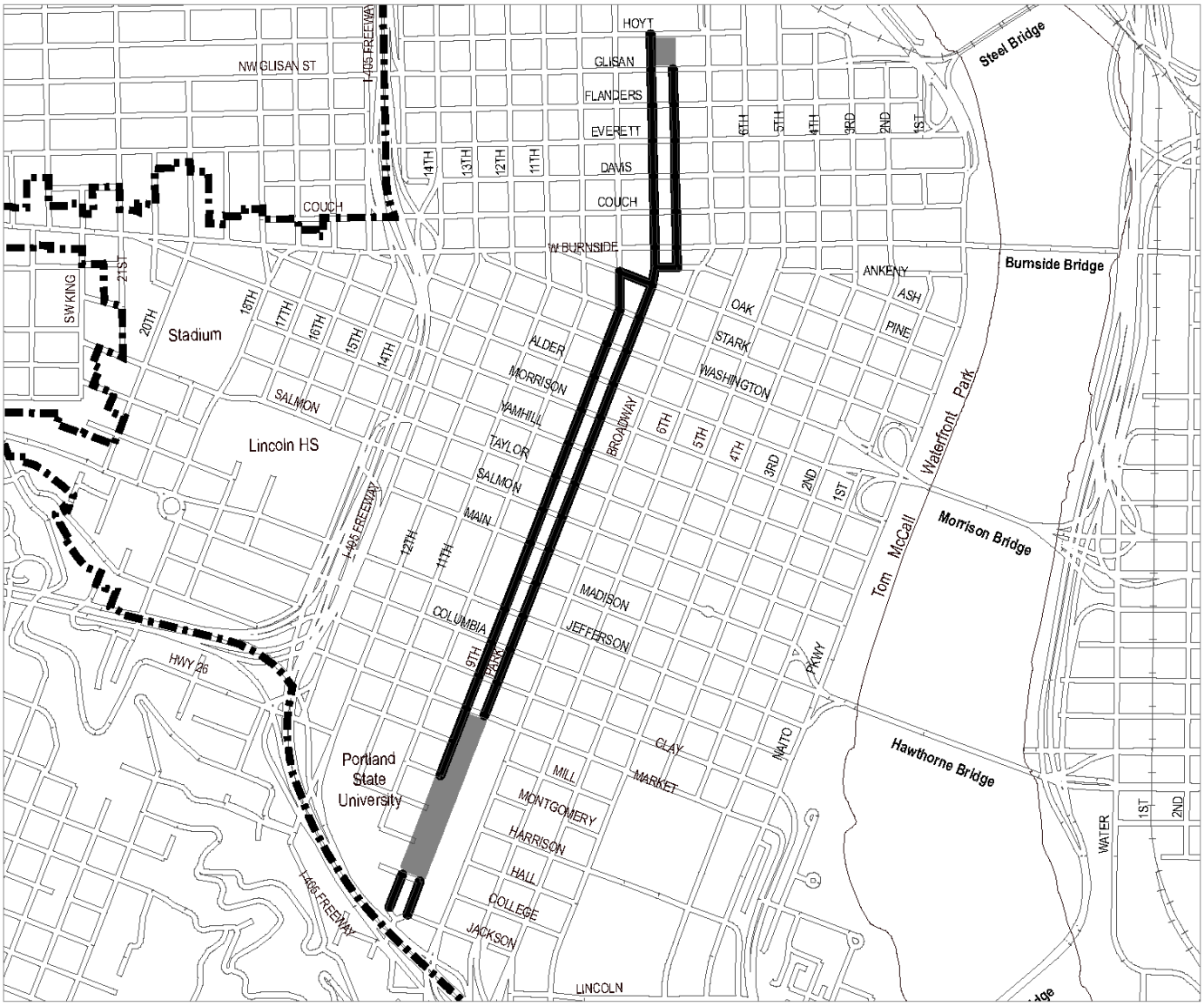
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Park Blocks
Required Building Lines

Map 510-22

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Street frontage required building line
- Open area frontage required building line
- Proposed right-of-way
- Proposed accessway

NORTH

0 900 1,800

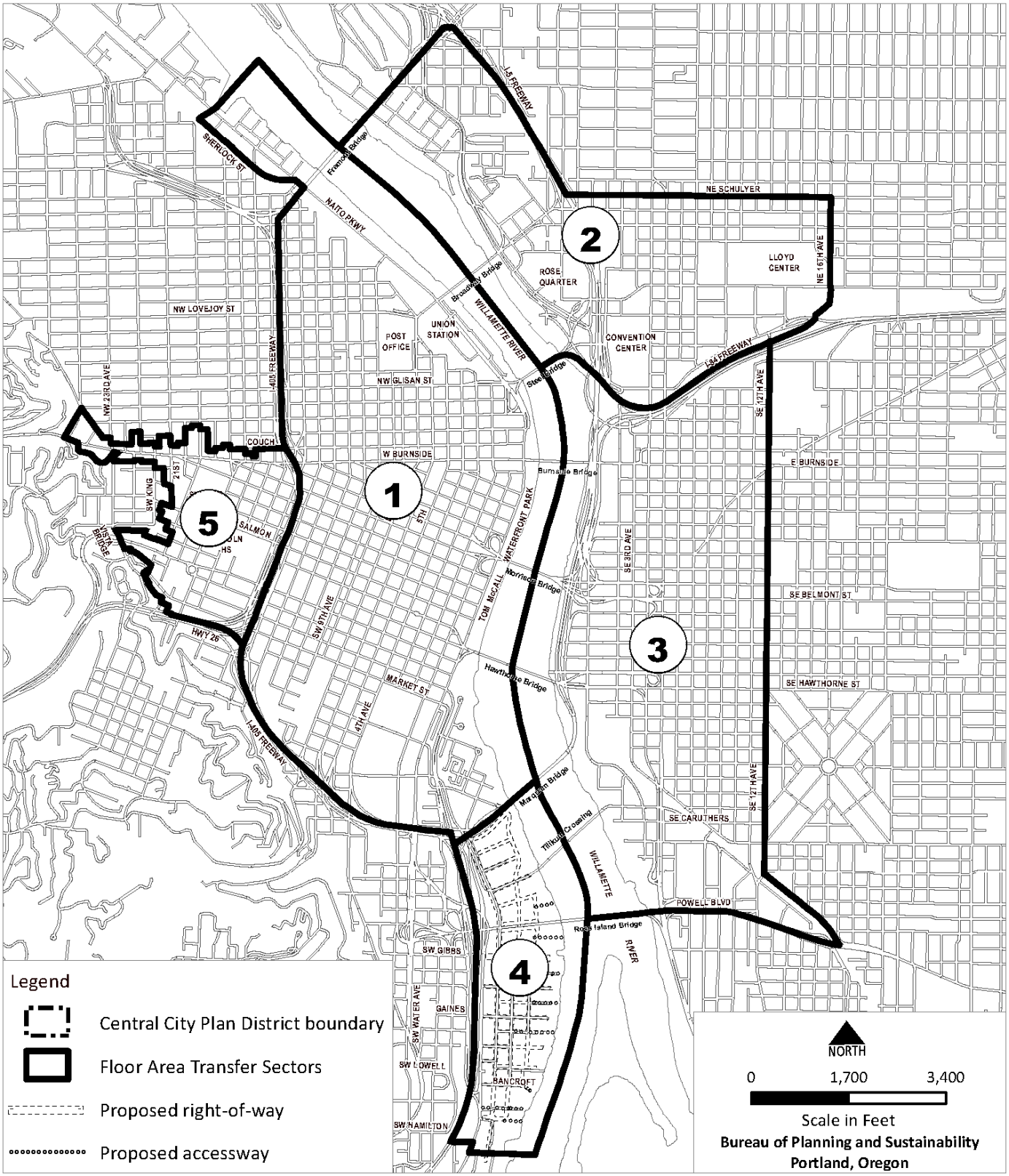
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Floor Area Transfer Sectors

Map 510-23

Map Revised August 10, 2020



33.515 Columbia South Shore Plan District

515

Sections:

General
- 33.515.010 Purpose
- 33.515.020 Where the Regulations Apply
- 33.515.025 Relationship Among Subdistrict Regulations

Use Regulations
- 33.515.110 Uses in the Industrial Business Opportunity Subdistrict
- 33.515.120 Commercial Uses
- 33.515.130 Additional Conditional Uses

Development Standards
- 33.515.200 Streetscape Standards
- 33.515.205 Airport Way Streetscape
- 33.515.210 Airport Way Landscaping
- 33.515.215 Marine Drive Streetscape
- 33.515.225 Transfer of Floor Area
- 33.515.230 View Corridors
- 33.515.235 Rooftops
- 33.515.240 Exterior Display
- 33.515.245 Signs
- 33.515.255 Sumps, Septic Tanks, and On-Site Disposal Systems
- 33.515.257 Pedestrian Standards
- 33.515.260 Public Recreational Trails
- 33.515.262 Archaeological Resource Protection

Environmental Zones
- 33.515.265 Purpose
- 33.515.268 Where These Regulations Apply
- 33.515.270 Overlay Zones
- 33.515.272 Items Subject to These Regulations
- 33.515.274 Items Exempt From These Regulations
- 33.515.276 Use Regulations
- 33.515.278 Development Standards
- 33.515.280 Columbia South Shore Environmental Review

Map 515-1 Columbia South Shore Plan District and Subdistricts

Map 515-2 Columbia South Shore Streetscape Standards

Map 515-3 Maximum Building Heights

Map 515-4 Columbia South Shore Slough Trail

Map 515-5 Environmental Transition Areas

Map 515-6 Areas of Archaeological Interest in Columbia South Shore

Map 515-7 Areas Where Confirmation Testing is Required

General

33.515.010 Purpose

The Columbia South Shore plan district regulations encourage the development of the Columbia South Shore as an industrial employment center that is intended to attract a diversity of employment opportunities. The plan district regulations also protect significant environmental and scenic resources and maintain the capacity of the area infrastructure to accommodate future development. Special street setbacks and landscaping standards enhance and strengthen the image of the plan district, and create a more formal landscape design and provide continuity along Airport Way. Development standards for the southern portion of the district (Southern Industrial subdistrict) reflect the City's standards for general industrial areas.

Special development standards for the frontages along Airport Way and Marine Drive are intended to:

- Enhance the street image of the plan district through continuity in street frontage landscaping along Airport Way;
- Soften the visual impact of buildings, semi-trucks and trailers, and outdoor storage along Airport Way and Marine Drive; and
- Encourage non-auto-oriented travel to, from, and within the district.

33.515.020 Where the Regulations Apply

The regulations of this chapter apply to the Columbia South Shore plan district. The boundaries of the plan district, including all subdistricts, are shown on Map 515-1 at the end of this chapter, and on the Official Zoning Maps. The areas affected by Columbia South Shore Streetscape standards are shown on Map 515-2.

33.515.025 Relationship Among Subdistrict Regulations

The Southern Industrial subdistrict is exempt from certain regulations of this plan district. The streetscape standards for Airport Way and Marine Drive apply in addition to the other requirements of the plan district. When there is a conflict between streetscape regulations, the more restrictive regulations apply for that portion of the site.

Use Regulations

33.515.110 Uses in the Industrial Business Opportunity Subdistrict

A. **Purpose.** Certain industrially-oriented office uses are allowed through limited review if there is excess capacity in the transportation system and there is an industrial component (use or building adaptability). These uses may contribute a higher level of employment and pedestrian activity compatible with the industrial district.

B. **Uses.** For sites within the Industrial Business Opportunity subdistrict, the uses listed below are reviewed through a Type II conditional use. The Industrial Business Opportunity subdistrict is shown on Map 515-1 at the end of this chapter. Criteria are found in 33.815.301. Uses listed in this section that do not meet the standards of Subsection C. below are reviewed through a Type III conditional use using approval criteria of 33.815.125. The uses are:

1. Research and development;
2. Data processing;
3. Operation centers for industrial and business uses; and
4. Other uses similar to the above.

C. Standards

1. These offices are located in either single tenant buildings or in industrial flex-space buildings.
2. Flex-space buildings must have 50 percent or more of the floor area built with characteristics suitable for a wide range of industrial activities. Industrial building characteristics include an overall height of not more than two stories, a minimum ceiling height of 15 feet, and a dock high or drive-in loading area serving each tenant.
3. The development standards of this chapter are met.

33.515.120 Commercial Uses

A. Retail Sales And Service uses in the EG2 zone are limited to 20,000 square feet or less of net building area including any exterior storage or nonconforming exterior display per site. The 20,000 square foot limitation does not apply to hotels or motels.

B. Office uses in the EG2 zone are limited to a net building area not to exceed 45 percent of the total site area.

C. The IG2 zone regulations allow four Retail Sales And Service uses of up to 3,000 square feet each of net building area including any exterior storage or nonconforming exterior display per site without a conditional use review. Within the Industrial Business Opportunity subdistrict, sites zoned IG2 are allowed a single Retail Sales And Service use of up to 12,000 square feet of net building area including any exterior storage or nonconforming exterior display without a conditional use review, in lieu of the four separate uses.

33.515.130 Additional Conditional Uses

A. Columbia Riverfront.

1. Conditional uses. The uses listed below are allowed in the RF zone through a conditional use review. The uses are:
   a. Marinas;
   b. Rental of recreational equipment; and
   c. Houseboat moorages.
2. Regulations.
   a. These uses are subject to the development standards of the CE zone.
   b. The applicant must obtain separate approvals for building on or riverward of any flood control structure, including dikes, from the Oregon Division of State Lands,

the U.S. Army Corps of Engineers, and Multnomah County Drainage District No. 1.

3. Conditional use approval criteria. Requests are subject to the same approval criteria as for other conditional uses in residential zones, found in 33.815.105. Compatibility with the scenic and functional qualities of the Columbia River and Marine Drive will be considered in lieu of considering the compatibility with adjacent residential development, stated in criterion 33.815.105.B.

B. Commercial parking facilities.

1. New commercial parking facilities. Any new commercial parking facilities must locate south of the Columbia Slough or west of Interstate 205, and are conditional uses subject to 33.815.300.

2. Existing commercial parking facilities are allowed as a conditional use. Changes to such facilities are subject to 33.815.300. The appropriate review procedure for the conditional use will be determined through 33.815.040.D.

3. Site changes resulting from realignment of roadway. Commercial parking facilities existing prior to September 3, 1993 may maintain the same number of parking spaces that existed on that date. If a roadway project results in reconfiguration of the site, the same number of parking spaces may also be reconfigured by right. The parking spaces may be on the site or on land adjacent to the site. This section confers only the right to maintain existing parking spaces and does not expand other rights provided by nonconforming provisions of this title.

C. Professional / technical facilities.

1. For sites zoned IG2, professional/technical facilities are reviewed through a Type II conditional use. Approval criteria are in 33.815.302.

2. The maximum number of parking spaces on the site is 150 percent of the minimum for Retail Sales And Service.

3. Supplemental application requirements:

   a. A transportation study is required if the proposed use will generate 100 or more new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour. The Office of Transportation will evaluate the transportation study as part of the conditional use review.

   b. A transportation demand management plan is required, which should address the respective responsibilities of the training facility and participating firms in measures to mitigate traffic impacts.

D. Retail Sales And Service.

1. Retail Sales And Service uses that have net building area plus exterior display and storage area in excess of the limits in 33.515.120.A or C are allowed only through a conditional use review. The approval criteria are in 33.815.303, Retail Sales and Service Uses in the Columbia South Shore plan district.

In the IG2 zone, the total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 20,000 square feet. More than 20,000 square feet is prohibited unless allowed by Paragraph 2 below. These limits include net building area plus exterior display and storage areas.

2. Retail Sales And Service uses that have net building area plus exterior display and storage area 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, may change to another use in the same use category without a land use review if there is no increase in net building area or exterior improvement area.

Development Standards

33.515.200 Streetscape Standards

The development standards foster distinct, yet complementary streetscapes for NE Airport Way and Marine Drive.

33.515.205 Airport Way Streetscape

A. Purpose. Special streetscape standards for NE Airport Way are intended to enhance and strengthen the image of the plan district; unify public and private improvements; and provide for a safe, comfortable, and attractive pedestrian environment.

The Airport Way streetscape embodies the following themes:

- Integrating public and private frontage landscaping;
- Minimizing the visual impact of certain exterior development activities;
- Limiting the size, number, and types of signs; and
- Providing on-site pedestrian circulation.

B. Where the regulations apply. East of Interstate 205, the Airport Way streetscape standards apply to sites within 300 feet of NE Airport Way. The Airport Way streetscape standards supersede less restrictive regulations of this or other chapters.

C. Items allowed in setback. Development which abuts Airport Way must be set back at least 25 feet from Airport Way. The following items are allowed in the building setback: utility structures, public monument signs, driveway entries, pedestrian paths and water quality facilities. The 25-foot setback must be landscaped and maintained in conformance with Section 33.515.210 and Chapter 33.248, Landscaping and Screening.

D. Exterior storage, heavy trucks and equipment, and work activities. Certain types of exterior development are an integral part of industrial uses. However, exterior development should be located and screened to not detract from the intended appearance of the NE Airport Way streetscape. Firms that require extensive exterior development areas are encouraged to locate in the Southern Industrial subdistrict.

1. Exterior work activities and exterior storage of equipment and materials, including heavy trucks, are not allowed within 150 feet of the NE Airport Way property line. Vehicles staged at a loading dock are excepted.

2. The outer perimeter of all such exterior storage must be landscaped, meeting one of the standards stated below.

   a. Option 1. Perimeter landscaping must be at least 5 feet wide and meet the L3 standard.

   b. Option 2. For each 30 feet of frontage along Airport Way, one tree and four high shrubs must be planted within a minimum 5-foot wide perimeter landscape area.

33.515.210 Airport Way Landscaping

A. Purpose. Special landscape standards apply along NE Airport Way in order to:

- Provide a consistent landscape pattern that unifies public and private areas;
- Establish a landscaped streetscape which recognizes both aesthetics and safety;
- Accommodate a wide variety of uses;
- Provide a buffer between on-site development and pedestrian and vehicular circulation in the right-of-way;
- Ensure that exterior development will not detract from the appearance of the area;
- Protect views of natural resource areas while limiting access to those areas; and
- Ensure public and private setback landscaping is maintained consistently and adequately.

B. Where the regulations apply. Landscape standards for Airport Way apply to sites that abut Airport Way, as shown on Map 515-2 at the end of this chapter.

C. General standards. These standards apply to the 25-foot setback from Airport Way. All landscaping in the setback must be installed to comply with Chapter 33.248, Landscaping and Screening, and the NE Airport Way Landscape Design Handbook, adopted September 3, 1993. For ongoing maintenance, the standards of the NE Airport Way Landscape Maintenance Handbook, adopted September 3, 1993, must be met.

1. 25-foot landscaped setback. The first 10 feet from the right-of-way is a public easement for utilities and landscaping. The next 15 feet is a private setback. Together they form the required 25-foot setback described in 33.515.205.C.

2. Responsibilities for landscaping improvements. Prior to the issuance of a final certificate of occupancy, the full 25-foot landscaped setback must be installed. In most cases, the Portland Development Commission (PDC) has already fully landscaped the 10-foot public easement. On those sites, the applicant must install landscaping in the 15-foot private setback to match landscaping installed by PDC. On sites without full landscaping on the 10-foot easement, the applicant must also landscape the public easement to the standards detailed in the NE Airport Way Landscape Design Handbook. “Full” landscaping consists of trees, shrubs, and ground cover plants.

D. Stormwater treatment swales. Stormwater treatment swales may be placed within the 15-foot private setback, provided the tree pattern is maintained and any nonvegetated swales are visually screened from Airport Way.

1. The spacing of trees in the private setback is considered maintained if the trees are planted perpendicular from Airport Way with the specified tree planting. Landscape plans that do not maintain the tree pattern may be considered through an adjustment review. A landscape adjustment is reviewed for consistency with the purpose statement of this section and the NE Airport Way Landscape Design Handbook.

2. If the swale includes over 100 square feet of nonvegetative cover materials, an evergreen screen must be placed in the first 5 feet of the 15-foot private setback adjacent to the 10-foot public easement. Shrubs for the evergreen screen must be planted in a double row spaced to a minimum 6 feet on center.

33.515.215 Marine Drive Streetscape and Landscape

A. Purpose. Streetscape and landscape standards for Marine Drive are intended to preserve and enhance the character of Marine Drive. The standards emphasize the roadway corridor and distant views rather than adjacent development. Marine Drive is a scenic roadway that provides public views from the street right-of-way and the adjacent recreational trail. The roadway is elevated on a levee twenty to thirty feet above the elevation of adjacent properties. From this elevated position, it has a sense of openness, with views along and across the river and to Mt. Hood.

This section provides standards for a vegetative edge to screen development. Clustered foreground landscaping is intended to provide visual focal points to divert the eye from buildings and exterior uses.

B. Where the regulations apply. This section applies to the portions of sites within 200 feet south of the Marine Drive right-of-way. The affected areas are shown on Map 515-2 at the end of this chapter.

C. Streetscape standards.

1. Building heights. Within 200 feet south of the Marine Drive right-of-way, building height limits are imposed to maintain the open character. Building height is measured to the top of the parapet or exterior wall, whichever is higher. Within 100 feet of the right-of-way, buildings are limited to 35 feet in height. Between 101 feet and 200 feet from the right-of-way, buildings are limited to 45 feet in height.

2. Building setbacks. Buildings must be set back at least 10 feet from the tree row required by Paragraphs D.1 and D.4, below. Locating buildings away from Marine Drive is encouraged.

3. Fences. Fences are prohibited between the toe of the Marine Drive slope and the tree row required by Paragraphs D.1 and D.4, below.

D. Landscape standards. Generally, a continuous landscaping treatment is required, as shown in Figures 515-1 through 515-3. The continuous landscaping must include a row of trees, flowering shrubs, and ground cover, as specified below. In two locations, as identified in Subparagraph D.4, below, a clustered landscape treatment is allowed as an alternative.

1. Tree row. A row of trees meeting the following standards is required:

a. Location. As shown in Figure 515-2, a row of trees must be planted between development and the toe of the Marine Drive slope. The tree row must be at least 25 feet south of the toe of the slope.

b. Spacing. The trees must be spaced 15 feet on center.

c. Species. The trees must be one of the following species: Black Hawthorne (crataegus douglasii suksdorfii), Bitter Cherry (prunus emarginata), Sitka Willow (salix sitchensis), or Columbia River Willow (salix fluviatilis). Willows are prohibited adjacent to the 40-Mile recreational trail.

2. Additional tree row on corner sites. On corner sites, where another street intersects Marine Drive, a row of trees is required paralleling the non-Marine Drive frontage of the site. The row of trees must be planted 12 feet interior from the toe of the cross-street embankment. The row must begin at the tree row required by Paragraph D.1, above, and extend at least 100 feet south from that point. This tree row must consist of Scarlet Sentinel Maples (acer rubrum 'Scarlet Sentinel') planted on 25-foot centers.

3. Flowering shrubs.

a. Generally. Except as provided in D.3.b and D.4, below, flowing shrubs must be planted in clusters as follows:

(1) Location. As shown in Figure 515-2, the clusters of shrubs required by this paragraph must be planted no more than 12 feet to the north of the tree row required by Paragraph D.1, above, and at least 20 feet south of the toe of the Marine Drive slope.

(2) Number. One cluster of flowering shrubs is required by each 100 feet or fraction thereof of site frontage on Marine Drive. Each cluster must consist of six shrubs of the same plant species.

(3) Species. The shrubs must be one or more of the following species: Western Serviceberry (amelanchier alnifolia), Mock Orange (philadelphus lewisii), Vine Maple (acer circinatum), Nootka Rose (rosa nutkana v. nutkana), Common Snowberry (symphoricarpos albus), Ocean-spray (holodiscus discolor), Tall Oregon Grape (berberis aquifolium), Red Current (ribes sanguineum), Red Elderberry (sambucus cerulea), or Pacafic Ninebark (physocarpus capitatus).

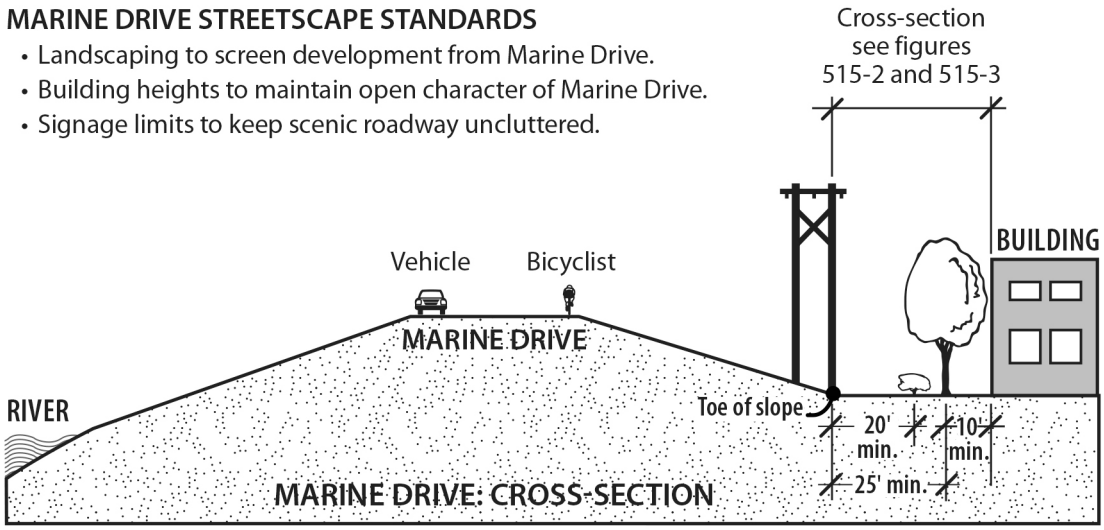
b. Recreational trail. Where a site includes the recreational trail, and the recreational trail is both south of Marine Drive and below the grade of the road, the following standards must be met, rather than the standards of Subparagraph D.3.a, above. See Figure 515-3:

(1) Location and spacing. A row of flowering shrubs must be planted no more than 5 feet to the north of the tree row required by Paragraph D.1, above, and at least 20 feet south of the toe of the Marine Drive slope. Shrubs in this row must be planted on seven and a half foot centers and staggered with the adjacent tree row.

(2) Species. The shrubs must be one of the species listed in Subparagraph D.3.a, above.

(3) Size. The shrubs must be of a size that will grow to 6 feet of height within 3 years of planting.

Figure 515-1
Marine Drive Streetscape Standards



4. Entryway locations along Marine Drive. At two entryway locations along Marine Drive, the applicant may choose to meet either the standards of Paragraphs D.1 through D.3, above, or the alternative standards of this paragraph. The entryway locations are between Interstate 205 and NE 122nd Avenue, and between NE 174th Avenue and NE 185th Avenue. The alternative standards, as shown in Figure 515-4, are:

   a. Number. For each 100 feet or fraction thereof of site frontage on Marine Drive, 20 trees and 6 shrubs must be provided.

   b. Spacing. Trees must cover the Marine Drive frontage of the site, with a maximum spacing of 20 feet.

   c. Location. Trees must be at least 25 feet from the toe of the Marine Drive slope. Shrubs must be at least 20 feet from the toe of the Marine Drive slope.

   d. Species. All trees and shrubs must be from the *Portland Plant List*. For each 100 feet of Marine Drive frontage, a minimum of 3 tree species and 2 shrub species must be provided.

Figure 515-2
Landscape Standards (No Recreational Trail)

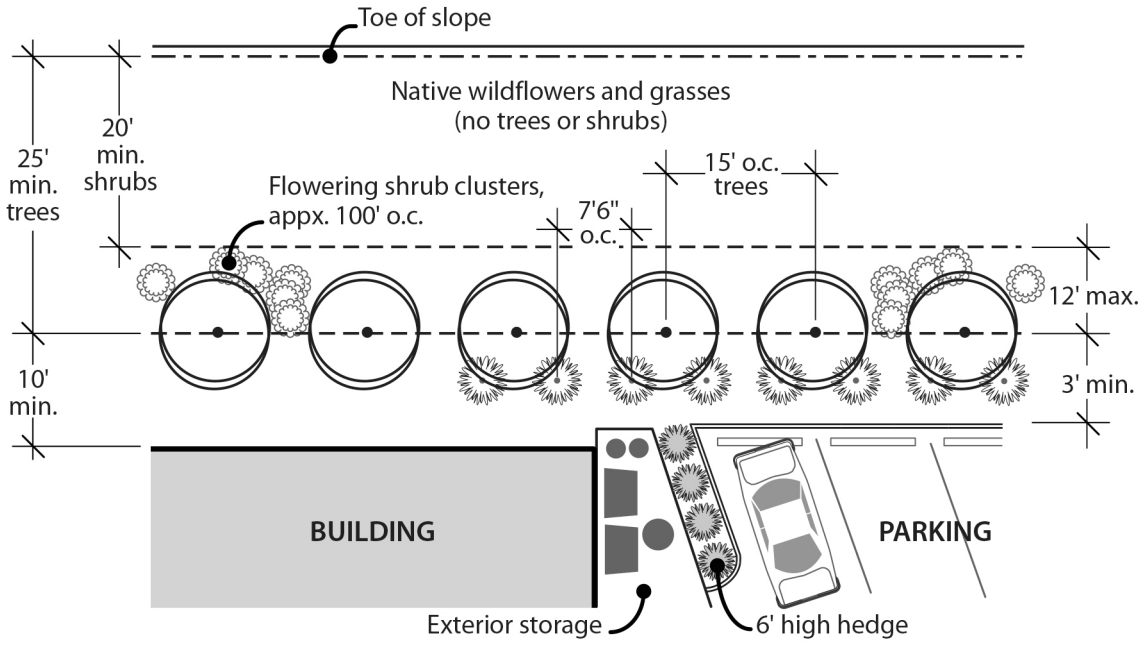


Figure 515-3
Landscape Standards (Recreational Trail)

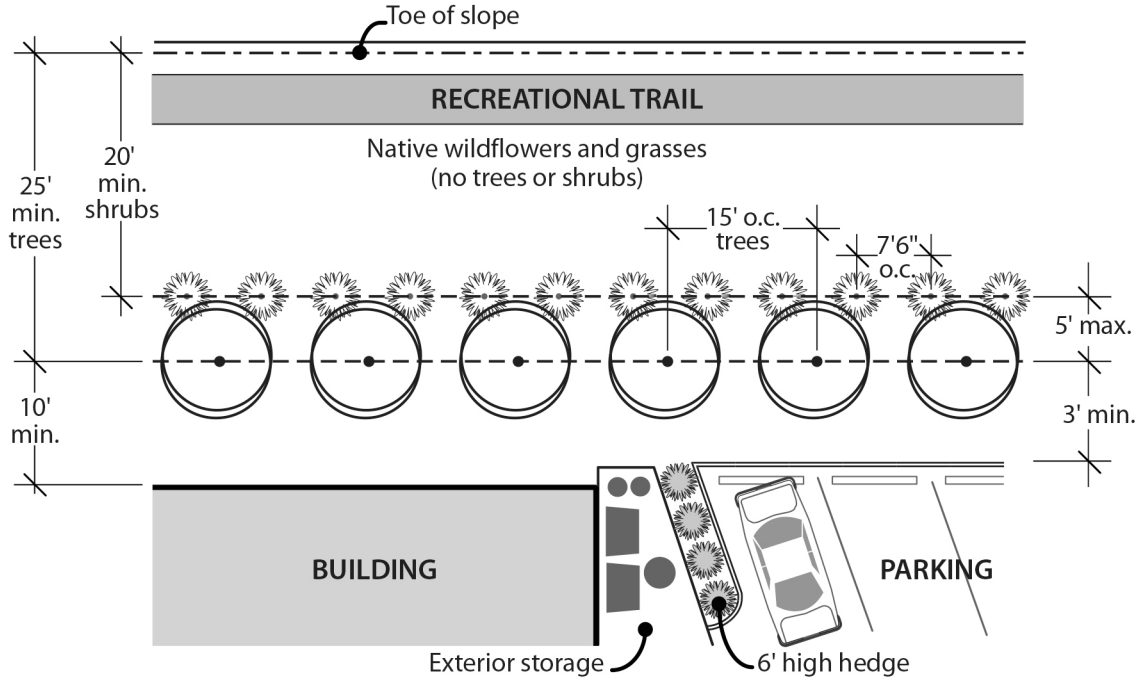
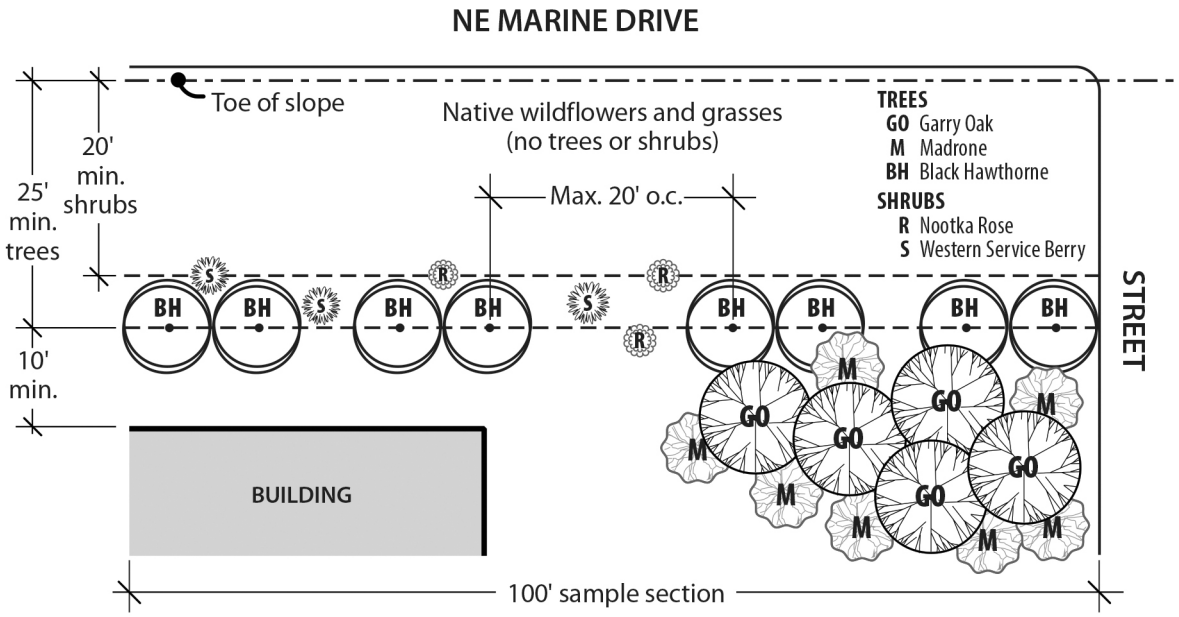


Figure 515-4
Clustered Landscaping Example



5. Ground cover.

   a. Next to toe of slope. The area between the trees and shrubs required by Paragraphs D.1 through D.4, above, and the toe of the Marine Drive slope must be planted with a combination of wildflowers and grasses that grow to less than 3 feet in height. The wildflowers and grasses must cover 90 percent of the ground, exclusive of recreational trails, within one year or two growing seasons after planting. Wildflower and grass species must be from the *Portland Plant List*.

   b. Slope. Applicants are encouraged to work with Multnomah County Drainage District #1 and the Bureau of Maintenance to plant the levee slope, exclusive of recreational trails, with a combination of wildflowers and grasses that grow to less than 3 feet in height. Wildflower and grass species should be native to the Willamette Valley or to the Pacific Northwest.

6. New embankments. New embankments extending from Marine Drive must be planted with flowering shrubs. For every 50 feet of embankment, a cluster of flowering shrubs must be planted on each slope of the embankment. Shrub species must be chosen from Subparagraph D.3.a, above. The shrubs must be planted at least 20 feet from the toe of the Marine Drive slope.

E. Landscape standards for parking lots and storage areas. Vehicle areas and exterior storage areas may be located within 3 feet of the tree row required by Paragraph D.1, above. Instead of meeting the perimeter landscaping standards of Chapter 33.266, one of the following standards must be met:

1. No recreational trail. Except as provided in Paragraph E.3, below, where a site does not include the recreational trail, a row of shrubs is required. See Figure 515-2. The shrubs must meet the following:

    a. Location. The row of shrubs must be within 5 feet of the tree row required by Paragraph D.1, above, and be staggered with the tree row.

    b. Spacing. The shrubs must be planted on seven and a half foot centers.

    c. Species. The shrubs must be one of the species listed in Subparagraph D.3.a, above.

2. Recreational trail. Except as provided in Paragraph E.3, below, where a site includes the recreational trail, and the recreational trail is both south of Marine Drive and below the grade of the road, no additional landscaping is required. However, the shrubs required by Subparagraph D.3.b, above, must be between the recreational trail and the tree row required by Paragraph D.1, above. See Figure 515-3.

3. Entryway locations along Marine Drive. Where the site is in one of the entryway locations specified in Paragraph D.4, above, the applicant may choose between two sets of Marine Drive landscape standards.

    a. If the applicant chooses to meet the standards of Paragraphs D.1 through D.3, above, the standards for parking lots and exterior storage areas in Paragraphs E.1 or E.2 must be met.

    b. If the applicant chooses to meet the standards of Paragraph D.4, a row of shrubs must be planted that meets the following:

        (1) Location. The row of shrubs must be planted within 5 feet of the north edge of the parking or exterior storage area;

        (2) Spacing. The shrubs must be planted on seven and a half foot centers; and

        (3) Species. The shrubs must be one of the species listed in Subparagraph D.3.a, above.

F. Nonconforming landscaping. Some sites along Marine Drive have a double row of trees, which was required by previous regulations. Some of these trees are within 25 feet of the toe of the Marine Drive slope. There also may be shrubs within 20 feet of the toe of the slope.

If trees and shrubs that are nonconforming because of their location are removed, they must be replaced as follows:

1. Trees. Each tree removed must be replaced. The replacement tree must be of the species listed in Paragraph D.1, and must be planted in a location that meets the requirements of Paragraph D.1.

2. Shrubs. Each shrub removed must be replaced. The replacement shrub must be of the species listed in Paragraph D.3, and must be planted in a location that meets the requirements of Paragraph D.3.

33.515.225 Transfer of Floor Area

As part of a land division or Planned Development, a transfer of floor area within and between lots in the land division or Planned Development is allowed as long as the overall floor area potential of the entire site is maintained. The proposed maximum floor area for each lot must be stated on the land use application. Maximum floor area allowances must be recorded on the deed or record. Any subsequent changes to the floor area allocation must also be noted on the deed and a copy of the deed submitted to the Bureau of Development Services to ensure consistency with the overall floor area limits.

33.515.230 View Corridors

A. **Purpose.** Building heights are limited along four view corridors to protect views of Mt. Hood and Rocky Butte from selected vantage points in Columbia South Shore. The four view corridors are shown on Map 515-3 at the end of this chapter, and are: the view of Rocky Butte from the Glenn Jackson Bridge; the view of Mt. Hood from the Interstate 205 bicycle bridge over Airport Way; the view of Mt. Hood from the cross-dike over the Columbia Slough; and the view of Mt. Hood from the intersection that connects Airport Way with NE 185th Avenue.

1. The view of Rocky Butte from the Glenn Jackson Bridge provides motorists and bicyclists with an orientation point when they enter Northeast Portland. The forested slopes of Rocky Butte offer the eye a green refuge among the industrial landscape and denote entryways to the City from the north and east.

2. The Interstate 205 bicycle bridge is a significant recreational resource. Protecting this view of Mt. Hood will enhance the scenic quality and recreational value of the bicycle path.

3. From the cross-dike, the slough lines up with Mt. Hood and forms a natural setting for the mountain view. South of NE Airport Way, the cross-dike is a designated Recreational Trail, providing a north-south link between NE Airport Way, Columbia Slough and residential areas located south of NE Sandy Boulevard.

4. The dramatic glimpse of Mt. Hood from the intersection that connects Airport Way with NE 185th Avenue provides a break in the planned industrial landscape and a directional orientation.

B. **Building height.** Maximum building heights for the four view corridors are shown on Map 515-3.

33.515.235 Rooftops

A. **Purpose.** Rooftops in the plan district are highly visible from Marine Drive, view corridors, and Airport Way. Rooftop standards are intended to reduce the visual impact of rooftop surfaces and rooftop mechanical equipment from those vantage points.

B. **Where the regulations apply.** The rooftop standards apply to all parts of South Shore except for the Southern Industrial subdistrict.

C. **Rooftop mechanical equipment.** These standards apply to rooftop mechanical equipment. They do not apply to roof-mounted solar panels and wind turbines.

1. Latticework screen wall. Within 200 feet of Marine Drive, Airport Way, or a view corridor vantage point, all rooftop mechanical equipment must be screened from view or not visible from those vantage points. Screen materials will consist of a full screen wall or latticework screen wall. The screen wall need not extend more than one foot above rooftop equipment. The latticework screen may be constructed of a variety of permanent materials, but must be 50 percent sight-obscuring and painted to match the roof or closest wall, whichever is the predominant visible surface from those vantage points.

2. Painting to match rooftop. Each rooftop mechanical equipment unit that interrupts less than 25 square feet of roof surface area may be painted instead of screened, as provided in Paragraph C.1. The paint color must match the rooftop color or closest wall, whichever is the predominant visible surface from Marine Drive, Airport Way, or a view corridor vantage point.

33.515.240 Exterior Display
Exterior display is prohibited in the Columbia South Shore plan district.

33.515.245 Signs
The sign standards are stated in Title 32, Signs and Related Regulations.

33.515.255 Sumps, Septic Tanks, and On-Site Disposal Systems
New sumps, septic tanks, cesspools, and other on-site disposal systems for sanitary disposal or disposal of industrial process water are prohibited. All on-site storm water and wastewater treatment and disposal systems must be disposed of into a system approved by the Bureau of Environmental Services and the Bureau of Development Services.

33.515.257 Pedestrian Standards
All developments in the plan district are subject to the pedestrian standards of the EG2 zone.

33.515.260 Major Public Trails

A. Major public trail requirements. All sites with a major public trail symbol shown on the Official Zoning Maps must comply with the requirements of Chapter 33.272, Major Public Trails, except those in the Columbia South Shore Slough Trail area or Cross-Levee Trail area. Sites in these areas, shown on Map 515-4, must also comply with the regulations of this section. If the trail is located within the Environmental zones, the trail must also comply with those requirements.

B. Columbia South Shore Trail.

1. Columbia South Shore Slough Trail area. The recreation trail designations that apply to the Columbia South Shore Slough Trail are shown on Map 515-4 at the end of this chapter.

2. Columbia South Shore Slough Trail requirement. Prior to occupancy of any new or remodeled structure on a site containing a trail designation, the owner must either make the full trail improvement or pay into the Columbia South Shore Recreational Trail Trust Fund, with one exception: a property owner must build the trail at the time

of development if both ends of their trail segment connect with another built trail or public right-of-way. The chosen option must be indicated on the building permit. If the trail improvement option is chosen, the trail location and construction specifications must be shown on the site plans.

a. Trust fund option. The Columbia South Shore Recreational Trail Trust Fund provides a method for accepting and dedicating funds for the Slough Trail construction in the Columbia South Shore plan district and an alternative to constructing the on-site trail segment.

(1) Trust fund administration and contribution. The trust fund is administered by Portland Parks and Recreation. As sufficient funds accrue in the trust fund, the Parks Bureau will use the funds to build segments of the trail system. The trust fund contribution is based on the trail development costs formula determined by the Parks Bureau.

(2) Cap on trust fund contributions. If the trail costs more than one percent of an improvement project planned for the site, the trust fund contribution is based on one percent of the project cost. Trust fund contributions and total project costs are each cumulative from April 7, 1987. “Cumulative” means that all trust fund contributions from that date and all project costs from that date are included in the calculation. If the total trust fund contribution for a site reaches the amount of the trail construction costs, then no further trust fund contributions are required.

(3) Timing of contributions. Contributions to the trust fund can be made either at the time of development or in advance of development. A property owner must show that the trust fund contribution and easement have been given to the City before a building permit will be issued.

b. Developed sites without the trail. Portland Parks and Recreation will construct the trail on sites previously developed without the trail when the following conditions are met:

(1) The property owner has granted a trail easement to the City, and either (2) or (3) below is met.

(2) The trail development costs have been paid into the trust fund at the time of the easement dedication; or

(3) The property owner has agreed to repay the trust fund for the trail development costs when the property redevelops. A property owner must accept a lien on the property to secure repayment costs. Repayment is required before any building permit requiring the trail is issued. The repayment is based on the trail development costs formula determined by Portland Parks and Recreation.

c. Trail and easement location.

(1) In environmental zones:

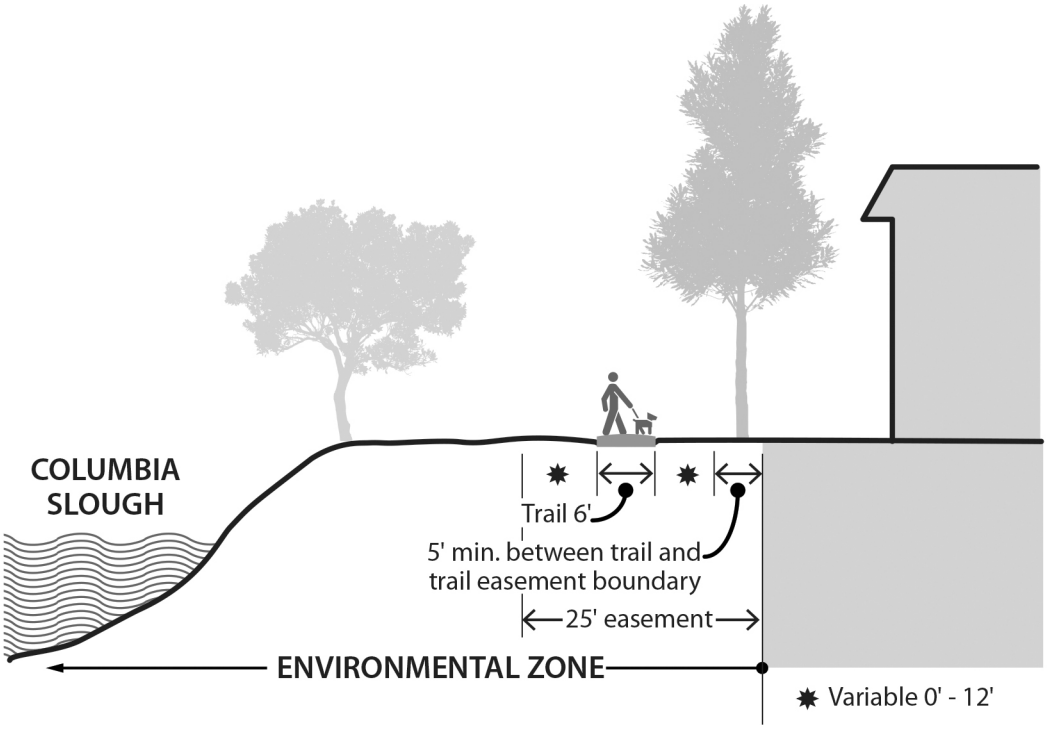
- The location of the trail or easement is subject to environmental review;
- If a trail or easement exists on an adjacent site, the trail or easement must connect to them; and
- If there is not an easement or trail on an adjacent site, the easement must be located in the outer 25 feet of the environmental zone. The trail improvement must be at least 5 feet from the outer edge of the environmental zone. See Figure 515-5.

(2) In all other zones: The trail route must be as shown on the Official Zoning Maps.

C. Cross-Levee Recreation Trail easement. The Cross-Levee public recreation trail is shown on the Official Zoning Maps and on Map 515-4 at the end of this chapter. The requirement for a trail does not apply to the Cross-Levee Recreation Trail but the requirement for an easement does apply. (See Section 33.272.020).

D. Other recreation trails. Other recreation trails are regulated by Chapter 33.272.

Figure 515-5
Columbia South Shore Slough Trail and Easement Location



33.515.262 Archaeological Resource Protection

A. Purpose. Archaeological evidence has confirmed that American Indians used the plan district prior to entry of EuroAmericans to the Portland area. Archaeological resources have historic, cultural, and scientific value to the general public and heritage value to associated

tribes, whose ancestors lived in the plan district area and harvested local natural resources for subsistence and spiritual/ceremonial uses. Of special concern is the potential for ground disturbance activities to uncover human remains and archaeological resources that may be eligible for listing on the National Register of Historic Places.

Specific purposes of this section are to:

- Protect inventoried significant archaeological resources and their functional values in the Columbia South Shore plan district in a way that increases certainty of development potential;
- Promote compliance with state and federal laws intended to protect archaeological resources, including the state archaeological permit process and federal grave protection laws;
- Encourage coordination between property owners; appropriate tribal governments; and City, state, and federal agencies regarding archaeological resources;
- Encourage the development community and archaeologists to file site records with the State Historic Preservation Office (SHPO);
- Limit disclosure of archaeological resource records to protect confidentiality and discourage the destruction of archaeological resources; and
- Provide a process for developers and appropriate tribes to explore alternatives to full protection of archaeological resources, such as conservation easements.

B. Archaeological resource values. For purposes of this section, an archaeological resource is a resource identified through a SHPO archaeological permit process relating to use by American Indians before the entry of EuroAmericans to the Portland area. These archaeological resources have strong heritage and scientific values, as identified in the Archaeological Resources Protection Plan for Columbia South Shore. Much of the plan district has been inventoried.

C. Where the regulations apply. The requirements of this section apply to:

1. Archaeological resources identified in the Archaeological Resources Protection Plan for Columbia South Shore within the Archaeological Sensitivity Areas shown on Map 515-6 at the end of this chapter; and
2. Properties for which additional confirmation testing is required, as shown on Map 515-7. When confirmation testing has been completed, this section only applies to archaeological resources identified as part of that testing.
3. The requirements of this section do not apply to sites or portions of sites where no archaeological resources have been identified and no additional confirmation testing is required.

D. Identification of archaeological resources.

1. Purpose. There is a public interest in testing for archaeological resources prior to project construction. The earlier an archaeological resource is found and evaluated, the better are chances that reasonable development proceeds without delay and the

archaeological resource is protected. Confirmation testing can reduce the chances that archaeological resources are encountered during project construction. Much of the plan district has already received confirmation testing using a consistent methodology. This section requires that applicants fill gaps in confirmation testing within archaeological sensitivity areas.

2. Use of SHPO records and procedures for this section.

   a. "Archaeological resource" is a resource identified through a SHPO archaeological permit process. An archaeological resource must meet one or both of the following:

      (1) An archaeological site that meets SHPO guidelines, plus a 5 foot vertical buffer and a 5 foot horizontal buffer, as shown in Figure 515-6, Archaeological Resource Subareas. The vertical buffer extends directly above the most shallow archaeological materials found in the site records. The horizontal buffer extends sideways from the archaeological resource; or

      (2) A traditional, sacred, or cultural use site, as documented in writing by an appropriate Oregon tribe through a SHPO permit.

   b. The SHPO maintains a list of "qualified archaeologists" knowledgeable in American Indian lifeways of the lower Columbia River of the pre-contact period, and determines if an "identified archaeological resource" exists on the subject property. "Consultation with Oregon tribes" means following SHPO procedures for consultation on state archaeological permits.

   c. The Legislative Commission on Indian Services identifies the "appropriate Oregon tribes."

   d. All auger probes filed with the SHPO by a qualified archaeologist count toward fulfilling the requirements of this section.

3. Discovery during project construction. The zoning code does not address new discoveries of archaeological resources found during project construction. The applicant should be aware of state and federal regulations that apply to such discoveries.

4. The applicant should check with the SHPO archaeologist as to whether a state archaeological permit is needed.

5. Confirmation testing not required.

   a. For sites located outside an "archaeological sensitivity area," as shown on Map 515-6, the requirements of this section do not apply.

   b. For sites located within an "archaeological sensitivity area," as shown on Map 515-6 and not designated "confirmation testing required" on Map 515-7, the applicant must either provide written documentation that there is no archaeological resource on the site or meet the regulations of this section. To qualify for exemption from this section, such written documentation must

specify that confirmation testing of the site is complete and that no archaeological resource was identified. The written documentation may be a certification letter from SHPO or a zoning confirmation letter from the Portland Bureau of Planning and Sustainability.

6. Confirmation testing required. Additional auger testing is required for sites with some property designated "confirmation testing required" on Map 515-7 at the end of this chapter. Prior to development, the applicant must conduct confirmation testing to determine the location and type of any archaeological resources identified on the site through current or previous archaeological testing. Confirmation testing, consisting of subsurface auger probes and consultation with appropriate Oregon tribes, must meet all the standards of this paragraph.

   The standards are:

   a. A qualified archaeologist, in consultation with appropriate Oregon tribes, must perform the confirmation testing. A list of qualified archaeologists is maintained by the SHPO.

   b. Subsurface auger probes must be placed along the Marine Drive levee or the bank of the Columbia Slough, as applicable. Auger probes must be placed at least 100 feet apart and, where feasible, reach a ground depth of at least 8 feet below grade. The qualified archaeologist will determine the precise location of auger probes, consistent with previous confirmation testing in the vicinity.

   c. If an archaeological resource is identified through confirmation testing, the standards for that resource and associated transition area found in Subsection G, below, apply. If no archaeological resource is identified through the testing, the standards of Subsection G do not apply.

E. Archaeological resource classification. Where an archaeological resource has been identified, through previous testing or confirmation testing, a qualified archaeologist must classify the archaeological resource using cumulative archaeological test results for the site. The archaeological resource will be classified as one or more of these types:

1. Burial. A burial is an archaeological resource where there is evidence of human remains or funerary objects, as defined in Oregon Administrative Rules.

2. Village. A village is an archaeological resource where there is evidence of a relatively permanent residential location typically occupied during the winter and on an annual basis. Archaeological evidence may include remains of structures, storage pits, and midden deposits.

3. Seasonal campsite. A seasonal campsite is an archaeological resource where there is evidence of organized activity in extracting and processing resources on a seasonal basis.

4. Activity area. An activity area is an archaeological resource where specific activity (e.g., roasting camas bulbs or stone tool making) took place.

5. Traditional, sacred, or cultural use site. A traditional, sacred, or cultural use site is an archaeological resource where there is evidence of a sacred or ceremonial site, and

may include vision quest sites, sites of other sacred ceremonies, and sweat lodge sites.

6. Where more than one archaeological resource is identified. Where more than one archaeological resource is identified together:

   a. If one of the archaeological resources is a burial, the regulations for burials apply to all resources;

   b. If any of the archaeological resources are villages; or traditional, sacred, or cultural use sites, and there is no burial, the regulations for villages; or traditional, sacred, or cultural use sites apply to all resources;

   c. If all of the archaeological resources are seasonal campsites or activity areas, the regulations for seasonal campsites or activity areas apply to all resources.

F. Archaeological resource subareas.

1. Archaeological resource. An archaeological resource is a resource identified through a SHPO archaeological permit process. An archaeological resource must meet one or both of the following:

   a. An archaeological site that meets SHPO guidelines, plus a five foot vertical buffer and a five foot horizontal buffer, as shown in Figure 515-6, Archaeological Resource Subareas. The vertical buffer extends directly above the most shallow archaeological materials found in the site records. The horizontal buffer extends sideways from the archaeological resource; or

   b. A traditional, sacred, or cultural use site, as documented in writing by an appropriate Oregon tribe through a SHPO permit.

2. Transition area. The transition area is the area directly between the archaeological resource and the surface layer and extends horizontally out from the edge of the archaeological resource. Features associated with a resource, not identified through auger testing, may also be encountered in the transition area.

   a. For burials and villages, the horizontal distance is 100 feet from the archaeological resource.

   b. For seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, the horizontal distance is 50 feet from the archaeological resource.

G. Protection of identified archaeological resources.

1. Ground disturbance activities within the archaeological resource and transition area are either allowed, limited, or prohibited, depending on the resource type. Table 515-1 provides a summary of the standards. Activities shown with a "Y" are allowed if they comply with other use and development standards of this Title. Activities shown with an "MOU" are allowed through a private agreement specified in Paragraph G.6, below; without that private agreement, such activities are prohibited. The footnote letters from Table 515-1 refer to subparagraphs of Paragraph G.6, below. Activities shown with an "N" are prohibited.

2. For sites with identified archaeological resources, the base zone development standards are modified as follows:

   a. Minimum building setbacks are reduced to zero;

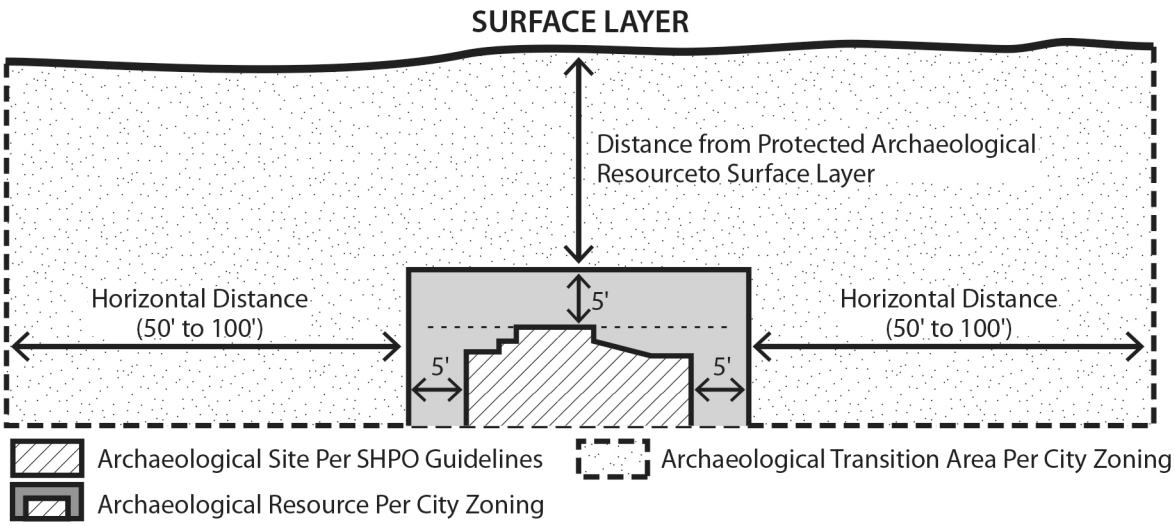
   b. Minimum number of off-street parking spaces is reduced to zero; and

   c. For purposes of meeting the minimum landscaping requirements, the applicant may exclude the area occupied by the archaeological resource from the total site area.

   d. The area occupied by the archaeological resource is exempt from the standards of 33.515.215, Marine Drive Streetscape.

3. For archaeological resource areas of burials, all ground disturbance activities are prohibited.

Figure 515-6
Archaeological Resource Subareas



4. Except for archaeological resource areas of burials, the following ongoing and low-impact activities are allowed in archaeological resources and transition areas:

   a. Maintenance, repair, and replacement of existing structures, exterior improvements, roads, and utilities when the activity does not enlarge the ground disturbance area horizontally or vertically;

   b. Lawns and landscape areas, including the installation of new irrigation and drainage facilities, and new erosion control features;

   c. Change of crop type or farming technique on land currently in agricultural use;

   d. Alterations of buildings that do not increase building coverage and meet all development standards of the base zone;

e. Operation, maintenance, and repair of the following existing facilities: irrigation systems, drainage facilities and conveyance channels, stormwater detention areas, pumping stations, erosion control and soil stabilization features, and pollution reduction facilities. Maintenance of drainage facilities includes the dredging and channel cleaning of existing drainage facilities and vegetative maintenance within the minimum floodway cross section of drainageways where all spoils are placed outside environmental zones and sensitivity areas;

f. Removing a tree listed on the Nuisance Plants Lists. When no other development is proposed, tree removal is subject to the tree permit requirements of Title 11, Trees;

g. Construction of the Columbia Slough recreational trail, as identified in Section 33.515.260 of this chapter;

h. Planting of native vegetation listed on the *Portland Plant List* when planted with hand-held equipment; and

i. Public street and sidewalk improvements that do not enlarge the ground disturbance area horizontally or vertically.

Table 515-1
Archaeological Resource Protection by Resource Type

Ground Disturbance Activities	**Burial**		**Village; or Traditional, Sacred, or Cultural Use Site**		**Seasonal Campsite or Activity Area**	
	Resource	**Transition**	**Resource**	**Transition**	**Resource**	**Transition**
Ongoing and low-impact activities (33.515.262.G.4)	N	Y	Y	Y	Y	Y
Parking lots and vehicle circulation areas (33.515.262.G.4.j and 33.515.262.G.6)	N	Y	N/MOU [a]	Y	N/MOU [b]	Y
All other activities otherwise permitted	N	N	N/MOU [a]	N/MOU [a]	N/MOU [b]	N/MOU [b]

Y = Yes, Allowed
N/MOU = Private agreement option; otherwise, prohibited
N = No, Prohibited
[a] see Subparagraph G.6.a.
[b] see Subparagraph G.6.b.

5. All activities otherwise permitted by other regulations of this Title. All activities otherwise permitted, other than ongoing and low-impact activities listed in Paragraph G.4 above, are prohibited within archaeological resource and transition areas of

villages; seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, except:

a. Activities listed in Paragraph G.4 are allowed;

b. Activities allowed through an archaeological resource recovery plan, as provided in Paragraph G.6 below; and

c. Construction of a parking lot or vehicle circulation area within the transition area is allowed.

6. Archaeological resource recovery. This regulation applies to all archaeological resource and transition areas of Table 515-1 that have an "MOU." For villages; seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, the applicant must protect the archaeological resource areas either by prohibiting all ground disturbance activities or complying with a private agreement for archaeological resource recovery, as stated in this paragraph.

a. For villages and traditional, sacred, or cultural use sites, an archaeological resource recovery plan is limited to the removal of archaeological materials necessary to construct a paved parking lot or vehicle circulation area. The paved area must provide spill containment so that chemicals do not degrade the remaining archaeological resource.

b. For seasonal campsites and activity areas, an archaeological resource recovery plan may remove some or all archaeological materials, as negotiated with the appropriate tribes and specified in the archaeological resource recovery plan.

c. An archaeological resource recovery plan allows for the removal of archaeological materials following an archaeological evaluation, a consultation process with appropriate Oregon tribes, and a private agreement (Memorandum of Understanding) between the applicant and tribes. Each step is described below.

(1) Archaeological evaluation. A detailed archaeological evaluation must be completed. The evaluation must be conducted by a qualified archaeologist. The evaluation must meet standards of the SHPO for archaeological resource recovery projects.

(2) Consultation with appropriate tribes.

- The applicant must contact the appropriate tribes for the area, by registered or certified mail, to request comments on archaeological testing and offer a meeting. The Commission on Indian Services determines the appropriate Oregon tribes to be consulted.
- The tribes should reply to the contact within 14 days and hold a meeting within 30 days of the date of the initial contact. If the appropriate tribes do not reply within 30 days, the applicant may apply for a state archaeological permit and implement the terms of that permit without further delay. The tribes may schedule the meeting with a tribal council, one of its committees, or designee.

- The purpose of the meeting is to allow tribal representatives and the applicant to review archaeological test results and discuss the archaeological resource recovery plan. More than one meeting may be held.
- After the meetings, and before applying for a building permit, the applicant must send a letter to the tribal governments. The letter will explain any changes in the project's design and archaeological resource recovery plan since the date of the last meeting.

(3) Development of a Memorandum of Understanding (MOU). The applicant must develop a Memorandum of Understanding (MOU) signed by the applicant, the property owner, and at least one appropriate Oregon tribe. The MOU must specify the care and disposition of any archaeological materials recovered on the site. The MOU must also specify how the parties will communicate and how on-site monitoring will proceed during project construction.

H. Application, Review, and Inspection.

1. Supplemental application requirements.

a. No archaeological resource found. For sites within an "archaeological sensitivity area," as shown on Map 515-6, the applicant is responsible for providing any evidence that no archaeological resource was found.

(1) For sites not designated "confirmation testing area," the applicant must provide written documentation in the form of a certification letter from SHPO or a zoning confirmation letter from the Portland Bureau of Planning and Sustainability.

(2) For sites that require confirmation testing, and the testing did not find an archaeological resource, the applicant must submit a report by a qualified archaeologist regarding the results of confirmation testing and the presence of identified archaeological resources on the site.

b. Archaeological resource found. The applicant must provide the following supplemental information. In the interest of not disclosing the location of archaeological resources, all maps required in (2) through (4) below will be stamped "Confidential: Sensitive Information." Planning staff will separate this information and file it in a locked file subject to nondisclosure procedures.

(1) Site plan. A site plan, at a scale of 1 inch = 50 feet or larger, showing the building footprints, underground utilities and all other proposed ground disturbance activities, and an estimated ground disturbance depth. The site plan must show the existing topography of the site.

(2) Confirmation testing overlay. For sites identified for confirmation testing, a transparent overlay map showing all of the archaeological auger locations completed for the site.

(3) Archaeological resource overlay. A transparent overlay showing the boundaries of any archaeological resources that are recorded with SHPO or

encountered during confirmation testing. The archaeological resource overlay must also show the transition area associated with each archaeological resource. Any conservation easements intended to protect archaeological resources must be shown on this overlay.

(4) For archaeological resource recovery plans, letters to tribal governments and Memoranda of Understanding signed with tribal governments must be filed with the building permit.

c. It is the applicant's responsibility to provide any archaeological reports filed with SHPO after July 1, 1994 to verify changes to the state's inventory affecting the development site. The Bureau of Planning and Sustainability will maintain a confidential atlas of identified archaeological resources within the archaeological sensitivity areas shown on Map 515-6 at the end of this chapter.

2. Review of applications.

a. Where a qualified archaeologist, in consultation with the appropriate Oregon tribes, certifies that no archaeological resources were found through confirmation testing required by this section, the Bureau of Planning and Sustainability will provide a letter to the applicant waiving any additional compliance with this section.

b. The Bureau of Planning and Sustainability may contract with a qualified archaeologist to assist the City in review and inspection of proposals.

c. The SHPO maintains a list of qualified archaeologists.

d. An additional fee for special archaeological evaluations and inspections may be charged to the applicant for any grading permit or building permit.

3. Compliance reports. For ground disturbance in an archaeological resource or transition area, the applicant must provide documentation that the approved resource recovery plan or other development activities comply with plans submitted for Subsection H.1.b.

a. Archaeological resource recovery plans. The required documentation for resource recovery plans is specified in the signed MOU.

b. All other developments. For developments not covered by a signed MOU, the applicant must submit compliance reports from a qualified archaeologist to BDS. The archaeologist must submit a final signed report certifying that the work was in conformance with this section.

Environmental Zones

33.515.265 Purpose

The purpose of the environmental regulations in the Columbia South Shore plan district south of NE Marine Drive is to:

- Protect inventoried significant natural resources and their functional values in the Columbia South Shore Plan District, as identified in the Comprehensive Plan;

- Implement the Comprehensive Plan environmental policies and objectives;
- Encourage coordination between City, county, regional, state, and federal agencies concerned with natural resources; and
- Protect inventoried significant archaeological resources where those resources overlap with an environmental protection zone or environmental conservation zone.

33.515.268 Where These Regulations Apply

The regulations of Sections 33.515.265 through 33.515.280 apply to all lots or sites which contain an Environmental Zone on any portion of them, and any portion of a right-of-way which contains an Environmental Zone which are south of NE Marine Drive.

33.515.270 Overlay Zones

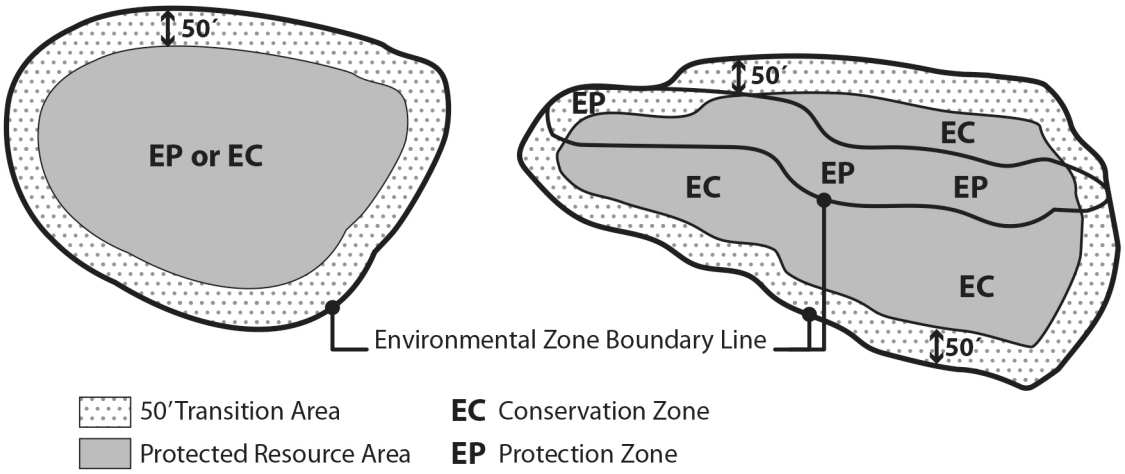
A. General. Natural resource values in the district have been inventoried. Because some natural resource areas have greater public benefits than others, the two environmental overlay zones have different emphases.

1. The environmental protection overlay zone is applied to areas with the highest functional values and where the natural resource is so significant that almost all development would have detrimental impact. The regulations of the environmental protection zone are intended to preserve the resource and its values.

2. The environmental conservation overlay zone is applied to areas with high functional values where development may be allowed if adverse impacts are mitigated. The regulations of the environmental conservation zone are intended to conserve the resource and its values.

B. Subareas of the Environmental Zone in the Columbia South Shore. Each environmental zone in the Columbia South Shore contains a protected natural resource and a transition area surrounding the protected resource. The purpose of the transition area is to protect the adjacent natural resource. The transition area provides a buffer between the protected resource and impacts of adjacent development. The transition area is the first 50 feet inward from the environmental zone boundary, except as shown on Map 515-5. Figure 515-7 illustrates two different situations: when either the environmental conservation or environmental protection zone is applied, and when the two zones are applied together and border each other.

Figure 515-7
Environmental Zone Subareas



33.515.272 Items Subject to These Regulations
Unless exempted in Section 33.515.274, the following are subject to the regulations of Sections 33.515.265 through 33.515.280:

- **A.** Change of use where there are concurrent exterior alterations to the buildings, site, or activities;
- **B.** New development;
- **C.** Exterior alteration of a building and site expansions or modifications, including increased cultivated area, grazing area, or other agricultural activities;
- **D.** New above or below ground utilities;
- **E.** Dedication or extension of rights-of-way and rail rights-of-way;
- **F.** Removal of trees and removal, cutting, or mowing of non-cultivated vegetation, including herbicide application;
- **G.** Resource enhancement activities; and
- **H.** Land divisions.

33.515.274 Items Exempt From These Regulations
The following are exempt from the development standards and required reviews stated in Sections 33.515.265 through 33.515.280. Other City regulations such as Title 10, Erosion Control, and Title 11, Trees must still be met. When no development or other activities are proposed that are subject to the development standards or review requirements of this chapter, tree removal allowed under the exemptions below is subject to the tree permit requirements of Title 11, Trees.

- **A.** Sale of property or change of ownership of a business;
- **B.** Changes to the interior of a building;

C. Normal repair and maintenance of structures and development, including irrigation;

D. Temporary emergency procedures necessary for the safety or protection of property;

E. Single utility poles required to provide service to the local area;

F. Right-of-way dedications for widening existing rights-of-way, when additional right-of-way is needed to ensure consistent width;

G. Actions taken by the City to correct or abate a nuisance;

H. Utilities installed below portions of public rights-of-way with existing paved travel lanes and utility lines installed above developed public rights-of-way;

I. Activities which the City is directed to perform by judgments entered by courts of competent jurisdiction;

J. Activities specifically exempted by state or federal law from compliance with local comprehensive plans or land use regulations;

K. Planting of native vegetation listed on the *Portland Plant List* when planted with hand held equipment;

L. Removing trees listed and plants on the Nuisance Plants List;

M. Removing trees that are within 10 feet of an existing building and structures attached to existing buildings, such as decks, stairs, and carports;

N. Removing dead, dying, or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or an arborist. Removing these portions is exempt only if all sections of wood more than 12 inches in diameter either:

1. Remain, or are placed, in the resource area of the same ownership on which they are cut; or

2. Are removed, if the City Forester authorizes removal of diseased wood because it will threaten the health of other trees; and

O. Pruning trees in accordance with Title 11 permit requirements.

33.515.276 Use Regulations

A. **Permitted uses.** The following uses and activities are allowed if they comply with the development standards of Section 33.515.278:

1. In areas without environmental overlay zones, uses and development allowed by the plan district regulations.

2. In environmental zones:

   a. Planting-required vegetation;

   b. Removal of vegetation identified on the Nuisance Plants List in the *Portland Plant List*;

   c. Resource maintenance;

d. Stormwater discharge;

e. Sewer connections to individual properties;

f. Water quality monitoring facilities;

g. Construction of the Columbia South Shore Slough Trail;

h. Water-based drainageway maintenance, including construction of staging areas;

i. Maintenance of the water level in the Columbia Slough system;

j. The addition of sidewalks and bicycle lanes to public rights-of-way with existing paved travel lanes; and

k. Land divisions.

3. In the transition area:

a. Overhead and underground utilities;

b. Planting native vegetation if not required; and

c. Recreation or trail facilities identified in the Columbia South Shore Slough Trail Master Plan.

B. Review required. The following uses are allowed if they comply with the development standards of Section 33.515.278 and are subject to review, as set out in Section 33.515.280:

1. In environmental zones:

a. Fill or destruction of a resource in an environmental conservation zone;

b. Removal of vegetation which is not identified on the Nuisance Plants List in the *Portland Plant List*;

c. Planting non-native vegetation;

d. Other resource enhancement or alteration;

e. Fencing;

f. Dedication of a public right-of-way;

g. New construction, widening, and relocation of roads in a public right-of-way;

h. Recreation or trail facilities not identified in the Columbia South Shore Slough Trail Master Plan; and

i. Other drainageway activities or facilities for stormwater conveyance, including flood control structures.

2. In the protected resource:

a. Planting native vegetation if not required;

b. Overhead and underground utilities, except sewer connections to individual properties; and

c. Recreation or trail facilities identified in the Columbia South Shore Slough Trail Master Plan.

C. Prohibited. All other uses and development are prohibited.

33.515.278 Development Standards

A. Except for temporary uses and as specified in Paragraph A.6, land uses and activities on lots or sites which contain an environmental zone on any portion of them require revegetation of the vegetated transition area as follows:

1. Species must be classified as native on the *Portland Plant List*, and not be identified on the Nuisance Plants List;

2. Planting must cover 90 percent of the ground within one year or two growing seasons after planting;

3. At least 8 species of plants must be used. Fifty percent of any seed mix used must be grass and 50 percent flowers when measured by area covered; and

4. If cover requirements are not met within one year from issuance of an occupancy permit, final inspection, or certificate of completion, replanting is required and the requirements of this section must be met within one year or two growing seasons of replanting.

5. Plants used for revegetation may also count towards other landscaping requirements.

6. Exception for sites with an existing nonconforming use, allowed use, limited use, or conditional use. Sites with an existing nonconforming use, an allowed use, a limited use, or a conditional use are subject to the following regulations:

   a. Required improvements. When alterations are made to a site that does not meet the standards of A.1-5, above, the site must be brought into conformance with the standards of A.1-5. The cost of meeting the standards of A.1-5 may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the standards of A.1-5 must be met first.

   b. Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site.

   c. Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in subparagraph 33.258.070.D.2.b, the standards of A.1-5 are also included.

B. Land uses, land divisions, and activities within an environmental zone must meet the following standards:

1. Revegetation in a vegetated transition area must meet the following:

a. Species must be classified as native on the *Portland Plant List*, and not be identified on the Nuisance Plants List;

b. Planting must cover 90 percent of the ground within one year or two growing seasons after replanting;

c. At least 8 species of plants must be used. Fifty percent of any seed mix used must be grass and 50 percent flowers when measured by area covered; and

d. If cover and species requirements are not met within one year or two growing seasons from issuance of an occupancy permit, final inspection, or certificate of completion, replanting is required and the requirements of this section must be met within one year of replanting.

e. Plants used for revegetation may also count towards other landscaping requirements.

2. Revegetation in a protected resource must meet the following:

a. Species must be classified as native on the *Portland Plant List*, and not be identified on the Nuisance Plants List;

b. Planting must cover 90 percent of the ground within one year;

c. Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore lists all protected natural resources in the plan district and identifies their resource values. If a site is a riparian area, Subsubparagraph (1) must be met. If a site is not a riparian area, but is a meadow or open space without trees, Subsubparagraph (2) must be met. All other sites must meet Subsubparagraph (1).

(1) Planting requirements with trees:

- At least 8 species of plants must be used;
- At least 2 species must be shrubs and 2 must be trees;
- Fifty percent of any seed mix used must be grass and 50 percent flowers when measured by area covered;
- One tree and 3 shrubs are required for every 500 square feet of planting area; and
- Trees and shrubs must be planted in clusters of at least 3.

(2) Planting requirements without trees:

- At least 8 species of groundcover plants must be used; and
- Fifty percent of any seed mix used must be grass and 50 percent flowers when measured by area covered.

d. If cover and species requirements are not met within one year from issuance of any occupancy permit or final inspection, replanting is required and the requirements of this section must be met within one year of replanting.

e. Plants used for revegetation may also count towards other landscaping requirements.

3. Herbicides used for removal of vegetation must be listed by the U.S. Environmental Protection Agency as appropriate for application in aquatic areas and use must be in accordance with directions for application.

4. Areas cleared of vegetation must be reseeded or replanted within one year of vegetation removal.

5. All development or activities which disturb ground or remove vegetation must conform to Chapter 24.70, Clearing and Grading, and to the *Erosion Control Manual*. In addition, the following standards must be met:

    a. Wet weather. All development between November 1 and April 30 of any year, which disturbs more than 500 square feet of ground, requires wet weather measures described in the Erosion Control Technical Guidance Handbook. These measures must be met until issuance of any occupancy permit or final inspection;

    b. Maintenance. Erosion control measures must be maintained until 90 percent of all disturbed ground is covered by vegetation;

    c. Self inspection. Areas where the ground is disturbed must be inspected by or under the direction of the owner at least once every 7 calendar days, within 24 hours of any storm event greater than one-half inch of rain in any 24-hour period, or at any time when water runoff occurs. These measures must be met until issuance of any occupancy permit or final inspection; and

    d. Record keeping. Records must be kept of all inspections. Instances of measurable erosion must be recorded with a brief explanation of corrective measures taken. This record must be available to the City and retained until final inspection.

6. Stormwater discharge must pass through water quality facilities which conform to Chapter 17.38, Drainage and Water Quality.

7. Stormwater discharge into a mitigation area is not allowed unless it is part of the mitigation plan.

8. Except for stormwater discharges, industrial or sanitary discharges, including wastewater and overflow, into the slough system is not allowed.

9. Construction and ongoing maintenance for overhead or underground utilities, including sanitary sewer connections to individual properties and stormwater outfalls, cannot affect more than a 25-foot-wide corridor across the resource. These activities cannot result in the killing or removal of trees over 6 inches in diameter, measured 4-1/2 feet above the ground.

10. Road improvements across the slough must be by bridge unless a water control structure is a necessary part of the design.

11. Water quality monitoring facilities may be up to 100 square feet in area.

12. In Employment and Industrial zones, new lots completely within the environmental protection zone are exempt from minimum lot size and shape requirements of Chapter 33.614 and chapter 33.615. All other new lots must meet the minimum size

and shape requirements of Chapter 33.614 and Chapter 33.615, outside of land zoned environmental protection.

13. Location and design of any trail or recreation facilities must conform to standards of the Columbia South Shore plan district. All new trail easements must be in the outer 25 feet of the environmental zone, except as necessary to connect to existing easements or trails on adjacent sites.

14. Construction of the trail or recreation facilities cannot result in the removal of trees that are 6 or more inches in diameter, with the exception that trees listed on the Nuisance Plants List may be removed. The trail or recreation facility cannot be located within wetlands subject to state or federal regulations.

15. Staging areas for slough and drainageway maintenance may have up to 5,000 square feet of gravel, paving, structures, or other ground-disturbing uses or activities exclusive of an access road. Access roads within an environmental zone may be up to 300 feet in length.

16. Water levels in the slough will be maintained at an elevation of between 5 and 10 feet mean sea level in order to preserve wetlands that are protected by an Environmental zone. An exception to this standard is for maintenance or emergency situations when a lower level is necessary.

17. Nonconforming situations

    a. Required improvements.

        (1) Paved areas in Environmental Overlay Zones. When the value of proposed alterations on the site, as determined by BDS, is more than $300,000, paved areas that do not meet plan district regulations must be removed from environmental zoned areas. The value of the alterations is based on the entire project, not individual building permits.

        (2) Unpaved exterior areas. When development is proposed or alterations are made to a site, unpaved exterior improvements must comply fully with development standards.

        (3) The cost of meeting the standards of B.17.a(1) and (2), above, may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the requirements of B.17.a(1) and (2) must be met first.

    b. Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site.

    c. Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in subparagraph 33.258.070.D.2.b, the standards of B.17.a(1) and (2), above, are also included.

    d. Removal of existing bridges, utilities, or public improvements is not required.

18. Land divisions. The following standards apply to land divisions where at least half of the site is within an environmental zone:

    a. In residential zones, at least 40 percent of the land division site not in streets must be devoted to open areas;

    b. In nonresidential zones, at least 20 percent of the land division site not in streets must be devoted to open areas; and

    c. In all zones, at least half of the open area must be in common ownership.

33.515.280 Columbia South Shore Environmental Review

A. Purpose of the review. Environmental review of uses and development in the Environmental zones is intended to provide adequate protection for the identified natural resources. The review provides for flexibility and reasonable development opportunities when development is sensitive to the special environmental concerns of the site. Within the plan district, the applicant should be aware that if an archaeological resource exists on an area to be removed from environmental zones, the protection measures of 33.515.262 still apply.

B. Modifying Environmental Zone boundaries. Environmental zone boundaries may be modified by the City as the result of and concurrent with approving development in a natural resource area. The boundaries may be modified for either of the two situations stated below. All other requests for boundary changes are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments.

1. Creation of new resource areas. The environmental protection zone will be expanded as part of the environmental review to include areas identified for mitigation.

2. Loss of existing resource areas. The environmental zone may be removed from an existing natural resource zoned environmental conservation where approved development will eliminate the natural resource. The zoning designation will not be removed until after all required mitigation measures have been completed.

C. Procedures. All required reviews are processed through a Type II procedure.

D. Approval criteria.

1. Fill or destruction of a natural resource in an environmental conservation zone will be approved if the review body finds that:

    a. All resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore being altered or destroyed will be replaced through mitigation. If the mitigation site is within a protected resource, values that already exist do not count towards mitigation;

    b. The mitigation area is in the Columbia South Shore plan district and abuts or is within a protected resource;

    c. If the mitigation area abuts a protected resource, the mitigation area will be at least 110 percent of the size and values of the altered resource area;

d. If the mitigation area is within a protected resource:

(1) The mitigation area will be at least 330 percent of the size of the altered area; and will replace at least 110 percent of the values of the altered resource area; and

(2) Mitigation will be provided for all resource values lost, including those lost in the protected resource as part of mitigation efforts.

e. The maintenance plan insures the maintenance and protection of resource mitigation areas and associated functions and values for 5 years after success has been achieved. The 5-year period will begin when the Bureau receives and approves a report from the applicant which describes the manner in which mitigation success has been achieved. Success shall be defined in the approved mitigation plan to include:

(1) Full achievement of required resource values; and

(2) Compliance with development standards of Section 33.515.278.

f. Except for public improvement projects undertaken by the City, a performance guarantee which meets the requirements of Section 33.700.050, Performance Guarantees, for construction, monitoring, and maintenance of the mitigation site in accordance with the mitigation plan will be filed with the City Auditor prior to issuance of any development or building permit.

2. Removal of vegetation in an environmental zone or planting of native vegetation if not required in a protected natural resource will be approved if the review body finds that all activities will result in no loss of resource values identified in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore.

3. Planting non-native vegetation in an environmental zone will be approved if the review body finds that the vegetation:

a. Provides food or other values for native wildlife that cannot be achieved by native vegetation; and

b. Is not classified as a plant on the Nuisance Plants List in the *Portland Plant List*.

4. The following activities will be approved if the review body finds that the criteria of this paragraph are met: other resource enhancement or alteration or road improvements in public rights-of-way in an environmental zone; or overhead utilities, underground utilities other than sewer connections to individual properties, or recreation or trail facilities identified in the Columbia South Shore Slough Trail Master Plan in the protected resource:

a. The proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

b. All detrimental environmental impacts are mitigated in the following manner:

(1) All resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore for the site being altered or destroyed

will be replaced at the mitigation site. If the mitigation site is within a protected resource, values that already exist do not count towards mitigation;

(2) The mitigation area abuts or is within a protected resource;

(3) If the mitigation area is within a protected resource, mitigation will be provided for all resource values lost, including those lost in the protected resource as part of mitigation efforts.

(4) All detrimental impacts on resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore for the site on which the use or activity is taking place will be replaced at the mitigation site;

c. A monitoring or maintenance plan has been prepared which insures the maintenance and protection of resource mitigation areas and associated functions and values for 5 years after success has been achieved. The 5-year period will begin when the Bureau receives and approves a report from the applicant that describes the manner in which mitigation success has been achieved. Success shall be defined in the approved mitigation plan to include:

(1) Full achievement of required resource values; and

(2) Compliance with development standards of Section 33.515.278.

d. Except for public improvement projects undertaken by the City, a performance guarantee which meets the requirements of Section 33.700.050, Performance Guarantees, for construction, monitoring, and maintenance of the mitigation site in accordance with the mitigation plan will be filed with the City Auditor prior to issuance of any development or building permit.

5. Fencing in an environmental zone will be approved if the review body finds that:

a. It is needed;

b. It allows for appropriate passage of wildlife;

c. It is the minimum necessary, both in height and length; and

d. There are no alternative sites or methods that have less impact on the protected resource.

6. Public right-of-way dedication in an environmental zone will be approved if the review body finds that there are no practicable alternatives that have less impact on the protected resource.

7. Recreation or trail facilities not identified in the Columbia South Shore Slough Trail Master Plan, and other activities or drainageway facilities for stormwater conveyance, including flood control structures will be approved if the review body finds that:

a. The proposal is dependent upon and relates directly to the resource;

b. The proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

c. All detrimental environmental impacts are mitigated in the following manner:

(1) All resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore for the site being altered or destroyed will be replaced at the mitigation site. If the mitigation site is within a protected resource, values that already exist do not count towards mitigation;

(2) The mitigation area abuts or is within a protected resource;

(3) If the mitigation area is within a protected resource, mitigation will be provided for all resource values lost, including those lost in the protected resource as part of mitigation efforts; and

(4) All detrimental impacts on resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore for the site on which the use or activity is taking place will be replaced at the mitigation site.

d. The maintenance plan insures the maintenance and protection of resource mitigation areas and associated functions and values for 5 years after success has been achieved. The 5-year period will begin when the Bureau receives and approves a report from the applicant that describes the manner in which mitigation success has been achieved. Success shall be defined in the approved mitigation plan to include:

(1) Full achievement of required resource values; and

(2) Compliance with development standards of Section 33.515.278.

e. Except for public improvement projects undertaken by the City, a performance guarantee which meets the requirements of Section 33.700.050, Performance Guarantees, for construction, monitoring, and maintenance of the mitigation site in accordance with the mitigation plan will be filed with the City Auditor prior to issuance of any development or building permit.

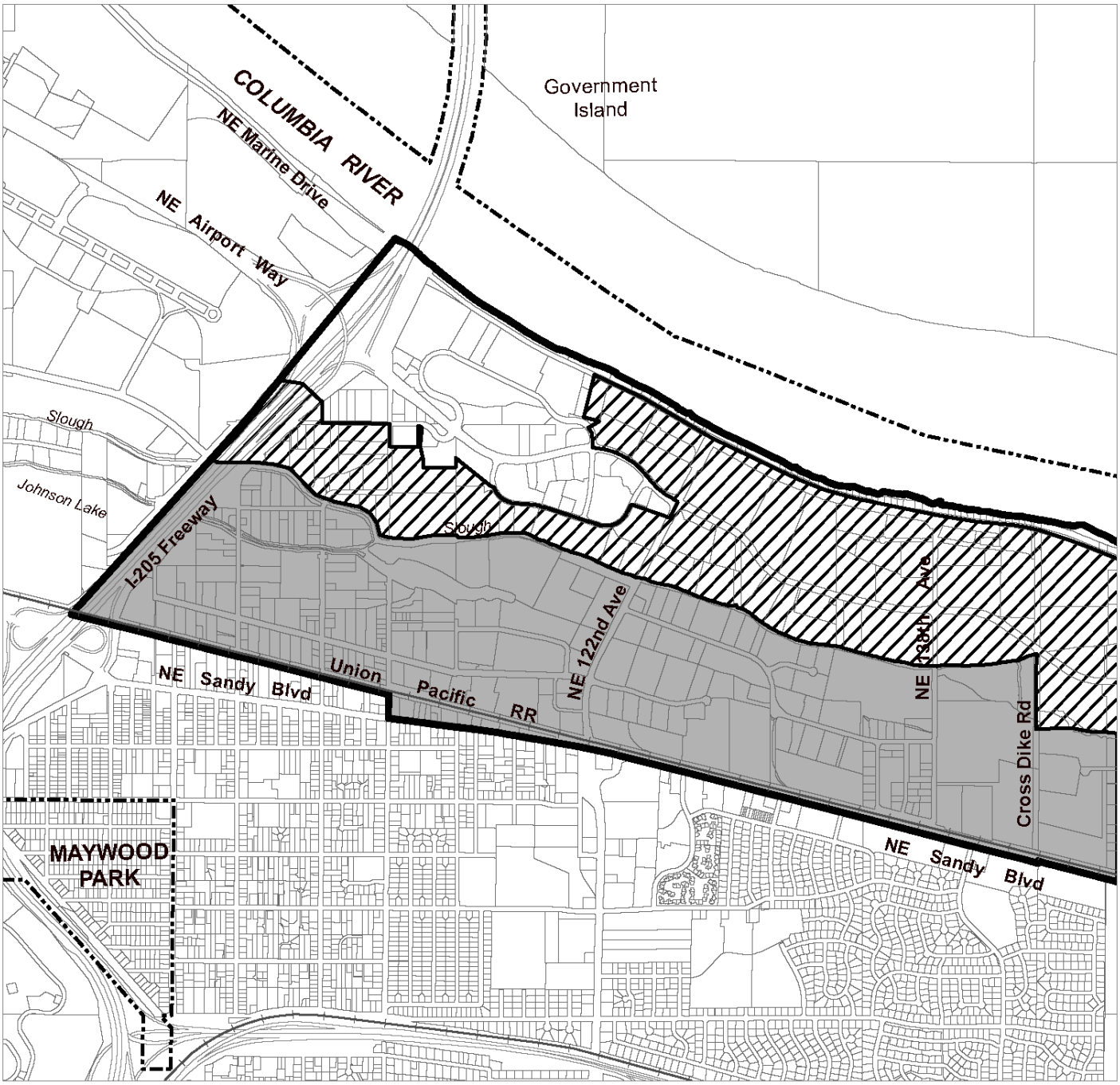
(Amended by: Ord. No. 166834, effective 9/3/93; Ord. No. 167127, effective 12/17/93; Ord. No. 167650, effective 6/10/94; Ord. No. 166835, effective 5/23/95; Ord. No. 169953, effective 5/3/96; Ord. Nos. 169916 and 170225, effective 9/1/96; Ord. No. 171740, effective 11/14/97; Ord. No. 173259, effective 5/14/99; Ord. No. 173528, effective 7/30/99; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177368, effective 5/17/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177404, effective 7/1/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183534, effective 7/1/10; Ord. No. 184521, effective 5/13/11; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No.

188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. , effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20.)

Columbia South Shore Plan District and Subdistricts

Map 515-1

Map Revised May 24, 2018



City Boundary

Plan District Boundary

Industrial Business Opportunity Subdistrict

Southern Industrial Subdistrict

NORTH

0 1,500 3,000

Scale in Feet

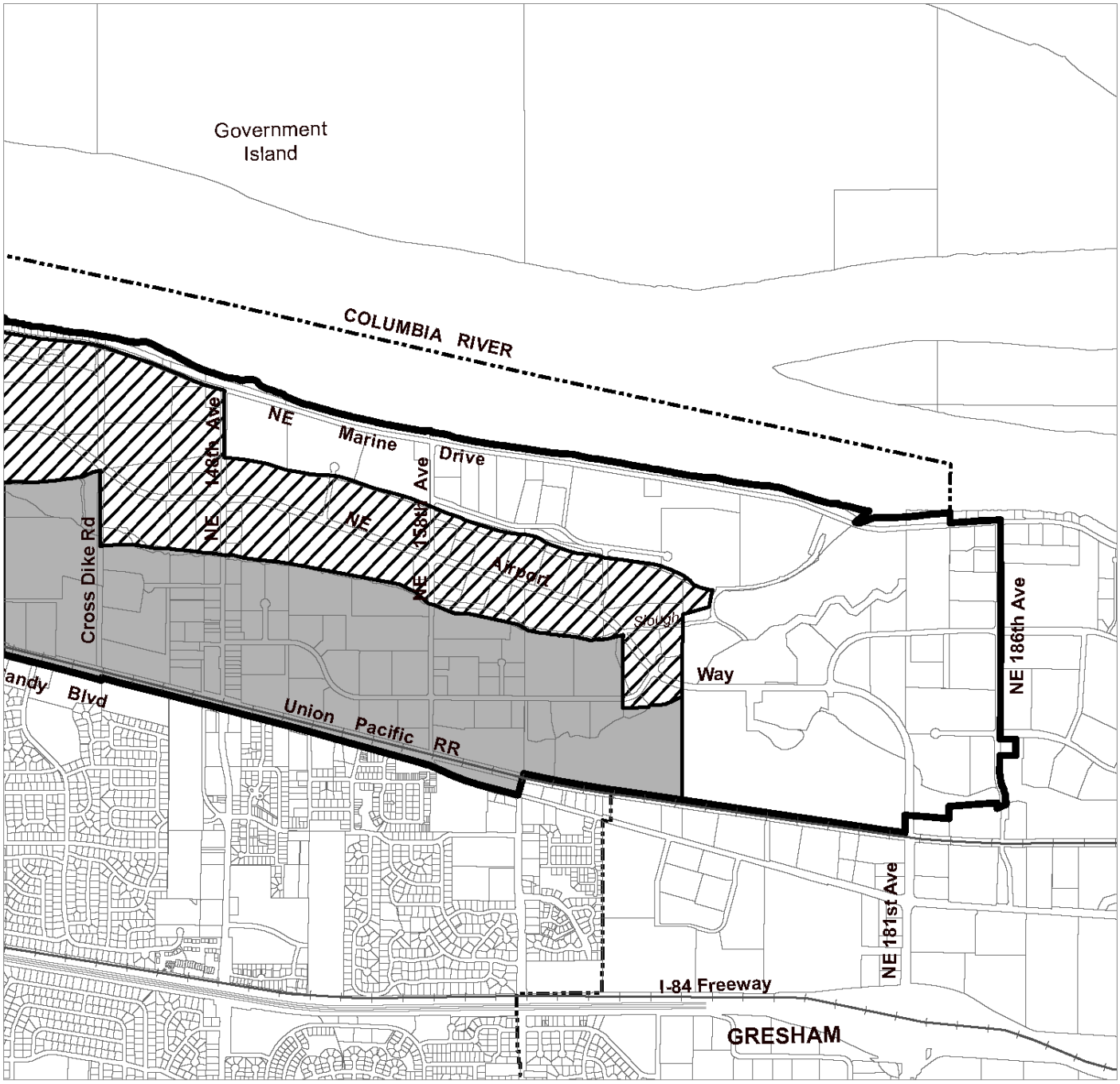
Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore
Plan District and Subdistricts

Map 515-1

Map 2 of 2

Map Revised May 24, 2018



City Boundary

Plan District Boundary

Industrial Business Opportunity Subdistrict

Southern Industrial Subdistrict

NORTH

0 1,500 3,000

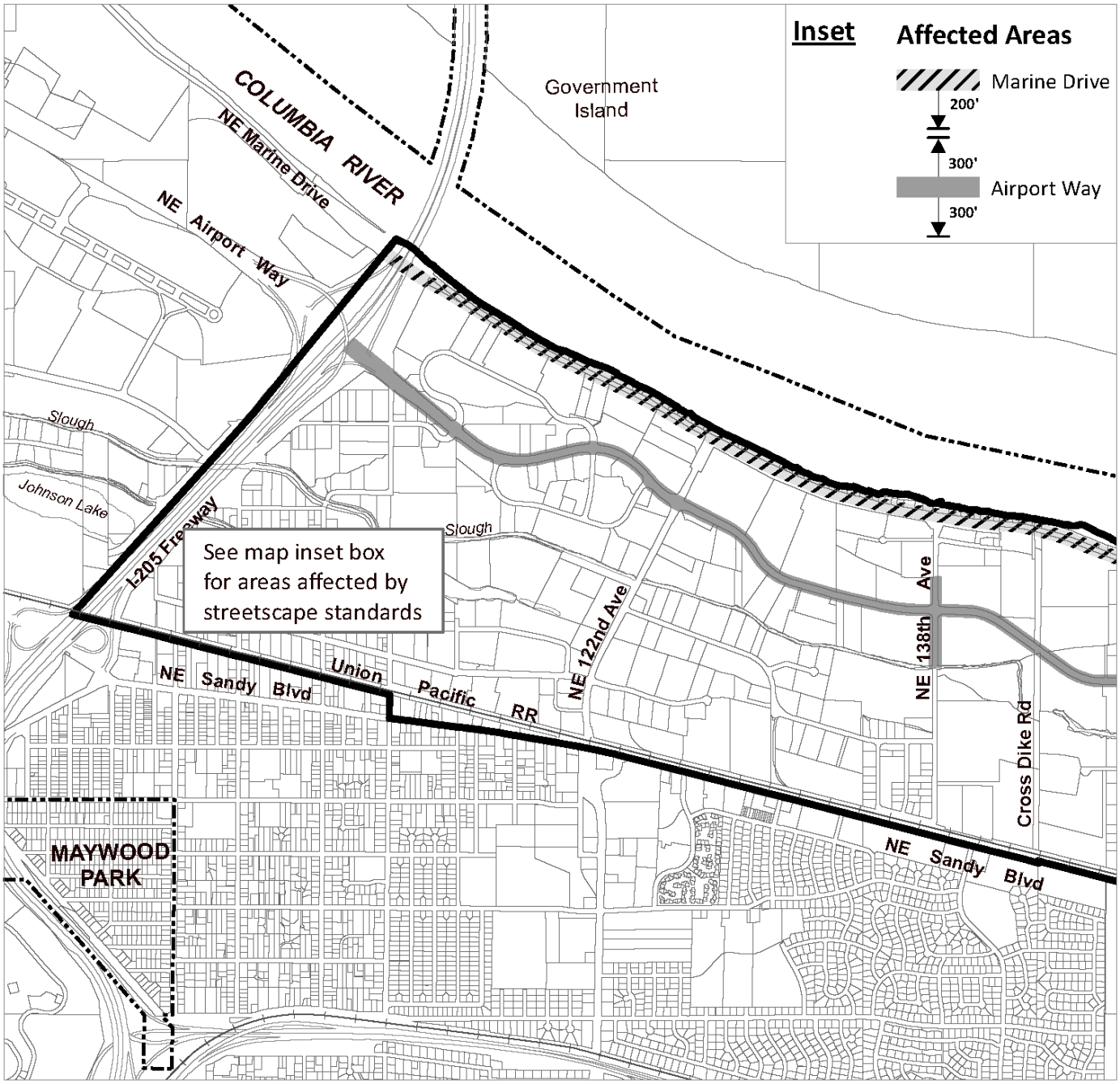
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore Streetscape Standards

Map 515-2

Map Revised January 1, 2015



City Boundary

Plan District Boundary

Marine Drive Streetscape

Airport Way Streetscape

NORTH

0 1,500 3,000

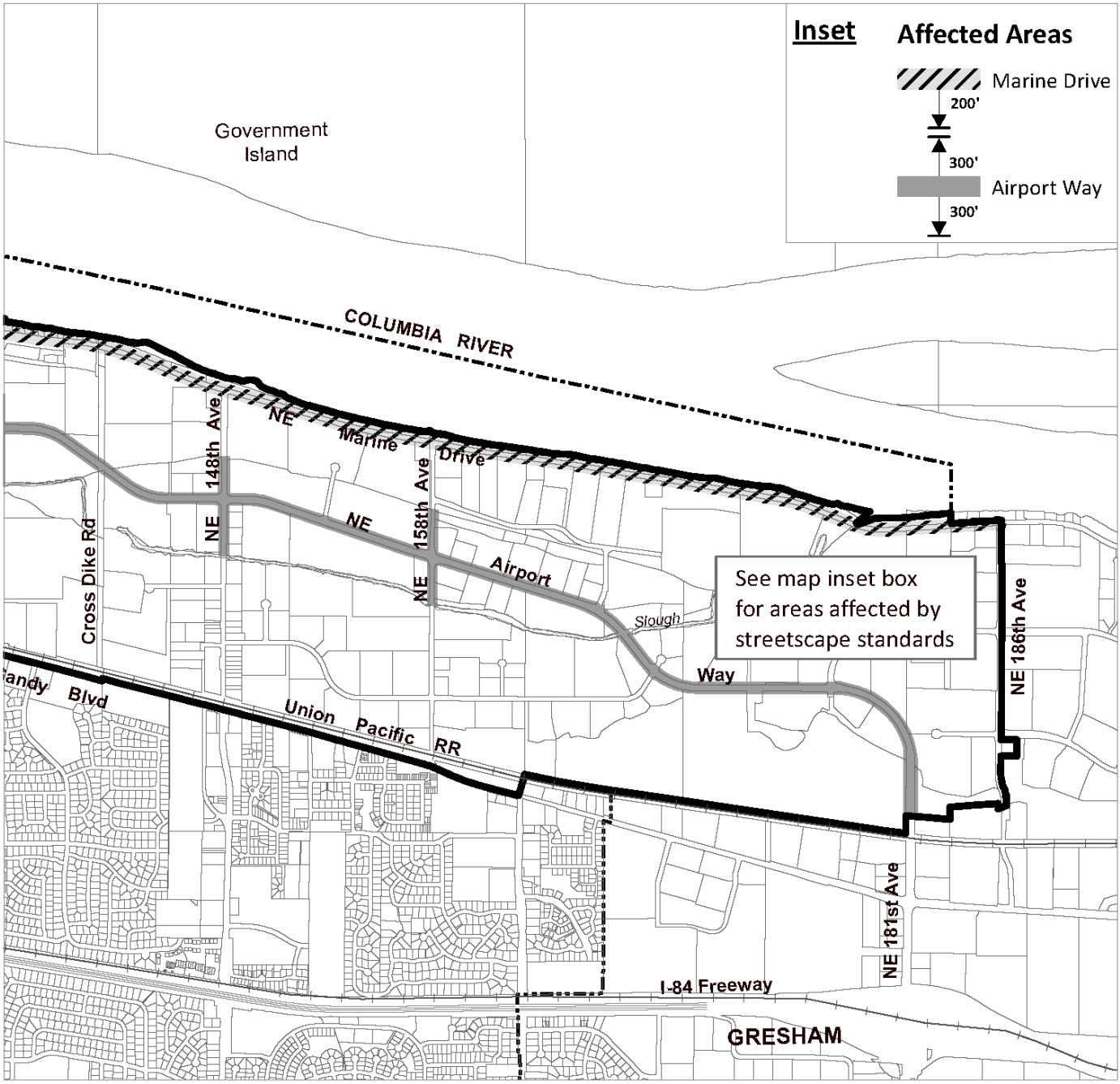
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore Streetscape Standards

Map 515-2

Map Revised January 1, 2015



City Boundary

Plan District Boundary

Marine Drive Streetscape

Airport Way Streetscape

NORTH

0 1,500 3,000

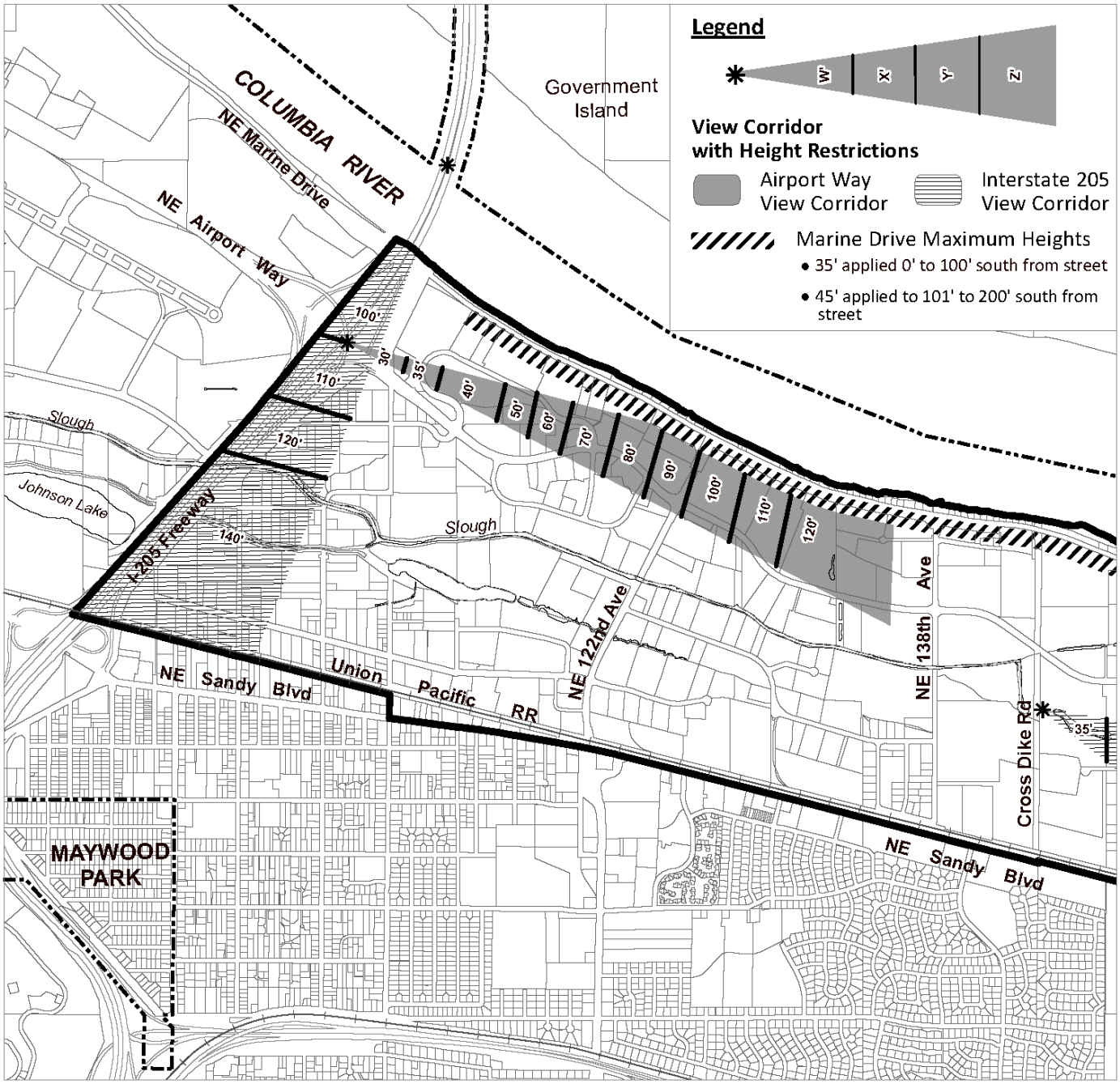
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore
Maximum Building Heights

Map 515-3

Map Revised January 1, 2015



City Boundary

Plan District Boundary

NORTH

0 1,500 3,000

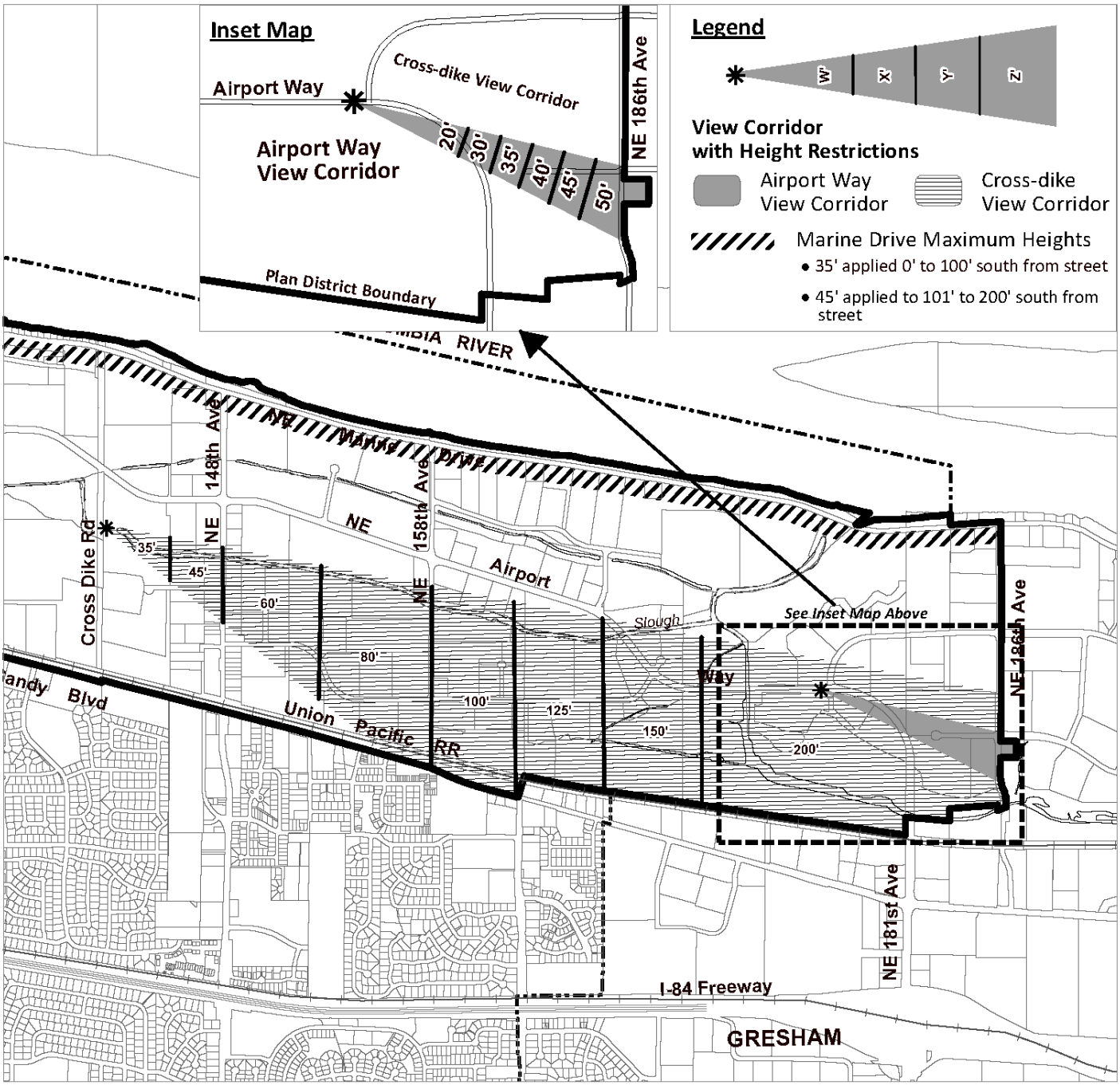
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore
Maximum Building Heights

Map 515-3

Map Revised January 1, 2015



City Boundary

Plan District Boundary

NORTH

0 1,500 3,000

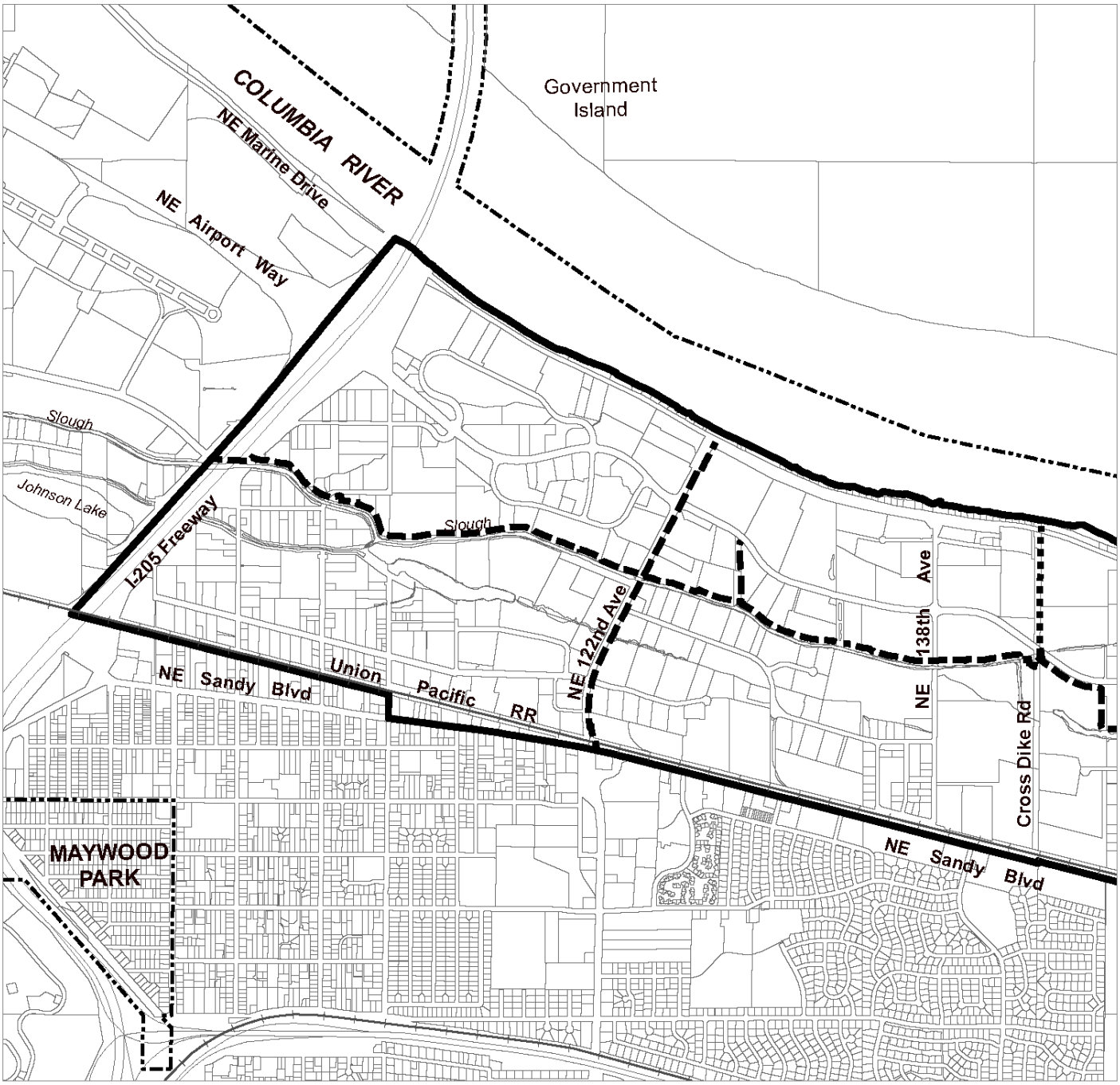
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore Slough Trail

Map 515-4

Map Revised December 31, 2018



City Boundary

Plan District Boundary

Columbia South Shore Slough Trail

Cross-Levee Recreation Trail

NORTH

0 1,500 3,000

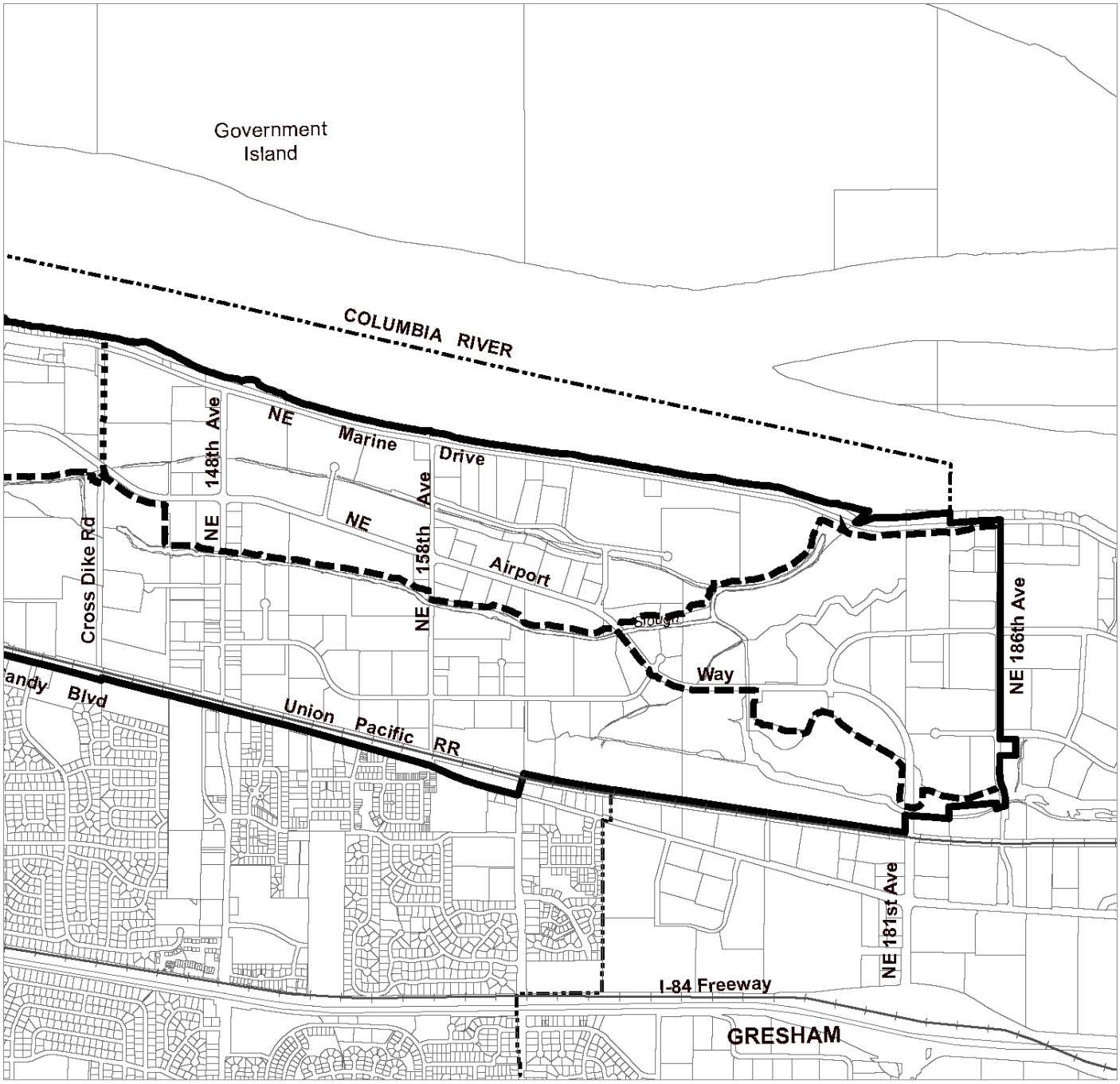
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore Slough Trail

Map 515-4

Map Revised December 31, 2018



City Boundary

Plan District Boundary

Columbia South Shore Slough Trail

Cross-Levee Recreation Trail

NORTH

0 1,500 3,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

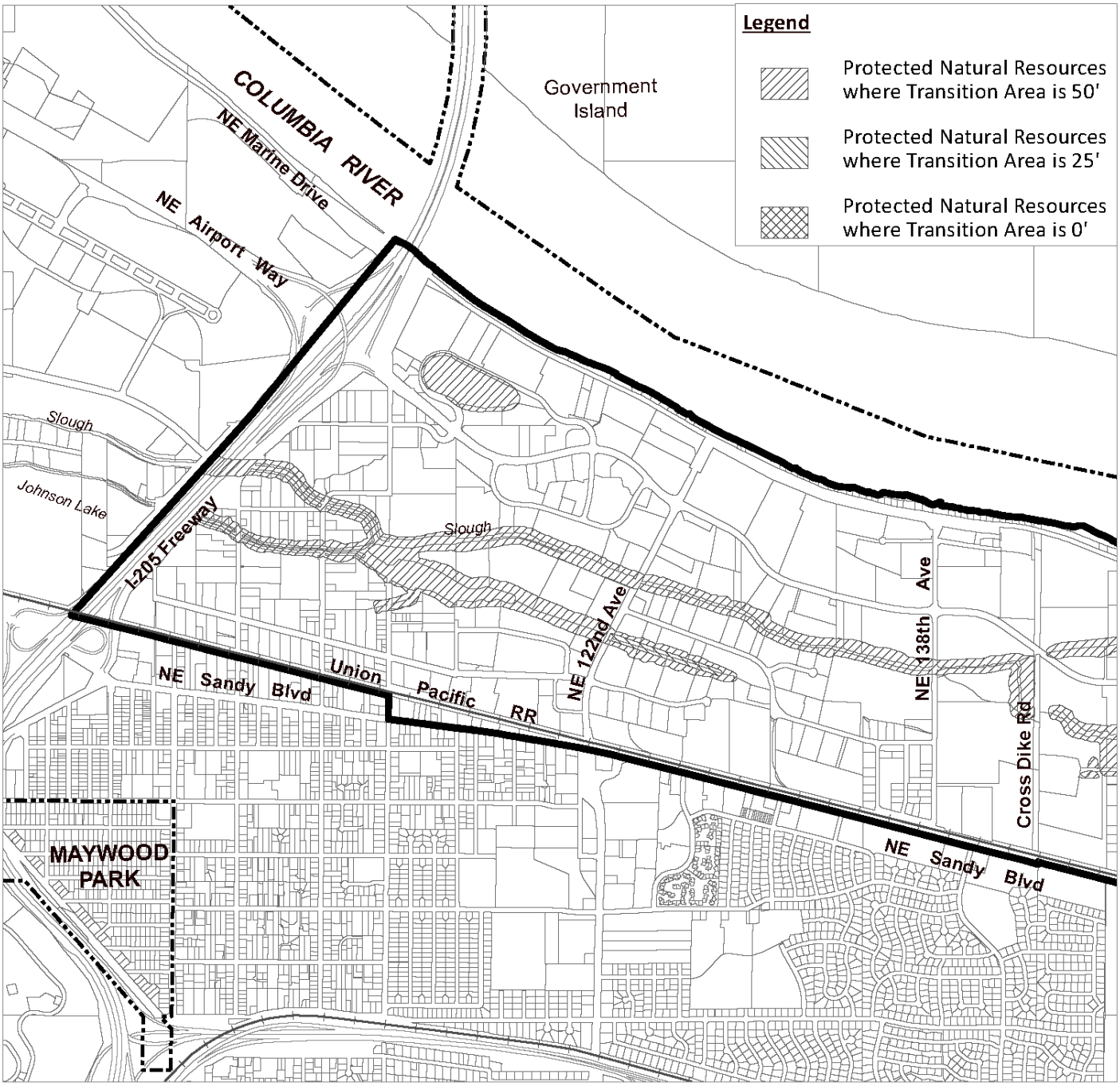
Columbia South Shore Environmental Transition Areas

Map 515-5

Map 1 of 2

Code reference: 33.515.270.B

Map Revised January 1, 2015



City Boundary

Plan District Boundary

NORTH

0 1,500 3,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

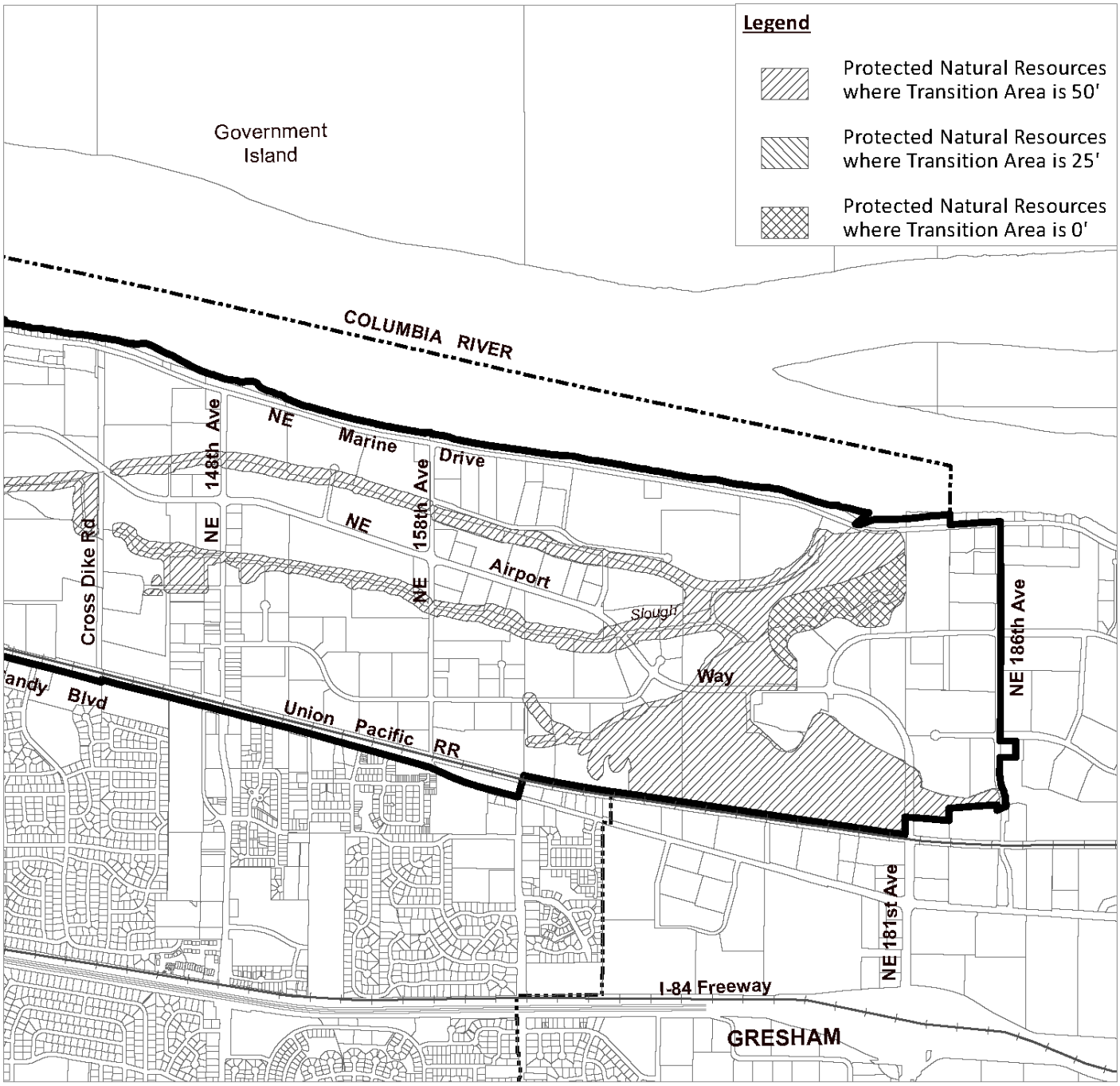
Columbia South Shore Environmental Transition Areas

Map 515-5

Map 2 of 2

Code reference: 33.515.270.B

Map Revised January 1, 2015



City Boundary

Plan District Boundary

NORTH

0 1,500 3,000

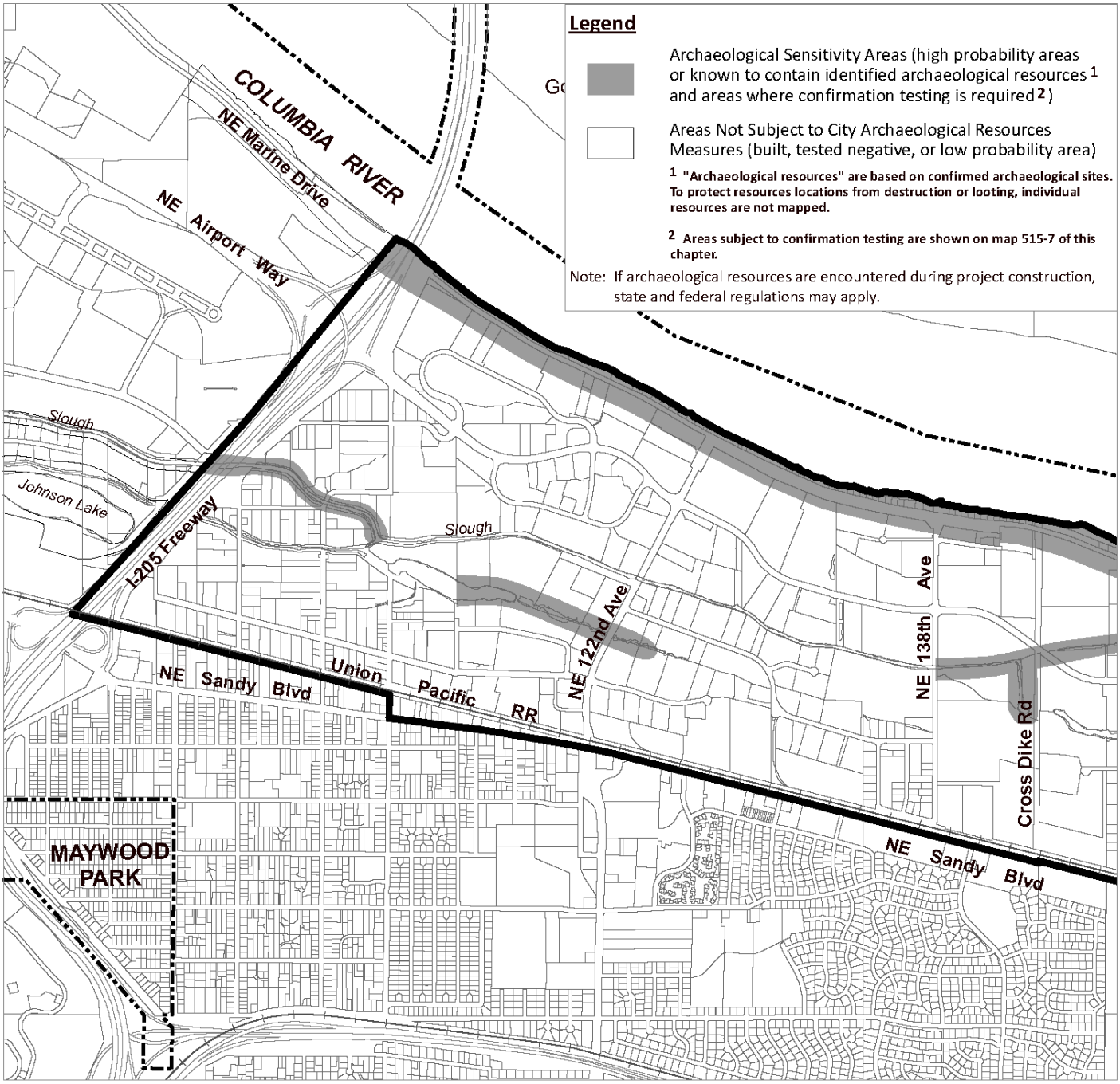
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore
Areas of Archaeological Interest

Map 515-6

Map Revised January 1, 2015



City Boundary

Plan District Boundary

NORTH

0 1,500 3,000

Scale in Feet

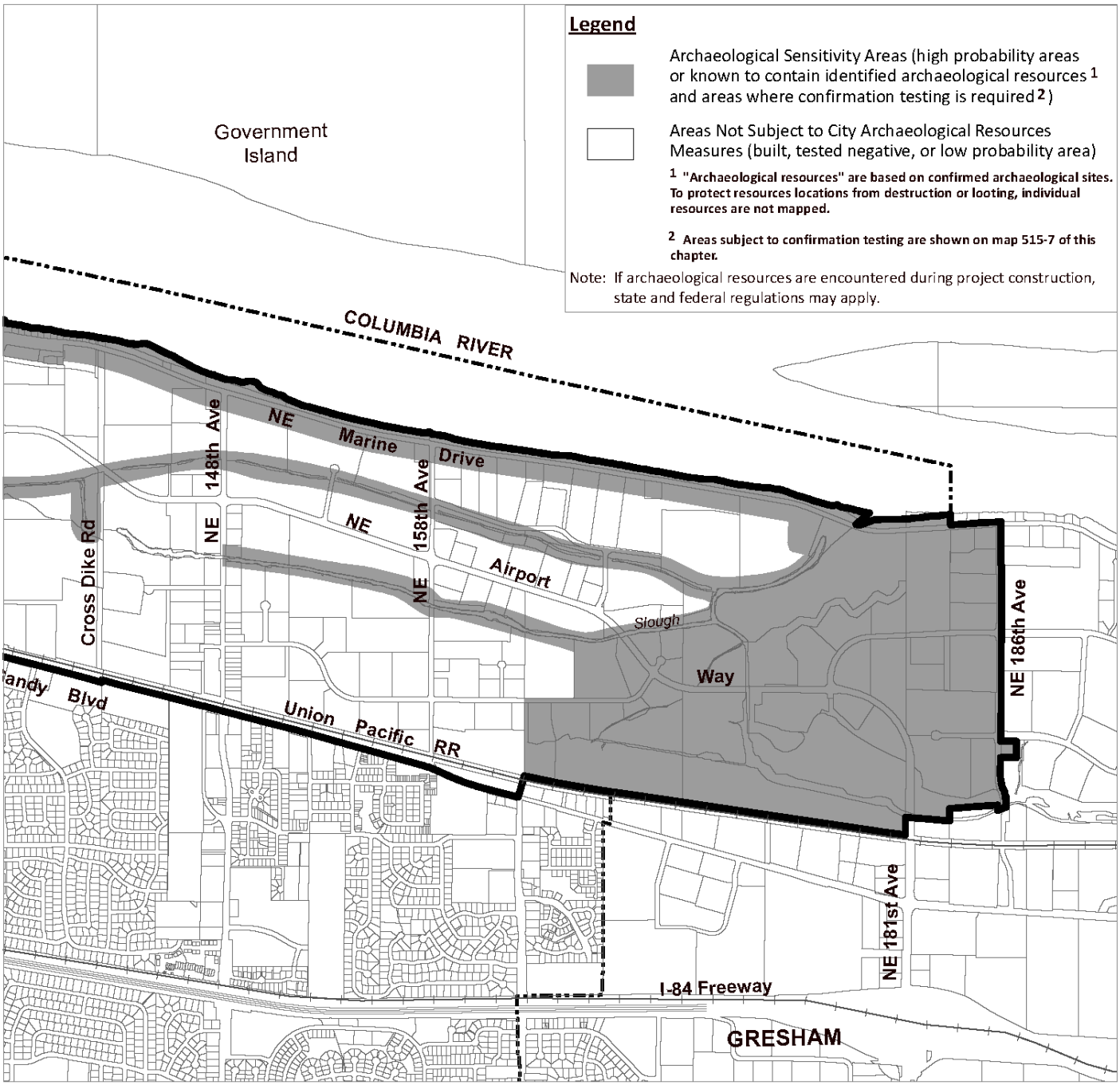
Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore
Areas of Archaeological Interest

Map 515-6

Map 2 of 2

Map Revised January 1, 2015



City Boundary

Plan District Boundary

NORTH

0 1,500 3,000

Scale in Feet

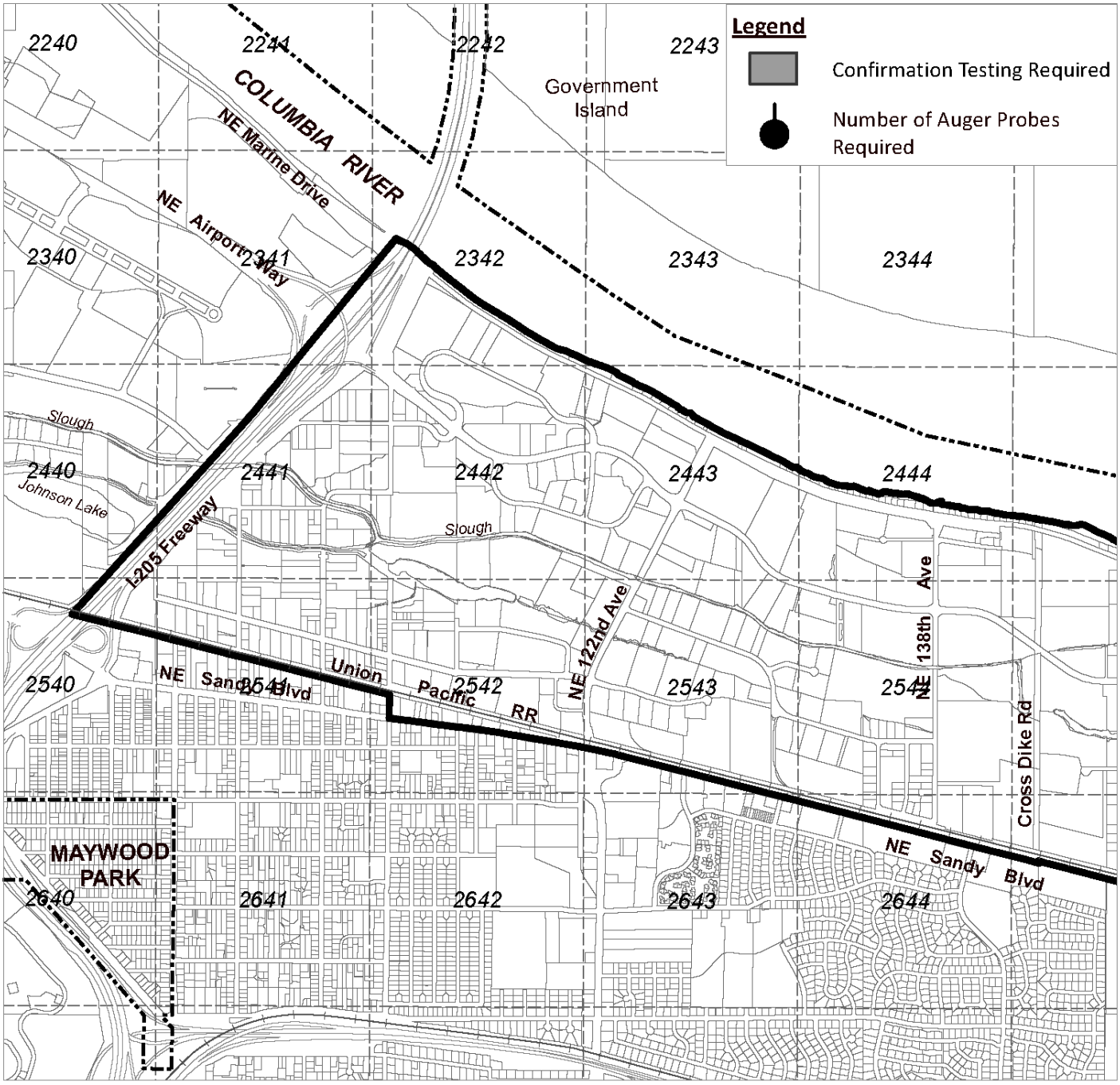
Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore
Areas Where Confirmation Testing is Required

Map 515-7

Map 1 of 2

Map Revised January 1, 2015



City Boundary

Plan District Boundary

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

NORTH

0 1,500 3,000

Scale in Feet

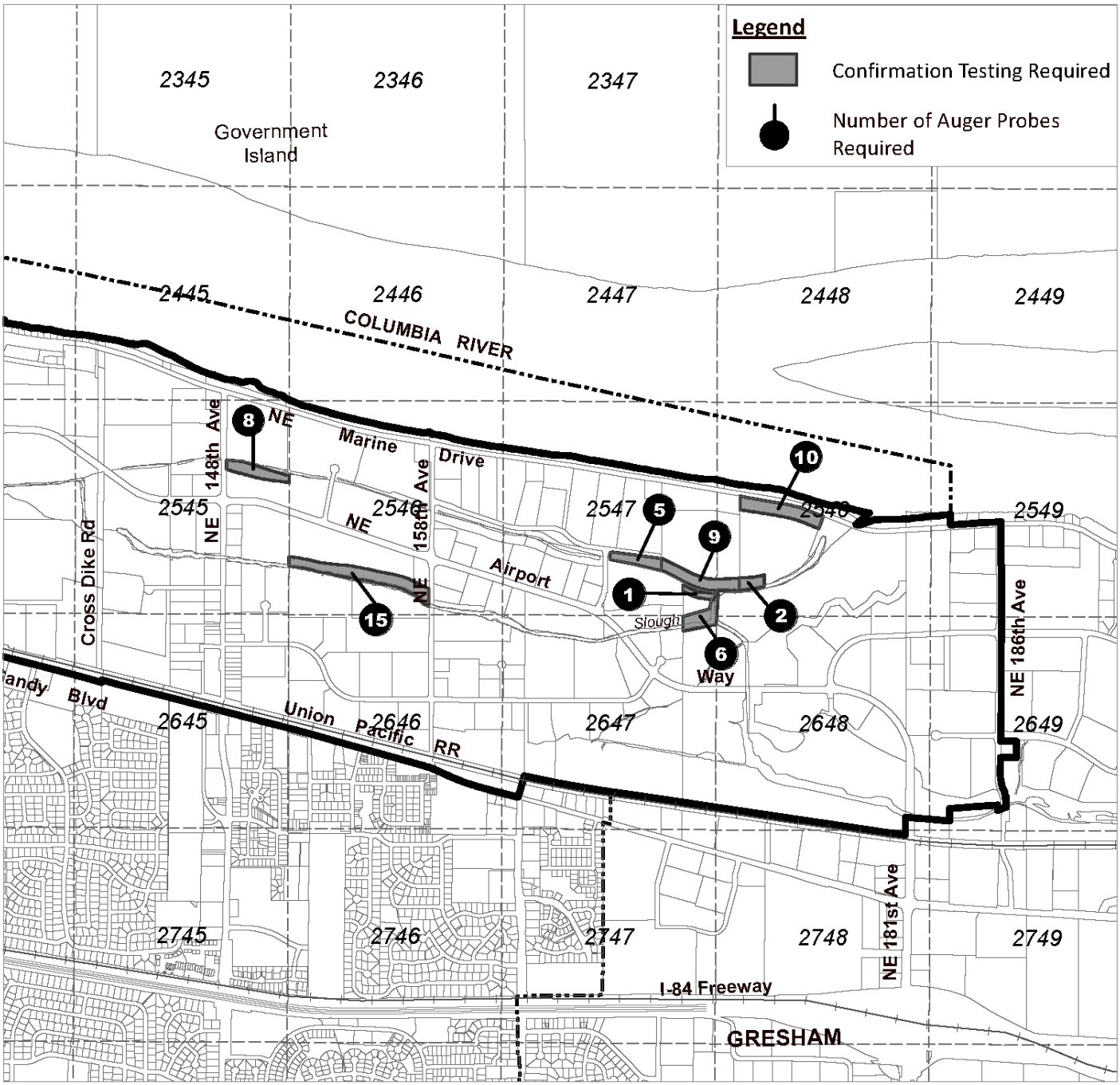
Bureau of Planning and Sustainability
Portland, Oregon

Columbia South Shore
Areas Where Confirmation Testing is Required

Map 515-7

Map 2 of 2

Map Revised January 1, 2015



City Boundary

Plan District Boundary

NORTH

0 1,500 3,000

Scale in Feet

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

Bureau of Planning and Sustainability
Portland, Oregon

33.520 Division Street Plan District

520

Sections

General
33.520.010 Purpose
33.520.020 Where These Regulations Apply
Development Standards
33.520.100 Reinforce the Corner
33.520.110 Exterior Finish Material
Map 520-1 Division Street Plan District

General

33.520.010 Purpose

The Division Street plan district promotes development that fosters a pedestrian- and transit-oriented main street. The plan district provisions ensure that development:

- Activates Division Street corners and enhances the pedestrian environment; and
- Is constructed with high quality materials in combinations that are visually interesting.

33.520.020 Where These Regulations Apply. The regulations of this chapter apply to the Division Street plan district. The boundaries of the plan district are shown on Map 520-1 at the end of this chapter, and on the Official Zoning Maps**.**

Development Standards

33.520.100 Reinforce the Corner

A. **Where the standards apply.** The following standards apply to sites where any of the floor area on the site is in a nonresidential use, and where a site abuts both Division Street and an intersecting street:

B. **Main entrance standard.** For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor must meet the following. The ground floor is the lowest floor of the building that is within four feet of the adjacent street grade. The main entrance must:

1. Be within 5 feet of the facade facing Division Street; and
2. Either:
   a. Face Division Street; or
   b. Be at an angle of up to 45 degrees from Division Street, measured from the street property line.

C. Surface parking areas are not allowed within 40 feet of the corner.

33.520.110 Exterior Finish Materials

A. **Where the standard applies.** The exterior finish materials standard applies in multi-dwelling residential zones.

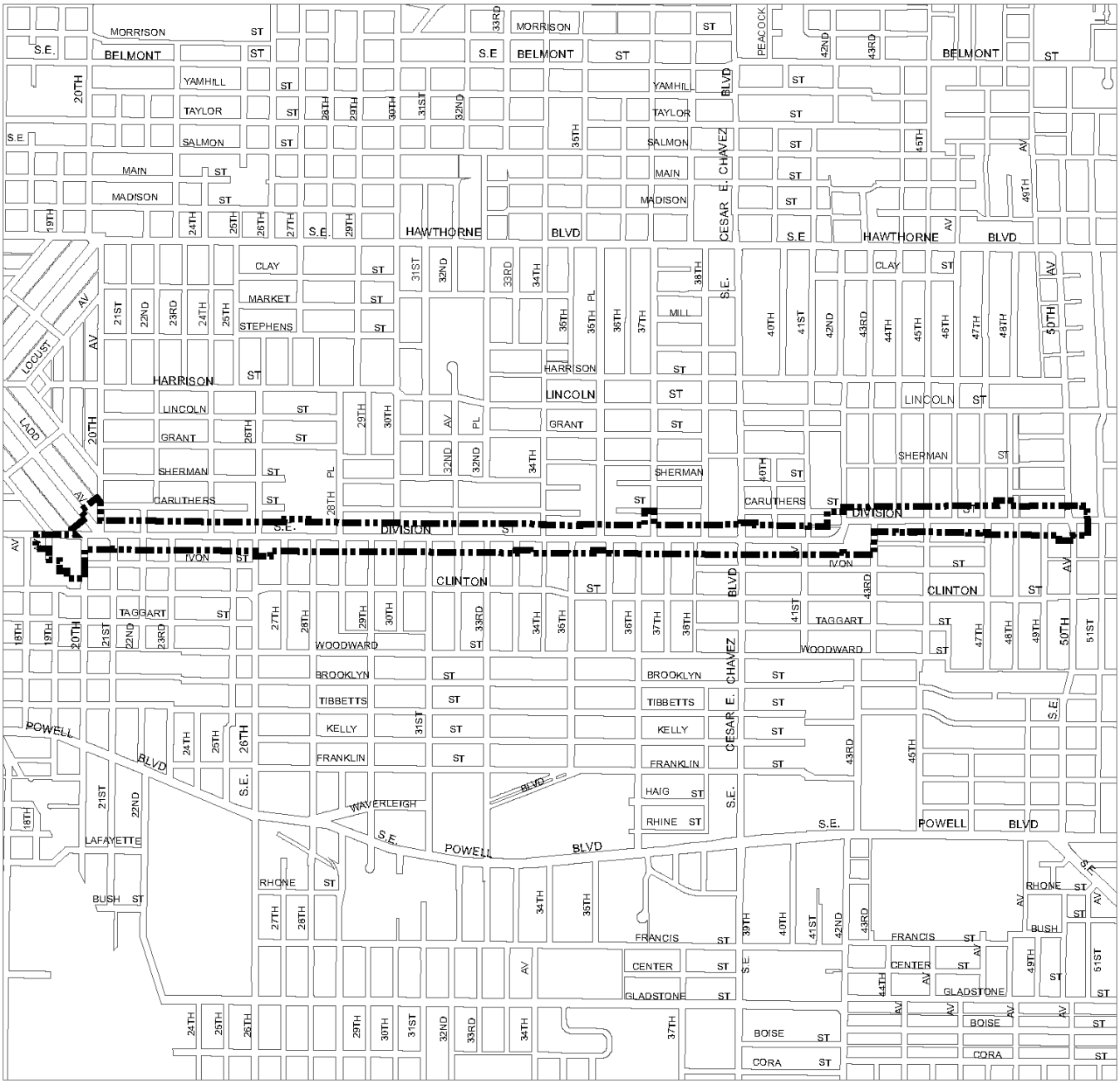
B. **Exterior finish materials standard.** Unless the building is approved through Design Review, all buildings must meet the foundation material standard of 33.218.110.I, and the exterior finish materials standards of 33.218.110.J. The standards must be met on all building facades.

(Adopted by Ord. No. 188177, effective 5/24/18.)

Division Street Plan District

Map 520-1

Map Revised May 24, 2018



Plan District boundary

NORTH

0 1,000 2,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.521 East Corridor Plan District

521

Sections:

General
33.521.010 Purpose
33.521.020 Where These Regulations Apply
Use Regulations
33.521.100 Purpose
33.521.110 Prohibited Uses
33.521.120 Housing Regulations
Development Standards
33.521.200 Purpose
33.521.210 Building Height
33.521.220 Floor Area Ratios
33.521.230 Connectivity
33.521.240 Pedestrian Standards
33.521.250 Entrances
33.521.260 Building Design
33.521.270 Exterior Display and Storage
33.521.280 Drive-Through Facilities
33.521.290 Parking
33.521.300 Additional Standards in the 122nd Avenue Subdistrict
33.521.310 Required Design Review
Map 521-1 East Corridor Plan District
Map 521-2 Maximum Building Heights
Map 521-3 Floor Area Ratios
Map 521-4 Areas Where Exterior Display and Storage are Allowed

General

33.521.010 Purpose

The East Corridor plan district includes three light rail stations and three Pedestrian Districts. The area is targeted to receive a significant share of the city's growth. It is envisioned that future development will transform the areas surrounding the light rail stations into vibrant mixed-use areas of retail, office, and housing with a high level of pedestrian amenities. Lower density residential and commercial development will continue to surround the Pedestrian Districts.

These regulations:

- Encourage new housing and mixed use development and expansions of existing development to promote the corridor's growth and light rail transit ridership;
- Promote compatibility between private and public investments along the light rail system through enhanced building design and site layout standards;
- Implement the objectives of the City's Pedestrian Districts to enhance the pedestrian experience and access to and from light rail service; and
- Encourage connectivity for vehicles, bicycles, and pedestrians on large sites.

33.521.020 Where These Regulations Apply
The regulations of this chapter apply to development in the East Corridor plan district. The boundaries of the plan district are shown on Map 521-1 at the end of this chapter, and on the Official Zoning Maps.

Use Regulations

33.521.100 Purpose
Use regulations in the East Corridor plan district ensure that development maximizes the public's investment in transit and enhances the pedestrian environment along the transit corridor and near the light rail stations by encouraging uses that support transit patrons and pedestrians.

33.521.110 Prohibited Uses
The following uses are prohibited in Pedestrian Districts and on the portion of a site within 100 feet of a light rail alignment:

A. Vehicle Repair that is not on the same site as auto sales in the Retail Sales And Service category;

B. Quick Vehicle Servicing;

C. Commercial Parking; and

D. Self-Service Storage.

33.521.120 Housing Regulations

A. **Purpose.** Housing is regulated to ensure that new housing is built at transit-supportive densities.

B. **Attached houses.** Attached housing at R2.5 densities is allowed on lots in the R5 or R7 zone if the development standards of the R2.5 zone are met and the site:

1. Is on a corner; or
2. Is adjacent to a light rail alignment; or
3. Has a side or rear lot line that abuts a multi-dwelling, C, E, or I zone.

Development Standards

33.521.200 Purpose
Development regulations in the East Corridor plan district ensure that development maximizes the public's investment in transit and fosters intense mixed-use development with a high level of pedestrian amenities in Pedestrian Districts near light rail stations. The development regulations do this by:

- Enhancing the pedestrian experience throughout the plan district, but focusing more active, intense pedestrian activities around the light rail stations;
- Increasing the development potential around the light rail stations;

- Creating a street pattern that is oriented to pedestrians with the most urban streets around the light rail stations; and
- Limiting development that adversely affects the pedestrian environment such as exterior display and storage and drive-throughs along the light rail alignment and in pedestrian Districts.
- Encouraging the design of exterior display areas, where allowed, that are attractive and safe for pedestrians.

33.521.210 Building Height

A. Purpose. These regulations encourage high density development within Pedestrian Districts while ensuring that single-dwelling zones outside Pedestrian Districts are not adversely affected by the higher density development.

B. Maximum building height. Maximum building heights are shown on Map 521-2 at the end of this chapter.

C. Transition height at edges of Pedestrian Districts.

1. Where these regulations apply. The regulations of this subsection apply to sites in a Pedestrian District that have a maximum building height of 75 feet or more and either:

   a. Abut a site zoned R7 through R2.5 that is not in the Pedestrian District; or

   b. Are across a Local Service Traffic Street from a site zoned R7 through R2.5 that is not in the Pedestrian District.

2. Abutting. Sites that abut a site zoned R7 through R2.5 have height limits that decrease in two steps, as follows. See Figure 521-1:

   a. On the portion of the site within 25 feet of a site zoned R7 through R2.5, the maximum building height is the same as the abutting residential zone; and

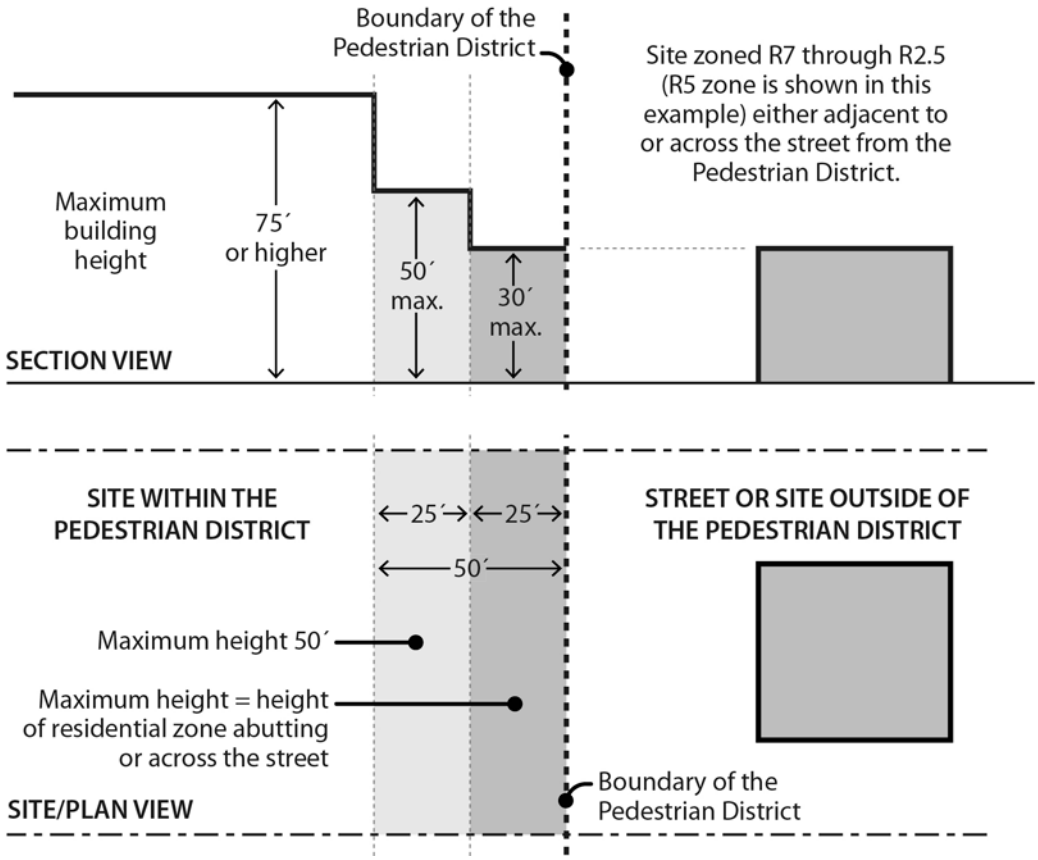
   b. On the portion of the site that is more than 25 feet but within 50 feet of a site zoned R7 through R2.5, the maximum building height is 50 feet.

3. Across a street. Sites that are across a Local Service Traffic Street from a site zoned R7 through R2.5 have height limits that decrease in two steps, as follows. See Figure 521-1:

   a. On the portion of the site within 25 feet of the street lot line, maximum building height is the same as the residential zone across the street; and

   b. On the portion of the site that is more than 25 feet but within 50 feet of the street lot line, the maximum building height is 50 feet.

Figure 521-1
Height Limits on Sites Abutting or Across a Local Service Traffic Street from R7 – R2.5 zones



33.521.220 Floor Area Ratios

A. **Purpose.** These regulations encourage more intense development near light rail stations. This increased development opportunity promotes higher density development at the station communities along the East Burnside light rail alignment. In addition, the standards also include a minimum density on some sites in order to ensure a minimum level of development.

B. **Maximum floor area ratio.** The maximum floor area ratios (FAR) are shown on Map 521-3 at the end of this chapter.

C. **Minimum floor area ratio.** The minimum floor area ratios (FAR) for all new development are shown on Map 521-3 at the end of this chapter.

D. **FAR bonus.** The following FAR bonus options apply to sites shown on Map 521-3 as having a maximum FAR of 4 to 1. The regulations of this Subsection do not apply where Map 521-3 indicates that maximum FAR for the site is the base zone maximum; on those sites, the base zone bonus regulations apply. Adjustments to this Subsection, or to the amount of maximum floor area allowed through the bonuses in this Subsection, are prohibited:

1. Maximum increase in FAR. On sites located outside of the Ventura Park Pedestrian District, an increase in FAR through the use of bonuses of more than 1 to 1 is

prohibited. An increase of more than 2 to 1 is prohibited on sites located inside the Ventura Park Pedestrian District.

2. FAR bonus options:

a. Mandatory inclusionary housing. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.

b. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:

(1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

(2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

33.521.230 Connectivity

A. Purpose. The connectivity requirement ensures that adequate street and pedestrian/bicycle connections will be provided for local access to development. These regulations implement master street plans for the East Corridor and improve vehicular, pedestrian, and bicycle circulation throughout the plan district, while minimizing congestion on the arterial system. Pedestrian and bicycle connections provide more frequent connections or may provide access where full street connections are not feasible.

B. Where these regulations apply. The requirements of this section apply to all sites in the plan district.

C. Regulations.

1. The Portland Bureau of Transportation determines the location and widths of rights-of-way and extent and timing of street improvements based on a master street plan in the Transportation Element of the Comprehensive Plan or based on Chapter 17.88.

2. Proposed development that may obstruct new street alignments are identified in a master street plan in the Transportation Element of the Comprehensive Plan is regulated by Chapter 17.88.

33.521.240 Pedestrian Standards

A. Purpose. These regulations promote a convenient and attractive environment for pedestrians within the plan district and foster the development of increasingly urban nodes around the light rail transit stations. The standards ensure a direct pedestrian connection between the street and buildings on the site and between buildings and other activities within the site. Together with the building design and entrance regulations, these standards ensure that sidewalks in the plan district are convenient, active, pleasant environments with pedestrian amenities.

B. Where these regulations apply. The requirements of this section apply to all sites in the plan district, with the exception of houses, attached houses, and duplexes, which are exempt.

C. Standards.

1. Outside of Pedestrian Districts. Sites outside of Pedestrian Districts are subject to the standards of Subsection 33.130.240.B.;

2. In Pedestrian Districts. Sites in Pedestrian Districts are subject to the standards of Paragraph 33.130.240.B.1. through 3., and C.3., below.

3. Improvements between buildings and the street. The area between a building or exterior improvement and a street lot line must meet the standards of either paragraph C.3.a. or b., below.

   a. Landscaped. The area between a building and a street must be landscaped to meet the L1 standard in Chapter 33.248, Landscaping and Screening; or

   b. Hard-surfaced. The area must be hard-surfaced and developed for use by pedestrians, outdoor seating for restaurants, or pedestrian-oriented accessory activities including stands selling flowers, food, or drinks. The area must contain amenities such as benches, trees (tree wells with grates are exempt from the hard-surface requirement), drinking fountains, planters, and kiosks. At least one of these amenities must be provided for each 100 square feet of pedestrian use area in the setback. Pedestrian use areas in the setback required in Section 33.526.260, Special Setbacks, must be physically separated from parking and motor vehicle maneuvering areas by a 3-foot-wide area landscaped to at least the L2 standard of Chapter 33.248, Landscaping and Screening.

4. Bicycle parking. Bicycle parking may be located in the area between a building and a street lot line.

33.521.250 Entrances

A. Purpose. These regulations ensure that at least one of the main entrances into a building, and each tenant space in a building that faces a street, be oriented to public streets or light rail. This requirement enhances pedestrian access from the sidewalk to adjacent buildings.

Together with the building design and pedestrian standards, these standards ensure that sidewalks in the plan district are convenient, active, pleasant environments with a high level of pedestrian amenities.

B. **Where these regulations apply.** In the RM2, RM3, RM4, and C zones, buildings must meet the standards of Subsection C., below.

C. **Entrances.** For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent street grade. Entrances that open into lobbies, reception areas, or common interior circulation space must also meet the standards of this section. The entrances must:

1. Face a public street or light rail alignment;
2. Be within 15 feet of the public street or light rail alignment it faces;
3. Be oriented to nearby transit facilities as follows:
   a. If a site abuts a street containing a light rail alignment, the entrance must orient to that alignment. If the proposed building is within 100 feet of a transit station, at least one entrance must be along the first 25 feet of the wall nearest the station.
   b. If a site abuts a transit street other than a light rail alignment, the entrance must orient to that street.
   c. If the site abuts intersecting transit streets, the main entrance must orient to the street with the highest classification.
   d. If the site abuts intersecting transit streets with the same classification, the entrance may be at a 45-degree angle to both streets or within 25 feet of the corner along either transit street.

33.521.260 Building Design

A. **Purpose.** These provisions promote a safe and interesting pedestrian environment by connecting ground floor uses to adjacent sidewalk areas, encouraging surveillance opportunities by restricting fortress-like façades at street level, and by encouraging the continuity of retail and service uses. They do this by bringing buildings up to the sidewalk and requiring a minimum amount of ground floor windows.

B. **Applicability.** All sites in the RM2, RM3, RM4, and C zones where any of the floor area on the site is in nonresidential uses must meet the standards of Subsection C., below.

C. **Standards.**

1. Street enclosure. In Pedestrian Districts and at intersections where City Walkways or transit streets cross another City Walkway or transit street:
   a. The street-facing façade of primary structures must be within 12 feet of the street lot line.

b. Street-facing exterior façades must be at least 40 feet long and 16 feet high.

c. Sites with three or more street frontages must meet standard a. and b., above, on the two intersecting street frontages with the highest transit classifications. Where streets have the same transit classification, the applicant may choose on which two intersecting streets to meet the standard.

2. Ground floor windows. All street-facing elevations of development must meet the Ground Floor Windows Standards of the base zone regardless of the distance to the adjacent street. Developments that are more than 80 percent residential are exempt from this requirement.

33.521.270 Exterior Display and Storage

Exterior display and storage are prohibited in Pedestrian Districts and on the portion of a site within 100 feet of a light rail alignment, except for outdoor seating for restaurants and pedestrian-oriented accessory uses, including flower, food, or drink stands. Temporary open-air markets and carnivals are also allowed.

33.521.280 Drive-Through Facilities.

Drive-through facilities are prohibited in Pedestrian Districts and on the portion of a site within 100 feet of a light rail alignment.

33.521.290 Parking

A. Purpose. The regulations of this section ensure that development is oriented to transit, bicycling, and pedestrian travel while ensuring accessibility for motor vehicles. Limiting the number of parking spaces promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for a better pedestrian environment, and protects air and water quality.

The parking ratios in this section will accommodate most auto trips to a site and take into account the intensity of development in the area, on-street parking supply, pedestrian activity, and proximity to frequent transit service.

Limiting the location of parking and access on light rail alignments improves access to transit, supports a transit-oriented development pattern, and reduces conflicts between motor vehicles and pedestrians or bicycles. In particular, it reduces conflicts between motor vehicles and light rail trains, especially where the access would require cars to cross the light rail tracks.

B. Number of parking spaces.

1. Minimum required parking spaces. There is no minimum number of required parking spaces.

2. Maximum allowed parking spaces. The maximum number of parking spaces allowed for nonresidential uses is 150 percent of Standard A in Table 266-2 of Chapter 33.266, Parking and Loading. The maximums apply to both surface and structured parking. Park-and-ride facilities are exempt from this requirement.

C. Location of vehicle areas.

1. Parking and loading areas are not allowed between a primary structure and any street, except as follows:

   a. Sites with through lots or with three frontages may have parking and loading areas between a primary structure and one Local Service Transit Street.

   b. Sites on full blocks may have parking and loading areas between a primary structure and two Local Service Transit Streets.

2. For sites with frontage on a light rail alignment, parking and loading areas are not allowed on the portion of the site within 100 feet of a light rail alignment, except as follows:

   a. Surface parking and loading that is separated from a light rail alignment by buildings containing a primary use is allowed.

   b. Garages that have dimensions that do not exceed 24 feet by 24 feet are allowed within 100 feet of a light rail alignment.

   c. In C zones, structured parking and loading is allowed within 100 feet of a light rail alignment if the structure meets the standards of 33.526.280.D, Ground Floor Active Uses, along at least 50 percent of the structure's ground floor walls that face the light rail alignment and front onto a sidewalk, plaza, or other public open space.

3. Driveways are subject to the following:

   a. Sites with frontage on a light rail alignment.

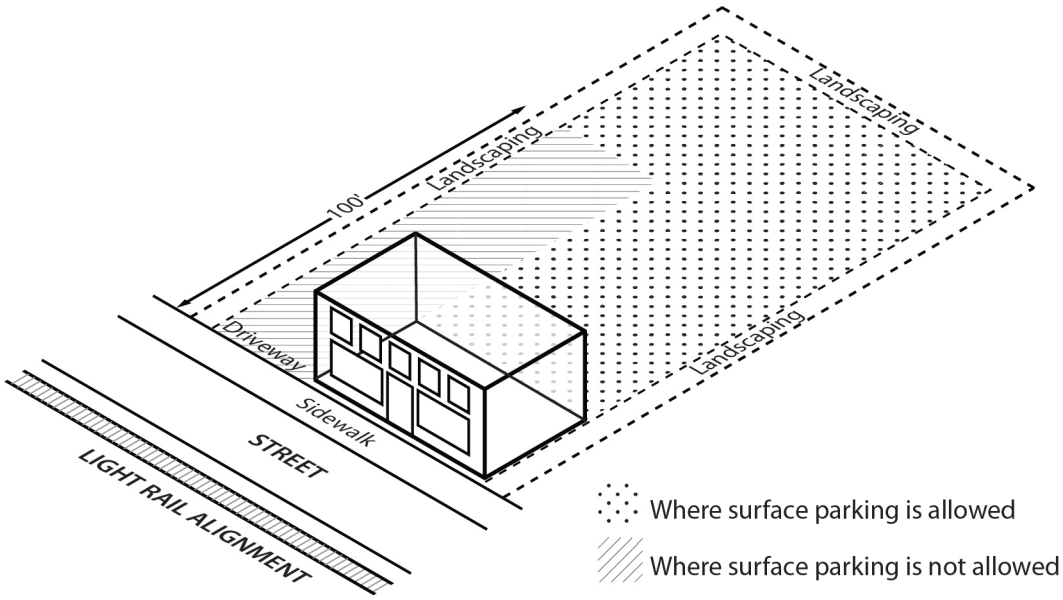
      (1) Generally, driveways providing access from a light rail alignment are not allowed.

      (2) Exception. On sites where the only frontage is on a light rail alignment, driveways are allowed to provide vehicle access from a light rail alignment. See Figure 521-2.

   b. Driveways are allowed between a primary structure and a street if the driveway provides a straight line connection between the street and the parking or loading areas allowed above. A straight line connection may not be more than 20 feet longer or 120 percent of the straight line distance from the property line to the parking or loading area, whichever is less.

   c. Driveways are allowed in all locations where parking and loading areas are allowed.

Figure 521-2
Location of Surface Parking and Driveways along a Light Rail Alignment



33.521.300 Additional Standards in the 122nd Avenue Subdistrict

A. Where these regulations apply. The regulations of this section apply to sites in the 122nd Avenue subdistrict, shown on Map 521-1.

B. Exterior Display and Storage.

1. Purpose. The regulations of this section encourage Retail Sales And Service uses with exterior display and storage to create an enhanced pedestrian environment and promote compatibility of design between these uses and transit-oriented developments in the area. The regulations accomplish this by:

   Allowing, in key locations, exterior display and storage areas that enhance the attractiveness and safety of pedestrian environment through landscaping, and well-designed buildings and display areas; and

   Fostering pedestrian-oriented development around the light rail transit station and at key transit intersections, while providing flexibility in other locations and for existing development.

2. Where exterior display and storage are allowed. Exterior display and exterior storage that is accessory to a Retail Sales And Service use on the site is allowed in the areas shown on Map 521-4. Exterior display and storage in other areas is prohibited. The standards of this subsection must be met, and no more than 20 percent of the site area may be used for exterior storage. Modifications of these standards may be requested through Design Review; adjustments are prohibited.

3. Setbacks and landscaping.

   a. The minimum setback and landscaping standards for exterior display areas and exterior storage are stated in Table 521-1.

   b. On sites with exterior display and storage as allowed by B.2, if the FAR on the site is less than 1:1, 15 percent of the site area must be landscaped. Landscaping must comply with at least the L1 standard. Required landscaping for exterior display, exterior storage, and parking areas may be counted in meeting this requirement.

4. Additional development standards for sites with exterior display or storage.

   a. Walls of primary structures. This standard applies only in areas that allow exterior display and storage shown on Map 521-4. The street-facing façades of primary structures must be within 24 feet of the street lot line.

   b. Main entrances. The main entrance must meet the standards of Section 33.521.250, Entrances, except the entrance must be within 25 feet of the street it faces.

Table 521-1
Minimum Setbacks and Landscaping for Exterior Display and Storage

	Landscaped Setback	**Minimum Landscaped Area**
Exterior Display If between building and street and B.4.a is met	0 ft from street lot lines 5 ft of L1 from nonstreet lot lines	15% of exterior display area landscaped to L1 standard. Landscaping in setbacks counts toward meeting this standard.
All other situations	5 ft of L1 from street lot lines [1] 5 ft of L3 from nonstreet lot lines	15% of exterior display area landscaped to L1 standard. Landscaping in setbacks counts toward meeting this standard.
Exterior Storage	20 ft of L2 from transit streets [2] 10 ft of L2 from other street lot lines [2] 10 ft of L3 from nonstreet lot lines	15% of exterior storage area landscaped to L1 standard. Landscaping in setbacks counts toward meeting this standard.

Notes:
[1] Exterior display areas separated from the street by areas used for parking or exterior storage do not have to meet this standard.
[2] Exterior storage areas separated from the street by areas used for parking or exterior display do not have to meet this standard.

c. Exterior display between a building and a street. Exterior display areas may be between a primary structure that meets B.4.a, above, and a street if the following are met:

(1) The exterior display area must be accessible to pedestrians from the sidewalk for inspection of merchandise;

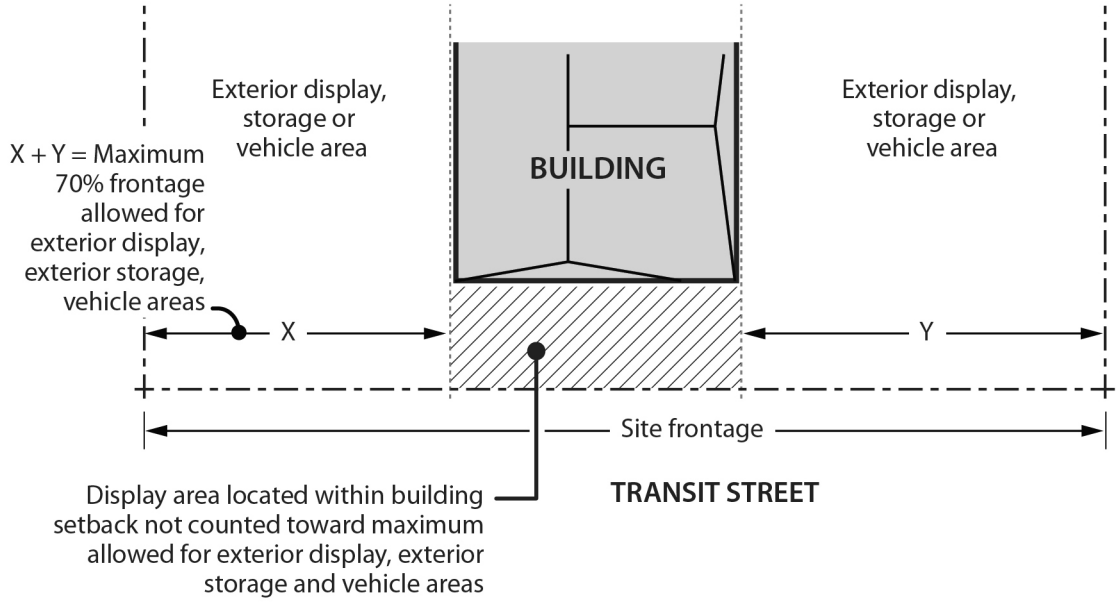
(2) The exterior display area must be hard surfaced with unit paving blocks or bricks; and

(3) Temporary signage and temporary advertising materials are prohibited in the display area.

d. Site frontage. No more than 70 percent of a site frontage on a transit street may be used for vehicle areas, exterior storage areas, or exterior display areas. Display areas located between a building and street as allowed by B.4.c do not count toward the 70 percent maximum. See Figure 521-3.

e. Minimum floor area for sites with auto sales. For auto sales uses where exterior display and exterior storage are allowed on all or part of the site by Paragraph B.2, the minimum required FAR is 0.4:1. Changes to existing auto sales uses with an FAR of less than 0.4:1 are allowed as specified in Chapter 33.258, Nonconforming Situations.

Figure 521-3
Transit Street Site Frontage for Exterior Display, Exterior Storage, and Vehicle Areas



5. Nonconforming exterior display and exterior storage. Alterations to exterior display and exterior storage areas that are nonconforming because they are located where exterior display and exterior storage is prohibited are allowed as follows:

a. The area that is nonconforming may be moved to another location on the site where exterior display and storage is prohibited if:

(1) The square footage of nonconforming exterior display or storage is not increased;

(2) The standards of Table 521-1 are met for the area that is moved; and

(3) The change does not take the site out of conformance, or further out of conformance with B.4.d, site frontage.

b. If the exterior display and exterior storage areas are not being moved, changes may be made that bring the areas closer into conformance with this section.

C. Residential development standards. When all the floor area on a site is in Residential uses, the maximum setback from a street lot line is 20 feet.

D. Retail Sales And Service and Office uses in the RM3 and RM4 zones.

1. Purpose. This regulation provides opportunity for mixed use development in the RM3 and RM4 zones by allowing a limited amount of commercial use while ensuring that development in residential zones is predominately residential in character.

2. Retail Sales And Service and Office uses are allowed in the RM3 and RM4 zones if they meet the following regulations:

a. The total amount of Retail Sales And Service and Office use does not exceed 2,000 square feet of net building area per use up to a total combined floor area ratio of 0.4 to 1. More than than 2,000 square feet per use is prohibited, and more than 0.4 to 1 total on the site is prohibited;

b. All of the gross building area that is in a Retail Sales And Service or Office use is located on the ground floor within 100 feet of a street lot line; and

c. There are no exterior activities associated with the Retail Sales And Service or Office use other than for outdoor seating.

E. Vehicle Repair in the CM3 zone.

1. Purpose. Vehicle Repair uses are limited in size to ensure that they will not dominate the commercial area and to limit their potential impacts on residential and commercial uses.

2. No more than 30,000 square feet of net building area in Vehicle Repair uses is allowed on a site.

F. Motor vehicle fuel sales in the CM3 zone.

1. Purpose. Auto-oriented uses are usually incompatible with an area that is intended to be oriented towards transit and pedestrian travel. However, if developed in conjunction with other uses it may result in the consolidation of auto trips and may allow sites to be used more efficiently. Some of the negative impacts of such development may be mitigated by providing additional landscaping, both as a buffer

and to soften the entire site, and ensuring that other elements of design improve the pedestrian environment.

2. Motor vehicle fuel sales, including drive-through facilities associated with motor vehicle fuel sales, are allowed in the CM3 zone if the following are met. Drive-through facilities serving or associated with other uses are prohibited:

   a. The site must be at least 150,000 square feet in area, and have another primary use on the site. The other primary use must be a Retail Sales And Service, and have at least 50,000 square feet of net building area.

   b. Up to twelve fueling positions are allowed on a site. Fueling positions are the maximum number of vehicles that can be fueled simultaneously. Therefore, 12 fueling positions would allow 12 cars to fuel at one time.

   c. The fuel pumps and any associated awning, canopy, or cover must be at least 20 feet from street lot lines. Any portion of the 20-foot setback area that is not occupied by buildings that are enclosed on all sides must be landscaped to at last the L2 standard. See Figure 521-4. Adjustments to this subparagraph are prohibited, but modifications may be requested through design review.

   d. The fuel pumps, stacking lanes, and any associated awning, canopy, or cover must be at least 200 feet from the intersection of two transit streets. Adjustments to this standard are prohibited.

   e. Development on the site that does not comply with the development standards listed below must be brought into conformance:

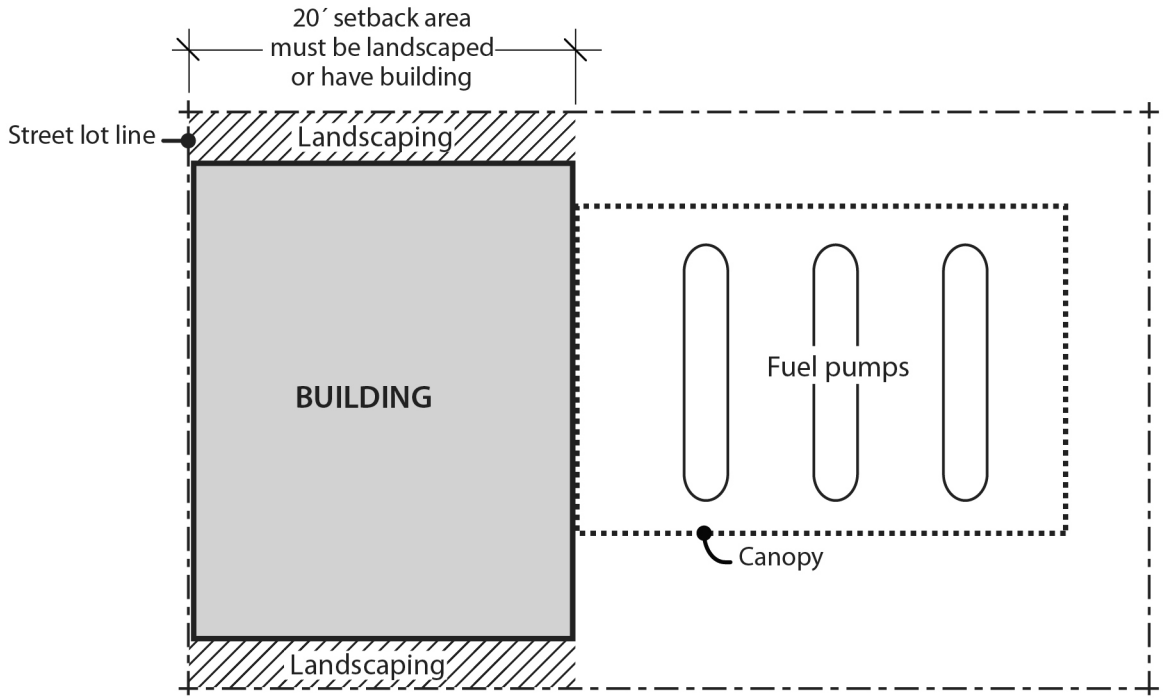
      (1) Landscaped setbacks for surface parking and exterior development areas;

      (2) Interior parking lot landscaping; and

      (3) Landscaping in existing building setbacks;

   f. The proposed development must be approved through discretionary design review; the Community Design Standards may not be used.

Figure 521-4
Setbacks for Motor Vehicle Fuel Sales



33.521.310 Required Design Review
The regulations of Chapter 33.420, Design Overlay Zones apply in all areas of the plan district that are within the Design Overlay Zone.

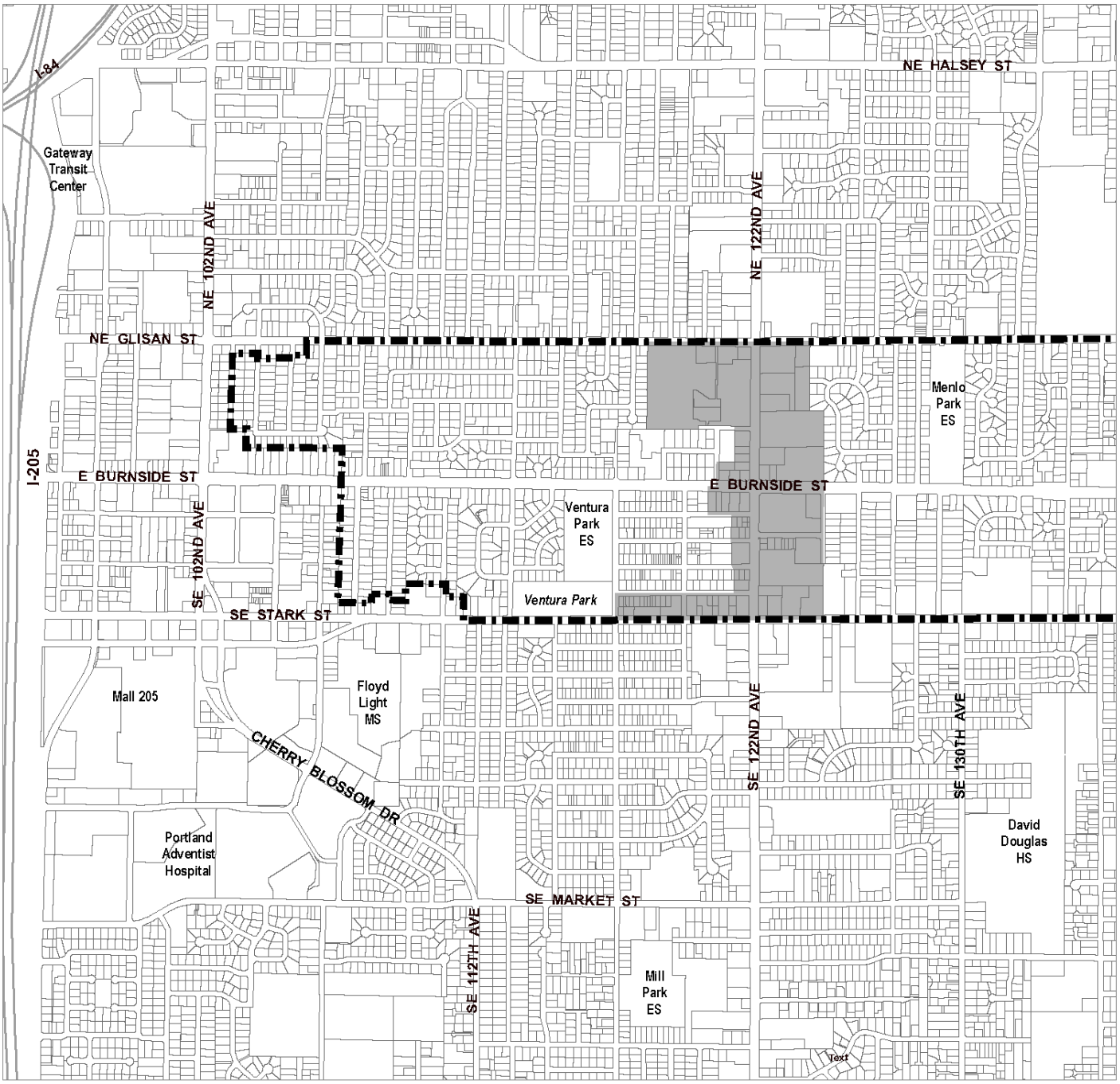
(Added by: Ord. No. 178423, effective 6/18/04. Amended by: Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 180372, effective 9/30/06 and 7/1/07; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20.)

East Corridor Plan District

Map 521-1

Map 1 of 2

Map Revised June 5, 2015



Plan District Boundary

122nd Avenue Subdistrict

NORTH

0 1,050 2,100

Scale in Feet

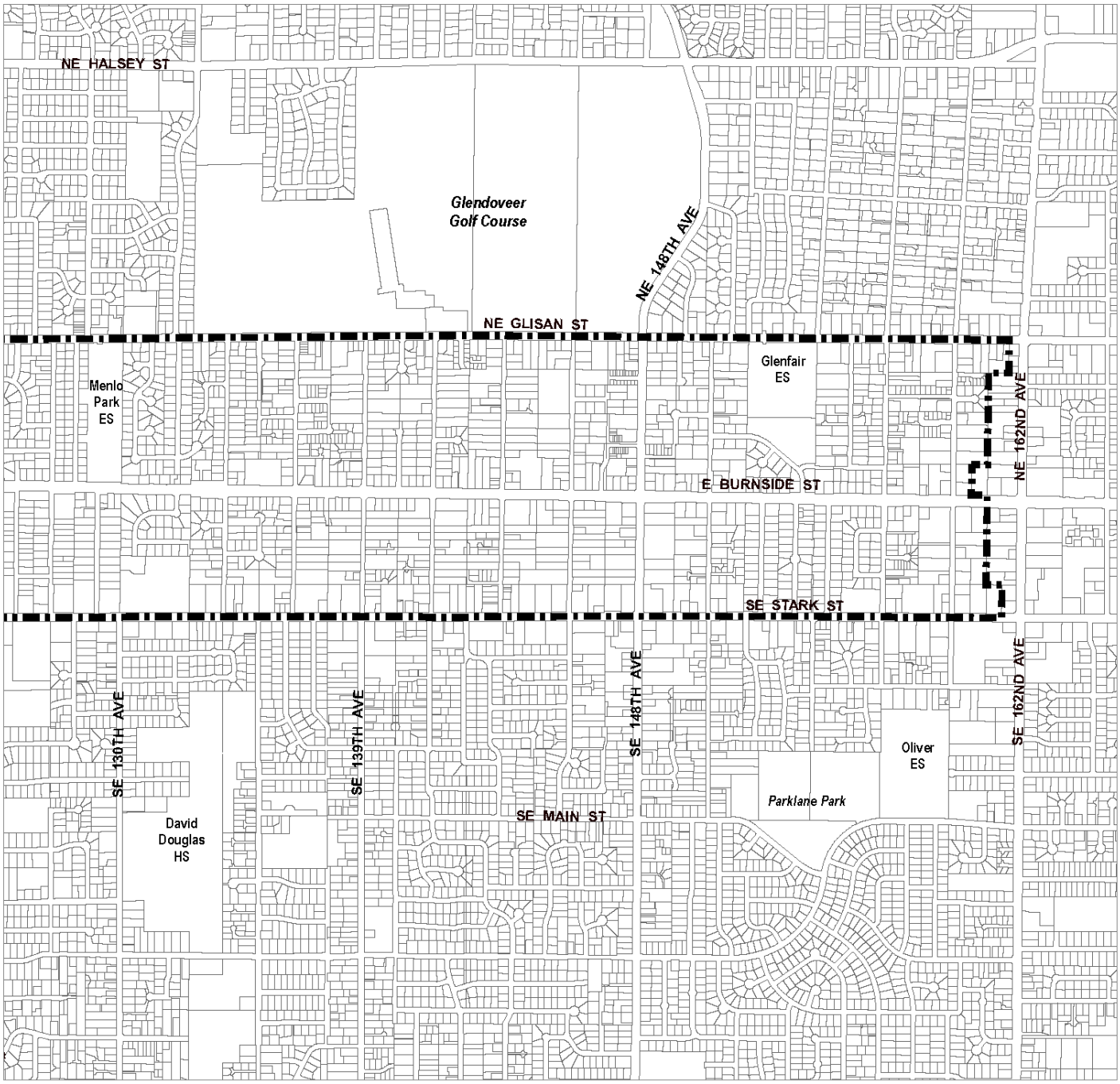
Bureau of Planning and Sustainability
Portland, Oregon

East Corridor Plan District

Map 521-1

Map 2 of 2

Map Revised June 5, 2015



Plan District Boundary

122nd Avenue Subdistrict

NORTH

0 1,050 2,100

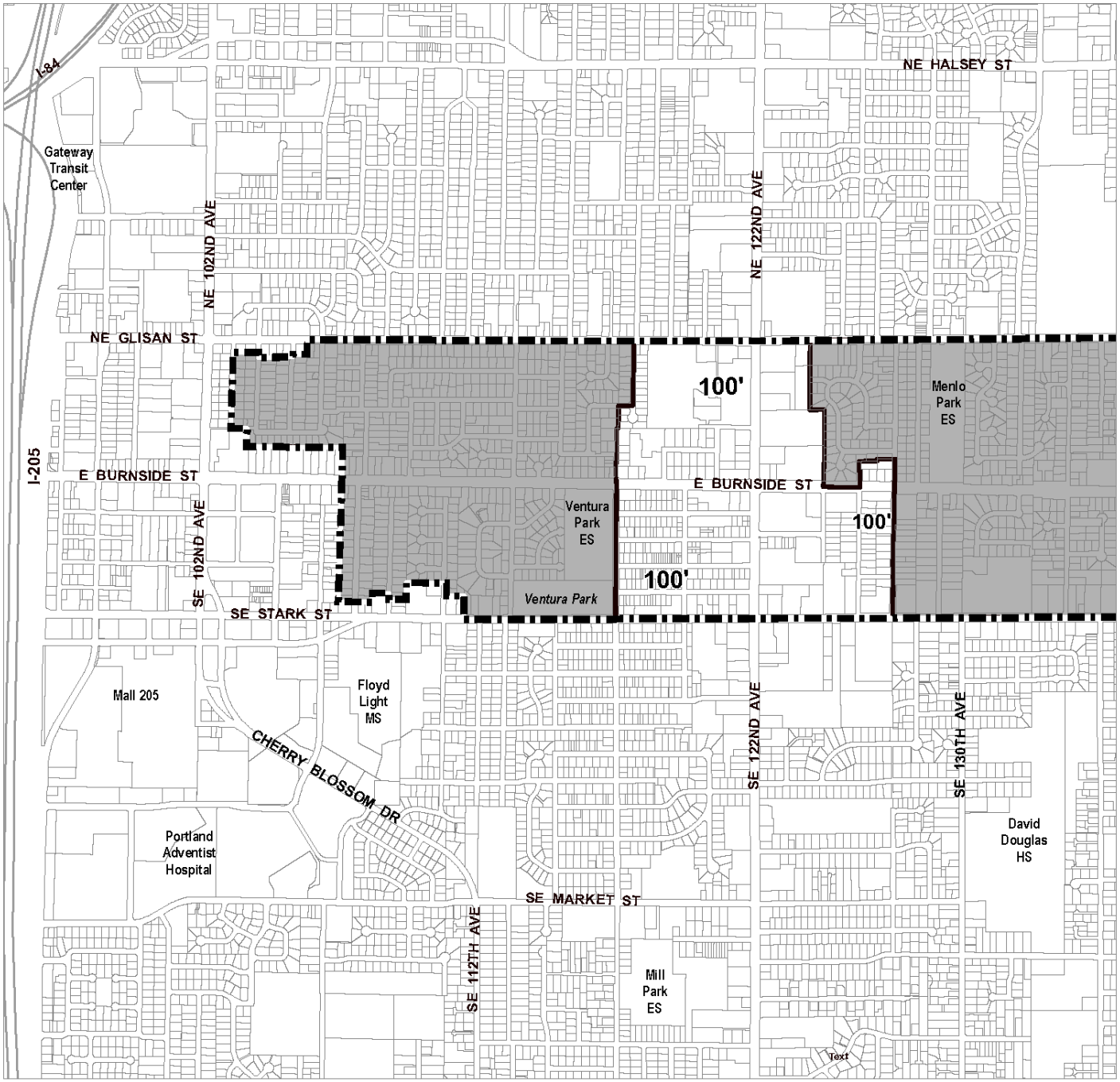
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

East Corridor Plan District
Maximum Heights

Map 521-2

Map Revised May 24, 2018



Plan District Boundary

Maximum building height boundary

x' Maximum building height

Area where base zone heights apply

NORTH

0 1,050 2,100

Scale in Feet

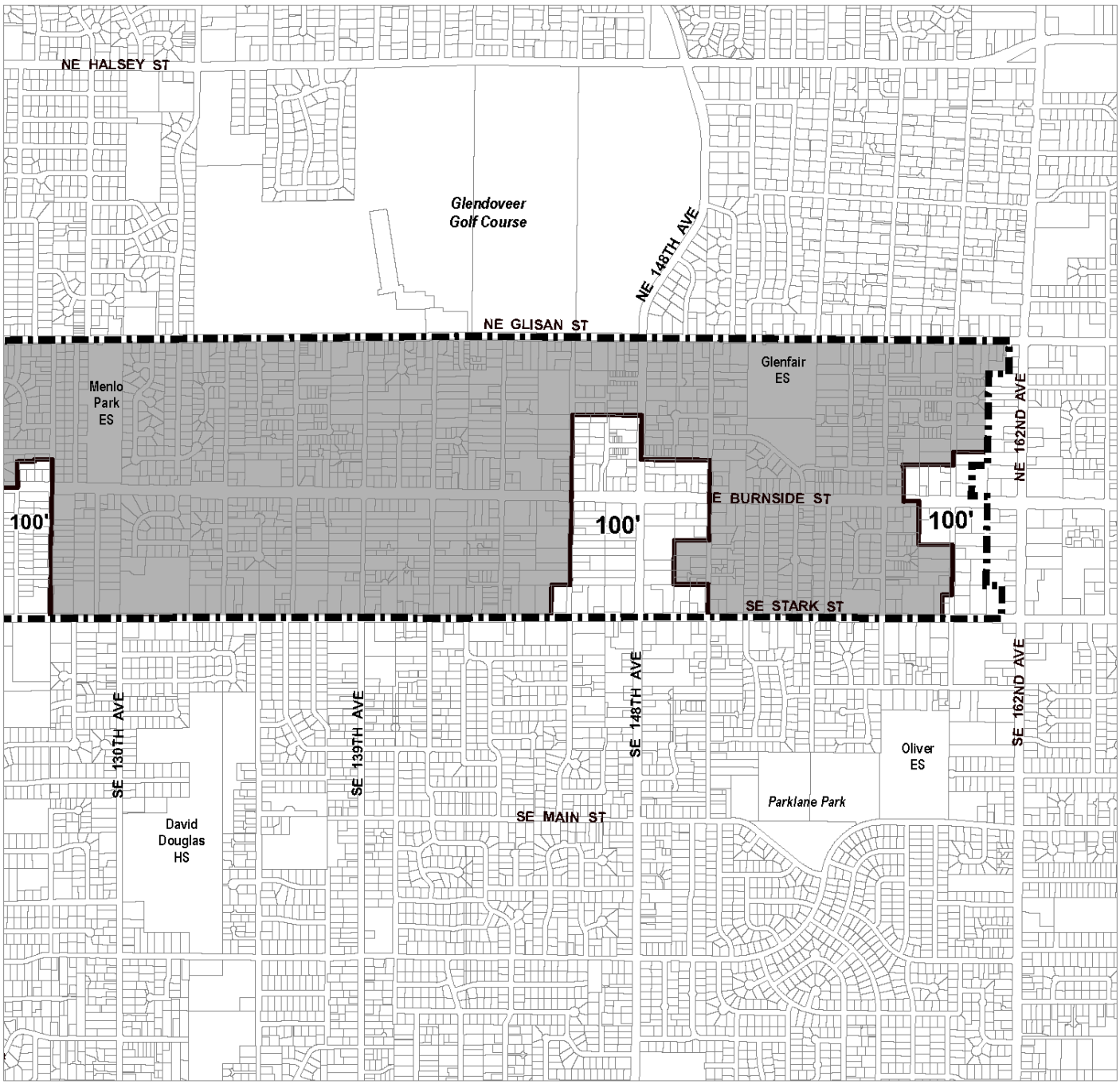
Bureau of Planning and Sustainability
Portland, Oregon

East Corridor Plan District
Maximum Heights

Map 521-2

Map 2 of 2

Map Revised May 24, 2018



Plan District Boundary

Maximum building height boundary

x' Maximum building height

Area where base zone heights apply

NORTH

0 1,050 2,100

Scale in Feet

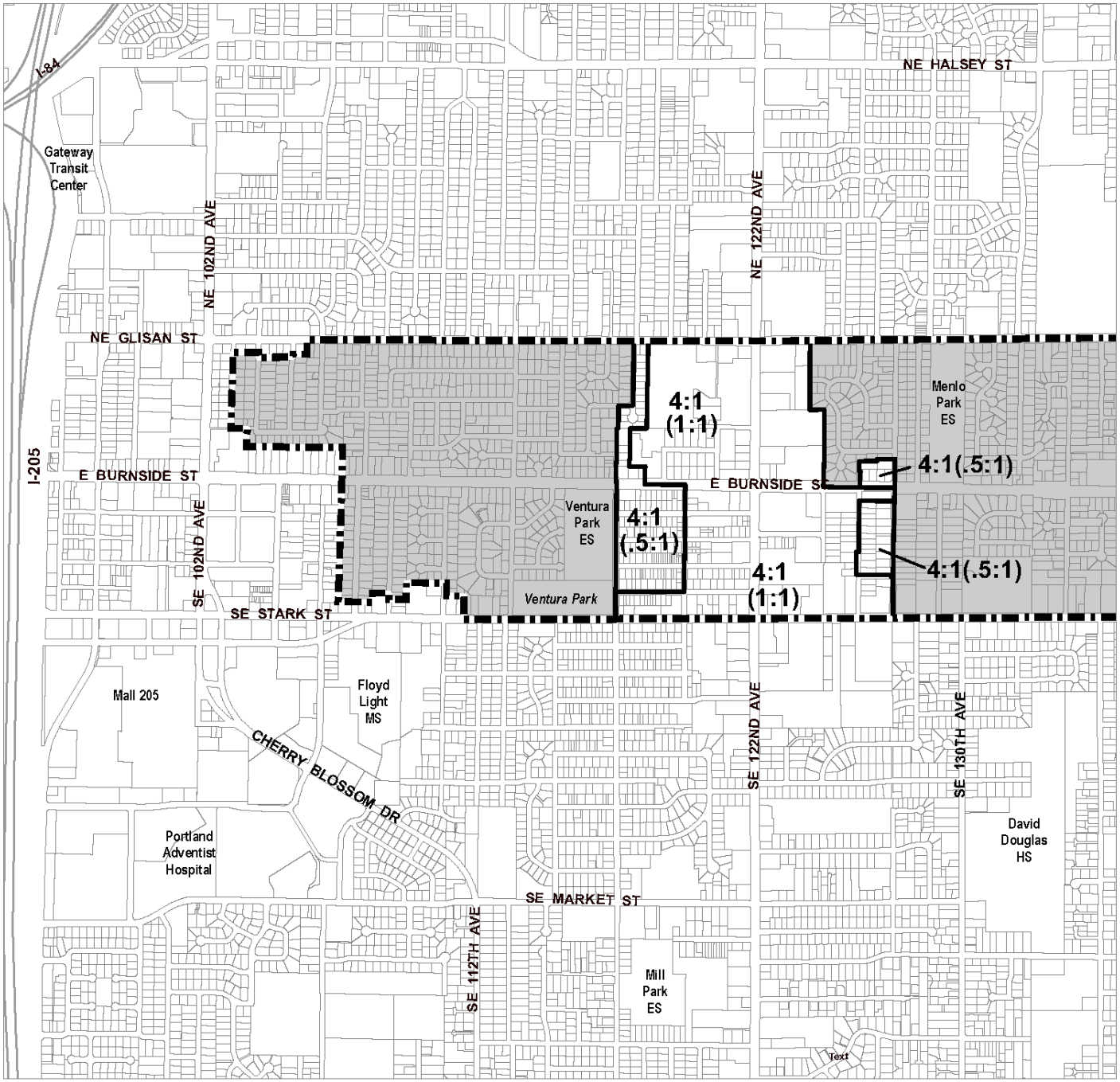
Bureau of Planning and Sustainability
Portland, Oregon

East Corridor Plan District
Floor Area Ratios (FAR)

Map 521-3

Map 1 of 2

Map Revised May 24, 2018



Plan District Boundary

FAR area boundary

Area where density and FAR determined by base zone

X:Y Maximum FAR

X = Gross square foot of building

Y = Square foot of site

(X:Y) Minimum FAR

NORTH

0 1,050 2,100

Scale in Feet

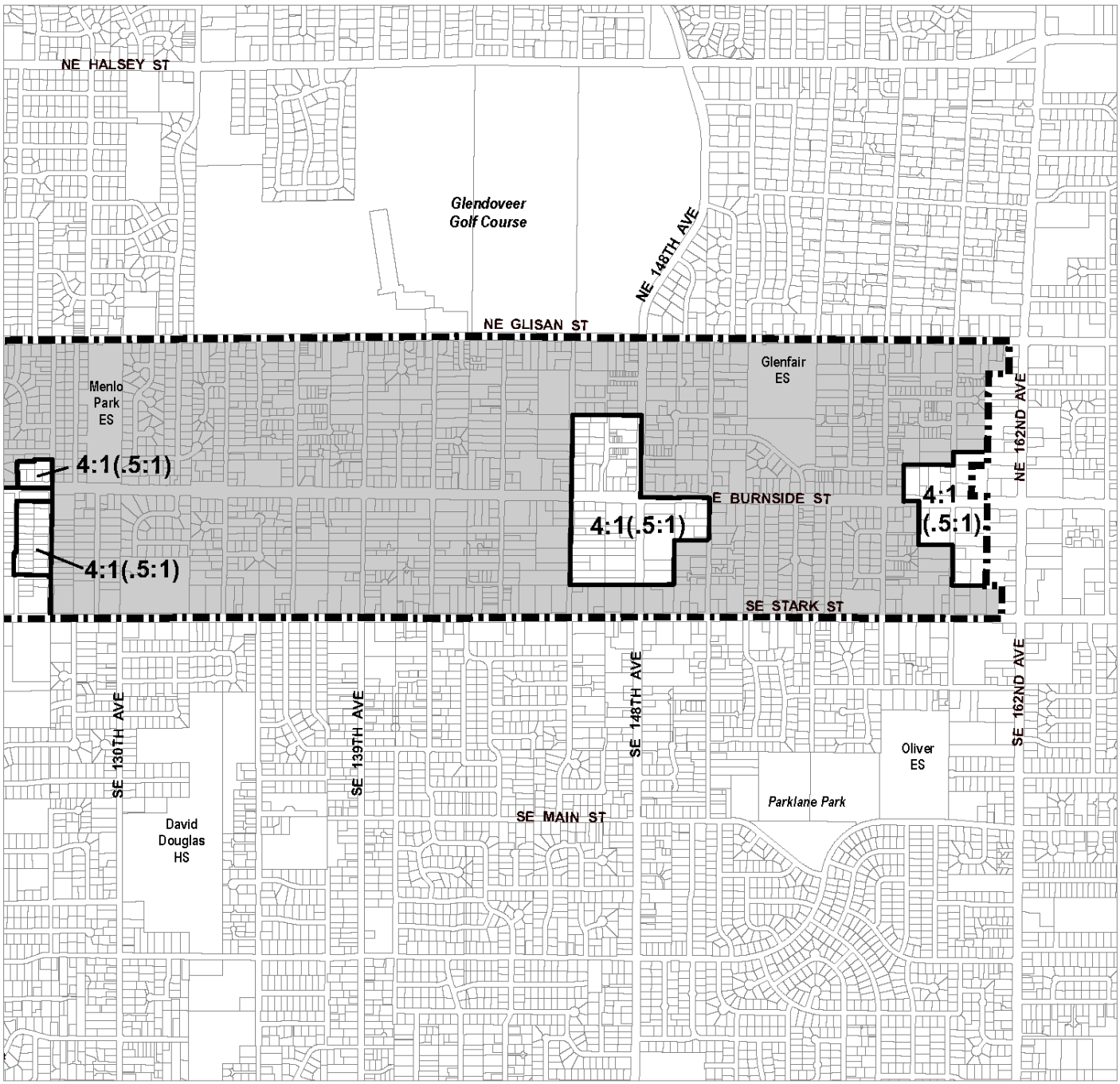
Bureau of Planning and Sustainability
Portland, Oregon

East Corridor Plan District
Floor Area Ratios (FAR)

Map 521-3

Map 2 of 2

Map Revised May 24, 2018



Plan District Boundary

FAR area boundary

Area where density and FAR determined by base zone

X:Y Maximum FAR

X = Gross square foot of building

Y = Square foot of site

(X:Y) Minimum FAR

NORTH

0 1,050 2,100

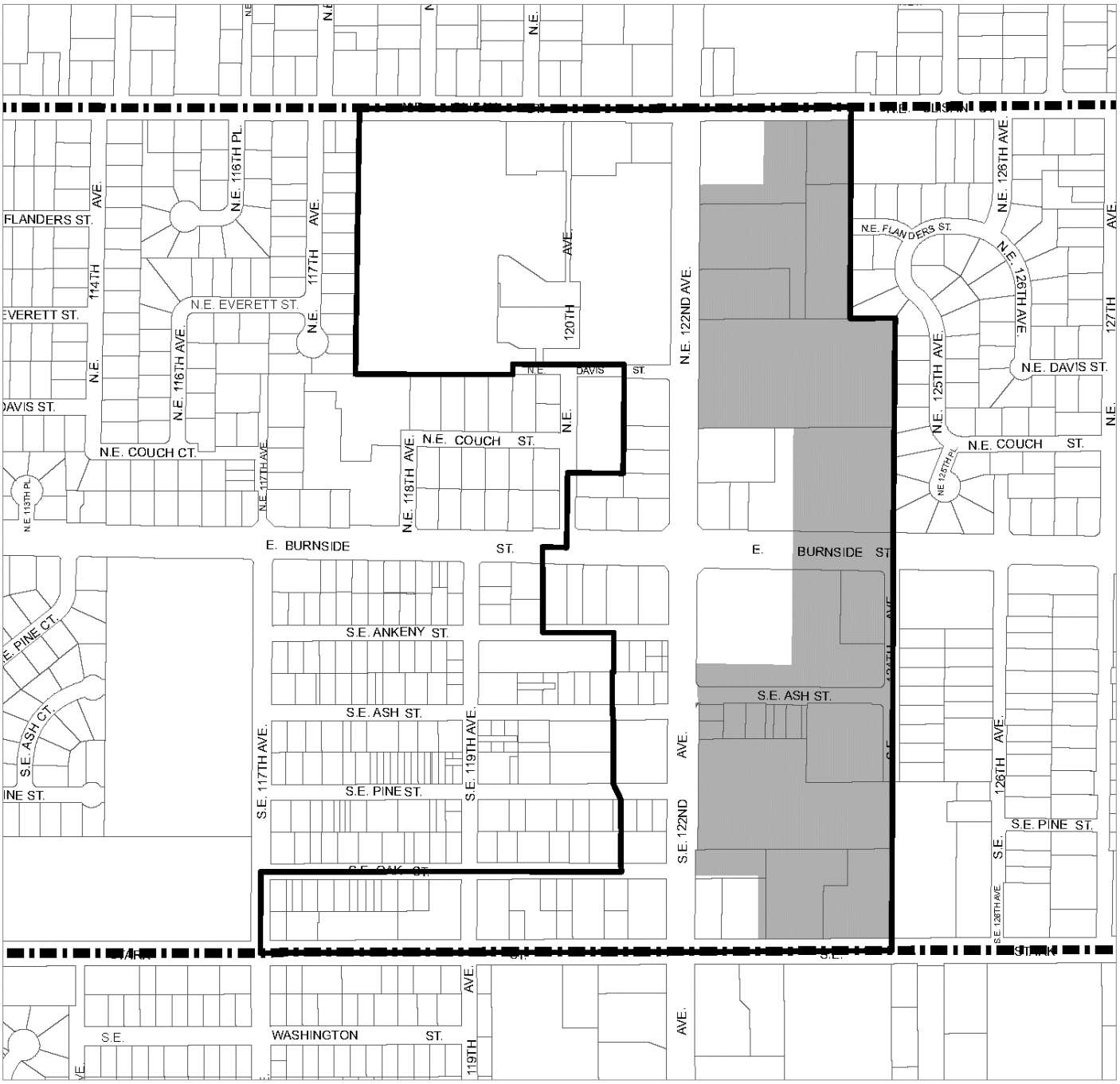
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

East Corridor Plan District
Areas Where Exterior Display and Storage are Allowed

Map 521-4

Map Revised June 5, 2015



Plan District Boundary

122nd Avenue Subdistrict

Areas where exterior display and storage are allowed

NORTH

0 400 800

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.526 Gateway Plan District

526

Sections:

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33.526.020 Where These Regulations Apply
33.526.030 Early Design Consultation
Use Regulations
33.526.100 Purpose
33.526.110 Prohibited Uses
33.526.120 Retail Sales and Service and Office Uses
Development Standards
33.526.200 Purpose
33.526.210 Building Height
33.526.220 Floor Area Ratio
33.526.230 Floor Area and Height Bonus Options
33.526.240 Open Area
33.526.250 Connectivity
33.526.260 Pedestrian Standards
33.526.270 Entrances
33.526.280 Enhanced Pedestrian Street Standards
33.526.290 Ground Floor Windows
33.526.300 Required Windows Above the Ground Floor
33.526.310 Exterior Display and Storage
33.526.320 Drive-Through Facilities
33.526.330 Gateway Master Plan
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Map 526-2 Maximum Heights
Map 526-3 Floor Area Ratios
Map 526-4 Enhanced Pedestrian Streets
Map 526-5 Bonus Option Areas

General

33.526.010 Purpose

Gateway is Portland's only regional center. As designated in the Outer Southeast Community Plan, the Gateway Regional Center is targeted to receive a significant share of the city's growth. Gateway is served by Interstates 205 and 84, MAX light rail, and TriMet bus service. At the crossroads of these major transportation facilities and high-quality transit service, Gateway is positioned to become the most intensely developed area outside of the Central City. Future development will

transform Gateway from a suburban low density area to a dense, mixed-use regional center that maximizes the public's significant investment in the transportation infrastructure.

The regulations of this chapter encourage the development of an urban level of housing, employment, open space, public facilities, and pedestrian amenities that will strengthen the role of Gateway as a regional center. The regulations also ensure that future development will provide for greater connectivity of streets throughout the plan district. This development will implement the Gateway Regional Center Policy of the Outer Southeast Community Plan. Together, the use and development regulations of the Gateway plan district:

- Promote compatibility between private and public investments through building design and site layout standards;
- Promote new development and expansions of existing development that create attractive and convenient facilities for pedestrians and transit patrons to visit, live, work, and shop;
- Ensure that new development moves the large sites in the plan district closer to the open space and connectivity goals of the Gateway Regional Center;
- Create a clear distinction and attractive transition between properties within the regional center and the more suburban neighborhoods outside; and
- Provide opportunities for more intense mixed-use development around the light rail stations.

33.526.020 Where These Regulations Apply

The regulations of this chapter apply to development in the Gateway plan district. The boundaries of the plan district are shown on Map 526-1 at the end of this chapter, and on the Official Zoning Maps.

33.526.030 Early Design Consultation

Applicants are encouraged to meet with staff of the Bureau of Planning and Sustainability, the Bureau of Development Services, the Portland Development Commission, the Portland Office of Transportation, and Portland Parks and Recreation three to six months before applying for a pre-application conference or a land use review. This consultation provides an opportunity for both funding and regulatory agencies to work closely with the property owner to determine the best combination of plan, regulation, and urban renewal involvement to meet the fiscal needs and responsibilities of the owner, accomplish public purposes, and leverage public dollars on behalf of new development.

Use Regulations

33.526.100 Purpose

The use regulations of this chapter encourage uses that support transit patrons and pedestrians. They do this by limiting auto-oriented uses and promoting small scale commercial development. Small scale commercial development increases the variety and diversity of services and goods available; helps reduce traffic congestion associated with large-scale retailers; enhances the mixed-use character and pedestrian environment of the plan district; and improves the economic viability of higher density residential development.

33.526.110 Prohibited Uses

A. Vehicle Repair, Quick Vehicle Servicing, Commercial Parking, and Self-Service Storage are prohibited in the plan district.

B. Sale or lease of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, travel trailers, and other recreational vehicles is prohibited on the portion of a site within 200 feet of a light rail alignment. Offices for sale or lease of vehicles, where the vehicles are displayed or stored elsewhere, are allowed.

33.526.120 Retail Sales and Service and Office Uses

A. On sites in the EX zone, Retail Sales And Services uses are allowed up to 5,000 square feet of net building area for each use.

B. On sites in the EG1 zone, Retail Sales and Service uses are allowed up to 5,000 square feet of floor area for each use, up to a total of 20,000 square feet, or the square footage of the site, whichever is less.

C. On portions of sites zoned Institutional Residential, IR, and within 1000 feet of the Main Street LRT Station, Retail Sales And Service uses are allowed up to 10,000 square feet of net building area for each use. The Retail Sales And Service uses must be included in a Conditional Use Master Plan or Impact Mitigation Plan for the site. Retail Sales And Service uses larger than 10,000 square feet of net building area for each use are prohibited.

D. On sites in the RX zone, Retail Sales And Service and Office uses are allowed as follows. Adjustments to the regulations of this paragraph are prohibited.

1. Commercial uses in new residential development.

    a. Up to 40 percent of the net building area of a new residential building may be in Retail Sales And Service or Office uses.

    b. On the portion of a site within 1/4 mile of a Transit Station, up to 50 percent of the net building area of a new residential building may be in Retail Sales And Service or Office uses.

2. Commercial uses in existing residential buildings. Up to 40 percent of existing net building area in a building that is totally residential may be converted to Retail Sales And Service or Office uses. The conversion may not result in a net loss in the number of dwelling units on the site.

Development Standards

33.526.200 Purpose. The development standards foster an intense mixed-use urban character with a high quality pedestrian environment and an interconnected, dense street grid.
They do this by:

- Promoting the Enhanced Pedestrian Streets as the primary pedestrian routes in the plan district and focusing more active uses and pedestrian amenities on these streets;
- Increasing the development potential throughout the district and focusing the most intense development potential around the light rail stations;

- Discouraging development, such as exterior display and storage and drive-throughs, that adversely affect the pedestrian environment;
- Requiring larger sites within the plan district to provide connectivity, open space and a mixture of uses; and
- Ensuring an attractive transition between the higher density zones within the plan district and the adjacent single-dwelling residential zones.

33.526.210 Building Height

A. Purpose. These regulations encourage intense development throughout the plan district, with the highest level of intensity occurring around the light rail stations. This increased development opportunity reinforces Gateway's role as a regional center. In addition, the regulations reduce adverse effects on adjacent single dwelling zones by creating a step-down of building heights at the edge of the plan district.

B. Maximum building height. The maximum building heights are shown on Map 526-2, except as specified in Subsection C. Heights greater than shown on Map 526-2 are prohibited unless allowed by Section 33.526.230.

C. Transition at edges of plan district.

1. Where these regulations apply. The regulations of this subsection apply to sites that have a maximum building height of 75 feet or more and either:

   a. Abut a site zones R7 through R2.5 that is not in the plan district; or

   b. Are across a Local Service Traffic Street from a site zoned R7 through R2.5 that is not in the plan district.

2. Abutting. Sites that abut a site zoned R7 through R2.5 have height limits that decrease in two steps, as follows. See Figure 526-1:

   a. On the portion of the site within 25 feet of a site zoned R7 through R2.5, the maximum building height is the same as the abutting residential zone; and

   b. On the portion of the site that is more than 25 feet but within 50 feet of a site zoned R7 through R2.5, the maximum building height is 50 feet.

3. Across a street. Sites that are across a Local Service Traffic Street from a site zoned R7 through R2.5 have height limits that decrease in two steps, as follows. See Figure 526-1:

   a. On the portion of the site within 25 feet of the street lot line, maximum building height is the same as the residential zone across the street; and

   b. On the portion of the site that is more than 25 feet but within 50 feet of the street lot line, the maximum building height is 50 feet.

33.526.220 Floor Area Ratio

A. Purpose. These regulations encourage intense development throughout the plan district with a higher level of intensity occurring around light rail stations. This increased

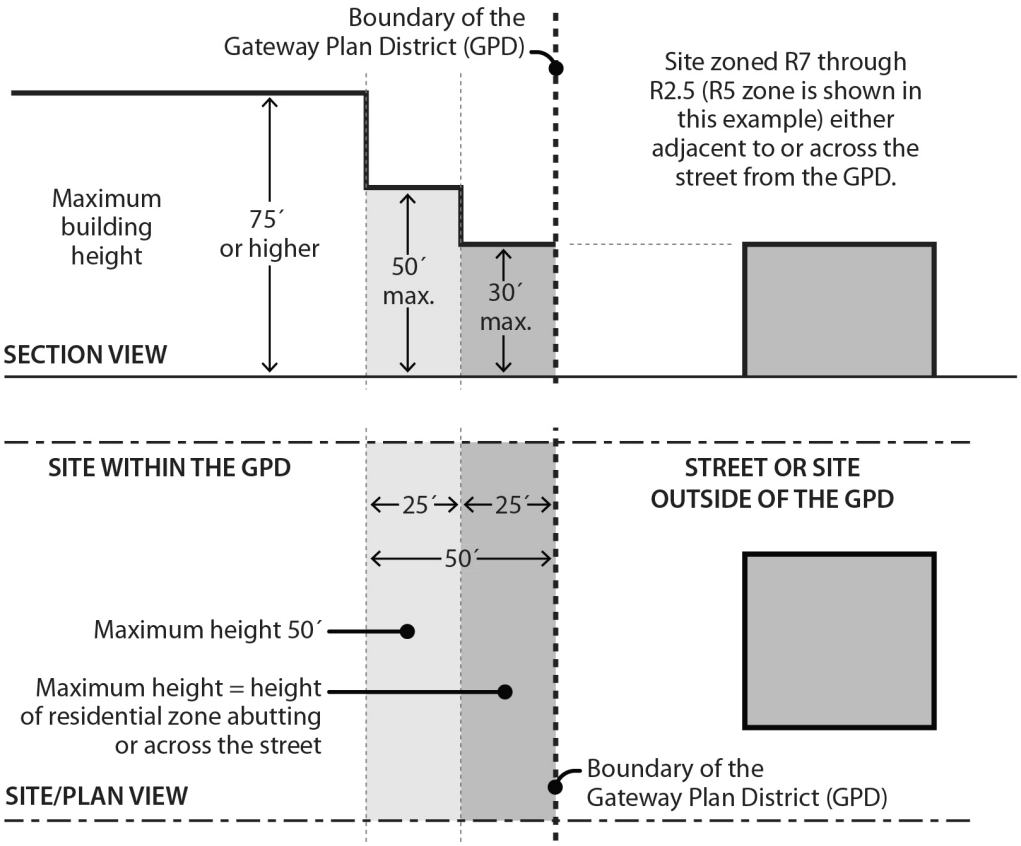
development reinforces Gateway's role as a regional center. In addition, the standards ensure a minimum level of development on some sites.

B. Maximum floor area ratio. The maximum floor area ratios (FAR) allowed are shown on Map 526-3 at the end of this chapter.

C. Minimum floor area ratio. The minimum floor area ratio (FAR) for new development is shown on Map 526-3.

D. Limit on increased floor area. Increases in FAR, whether by transfers of floor area or bonus floor area options, of more than 3 to 1 are prohibited.

Figure 526-1
Height Limits on Sites Abutting R7 – R2.5 Zones



33.526.230 Floor Area and Height Bonus Options

A. Purpose. Floor area and height bonus options are offered as incentives to encourage facilities and amenities that are desired around the light rail stations and on sites with a Gateway Master Plan.

B. General regulations.

1. Eligible sites. The inclusionary housing and Affordable Housing Fund bonus options may be used in the multi-dwelling, commercial, EX, and CI2 zones in the Gateway plan

district. The other bonus options may be used only in areas shown on Map 526-5, and on sites with a Gateway Master Plan.

2. New floor area. Only new floor area is eligible for the bonuses unless specifically stated otherwise. Exceptions to the requirements and the amount of bonus floor area or height earned are prohibited.

3. Number of bonus options. Proposals may use more than one bonus option unless specifically stated otherwise. Bonuses may be done in conjunction with allowed transfers of floor area.

4. Maximum floor area increase. The maximum floor area increase that may be earned through the bonus options must be within the limits for overall floor area increases stated in 33.526.220.D.

5. Maximum height increase. Buildings using bonus floor area must not exceed the maximum height limits shown on Map 526-2 unless eligible for bonus height.

C. Bonus floor area options. Additional development potential in the form of floor area is earned for a project when the project includes any of the features listed below. The bonus floor area amounts are additions to the maximum floor area ratios shown on Map 526-3.

1. Mandatory inclusionary housing. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.

2. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:

   a. Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

   b. Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

3. Open Space bonus option. Proposals that provide open space that may be used by the public will receive bonus floor area. For each square foot of open space provided, a bonus of one square foot of additional floor area is earned. To qualify for this bonus, the following requirements must be met:

   a. Size and dimensions. The open space must include at least 5,000 square feet of contiguous area;

   b. Ownership and use. One of the following must be met:

      (1) The open space must be dedicated to the City, subject to paragraph 2.d.; or

      (2) A public access easement must be provided that allows for public access to and use of all the open space;

   c. Maintenance. The property owner must execute a covenant with the City that ensures the installation, preservation, maintenance, and replacement, if necessary, of the open space features, and that meets the requirements of 33.700.060, Covenants with the City; and

   d. Parks approval. The applicant must submit with the application for land use review a letter from Portland Parks and Recreation stating that the open space features meet the requirements of the bureau, and that the space is acceptable to the bureau.

4. Eco-roof bonus option. Eco-roofs are encouraged in the Gateway Regional Center because they reduce stormwater run-off, counter the increased heat of urban areas, and provide habitat for birds. An eco-roof is a rooftop stormwater facility that has been certified by the Bureau of Environmental Services (BES).

   a. Bonus. Proposals that include eco-roofs receive bonus floor area as follows:

      (1) Where the total area of the eco-roof is at least 10 percent but less than 30 percent of the building's footprint, each square foot of eco-roof earns one square foot of additional floor area.

      (2) Where the total area of the eco-roof is at least 30 percent but less than 60 percent of the building's footprint, each square foot of eco-roof earns two square feet of additional floor area.

      (3) Where the total area of the eco-roof is at least 60 percent of the building's footprint, each square foot of eco-roof earns three square feet of additional floor area.

   b. Before an application for a land use review will be approved, the applicant must submit a letter from BES certifying that BES approves the eco-roof. The letter must also specify the area of the eco-roof.

   c. The property owner must execute a covenant with the City ensuring installation, preservation, maintenance, and replacement, if necessary, of the eco-roof. The covenant must comply with the requirements of 33.700.060, Covenants with the City.

D. General bonus heights. Bonus height is also earned in addition to the bonus floor area achieved through the bonus options. Bonus height is in addition to the maximum heights of Map 526-2. The height bonus allowed is based on the floor area bonuses and transfers listed in paragraph D.1., below. The amount of bonus height awarded is specified in paragraphs D.2. and D.3., below.

1. The height bonus allowed is based on the floor area bonus options of Subsection 33.526.230.C., above;

2. In areas qualifying for a height bonus, on sites up to 40,000 square feet in area, the amount of bonus height awarded is based on the following schedule:

   a. For achieving a bonus floor area ratio of at least 1 to 1, but less than 2 to 1, a height bonus of 15 feet is earned.

   b. For achieving a bonus floor area ratio of at least 2 to 1, but less than 3 to 1, a height bonus of 30 feet is earned.

   c. For achieving a bonus floor area ratio of 3 to 1, a height bonus of 45 feet is earned.

3. In areas qualifying for a height bonus, on sites larger than 40,000 square feet in area, the amount of bonus height awarded is based on the following schedule. The height bonus is applied only to the building where the bonus floor area is achieved or transferred, not to the entire site:

   a. For achieving bonus floor area of at least 20,000 square feet, but less than 80,000 square feet, a height bonus of 15 feet is earned.

   b. For achieving bonus floor area of at least 40,000 square feet, but less than 120,000 square feet, a height bonus of 30 feet is earned.

   c. For achieving bonus floor area of 80,000 square feet or more, a height bonus of 45 feet is earned.

E. Bonus height option for housing.

1. Generally. In the areas eligible for bonus height shown on Map 526-5, building heights may be allowed to be greater than shown on Map 526-2 if the bonus height is for housing.

2. Standard. The maximum height bonus that may be allowed is 75 feet. Projects may use both the bonus height options of this subsection and Subsection D., above. However, if both options are used, the combined bonus height may not exceed 75 feet. Bonus height in excess of the maximum allowed through Subsection D., above, must be exclusively for housing.

3. Approval criteria. The approval of the bonus height is made as part of the design review of the project. The bonus height will be approved if the review body finds that the applicant has shown that the following criteria have been met:

a. If the site is within 500 feet of an R zone, the proposed building will not cast shadows that have significant negative impacts on dwelling units in the R zone; and

b. The increased height will result in a project that better meets the applicable design guidelines.

33.526.240 Open Area

A. Purpose. The open area requirement ensures provision of adequate amounts of open area, including light and air, for those who live, work and visit the Gateway plan district. Open area can provide passive or active recreational opportunities, and help to soften the built environment. In order to provide flexibility, this provision allows the requirement to be met by phasing the open area, locating it off site, or paying into a fund.

B. Calculations. For purposes of this section, site area dedicated for public right-of-way is subtracted from the total site or lot area;

C. Where these regulations apply. The requirements of this section apply to sites 5 acres or more in area.

D. Additions of floor area to the site. The requirements of this subsection apply to sites where the proposal will result in an increase of at least 5,000 square feet of floor area on the site. The applicant may choose from the three options below:

1. On-site option. If the open area will be on-site, the following standards must be met:

   a. At least 0.5 square foot of open area is required for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area. Adjustments to this standard are prohibited.

   b. Open areas are parks; plazas; or other similar areas approved through design review. These areas may include improvements such as children's play equipment, picnic areas, landscaping, benches, paved walkways or trails, gardens, organized sport fields or courts, or other outdoor amenities. Open areas do not include areas used for parking or loading, or landscaping within parking areas.

   c. Existing open areas on the site may be used to meet this requirement. Open areas used for stormwater management or required recreation area may also be used to meet the requirements of this section. Open areas used to earn bonus floor area may not be used to meet the requirements of this section.

   d. The open area must be located outdoors on the site and abut either the public sidewalk or the site's pedestrian circulation system.

   e. Open area may be provided in a variety of sizes, but each open area must measure at least 20 feet in all directions.

   f. The application must identify the location, proposed improvements, and timing of the improvements.

2. Off-site option. If the open area will be off-site, the following standards must be met:

a. The area that will be used to meet this requirement must be:

(1) Identified as proposed open space on the Gateway urban design concept or approved by Portland Parks and Recreation;

(2) Under the applicant's control; and

(3) Vacant or used for surface parking.

b. At least 0.5 square foot of open area is required for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area. Adjustments to this standard are prohibited.

c. The application must identify when the proposed open area site will be transferred into the ownership of the Portland Bureau of Parks and Recreation.

3. Gateway Regional Center Public Open Area Fund option. As an alternative to developing open area, the applicant may pay $30.00 per required square foot of open area into the Gateway Regional Center Public Open Area Fund (Open Area Fund). The Open Area Fund is collected and administered by the Portland Bureau of Parks and Recreation. The funds collected must be used within the Gateway plan district, either for acquisition or improvement of public open areas. If using this option, the following must be met:

a. The required square footage of open area is calculated as 0.5 square foot of open area for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area;

b. When applying for building permits or land use reviews on the site, the applicant must submit with the application a letter from the Portland Bureau of Parks and Recreation documenting the amount that has been contributed to the Open Area Fund.

E. Land Divisions. The standards and approval criteria of this subsection apply to sites where a land division is proposed:

1. The regulations of this subsection do not apply to proposed lots 5 acres or more in area. The regulations will apply if such lots are divided further.

2. The regulations of this paragraph apply to proposed lots less than 5 acres in area.

a. For each lot, an area equal to at least 15 percent of the area of the lot must be in open area.

b. For each lot, the applicant may choose to locate the required amount of open area on the lot, elsewhere on the land division site, or off-site. The applicant may also choose to make a contribution to the Open Area Fund. The application must specify which of these options, or combination of options, will be used to meet the requirements of this subsection.

(1) If the open area requirement will be met on the lot, the applicant must specify the location.

(2) If the open area requirement will be met elsewhere on the land division site, the required area must be in a tract.

(3) If the open area requirement will be met off-site or through a contribution to the Open Area Fund, the requirements of Paragraphs C.2 or C.3 must be met:

c. If the requirements of this subsection will be met on the land division site or on the lot, the applicant must indicate when improvements will be made to the open area, what the extent of the improvements will be, and who will be responsible for the improvements and maintenance of the improvements. The following additional approval criteria must also be met:

(1) Location. Each open area must be located on a part of the site that can be reasonably developed to meet the standards of this section;

(2) Improvements. The proposed improvements must be consistent with the purpose of this section; and

(3) Timing. The timing of the improvements must be reasonably related to the timing of other development on the site.

33.526.250 Connectivity

A. Purpose. The connectivity requirement ensures that adequate street and pedestrian/bicycle connections will be provided for local access to development and access for emergency vehicles. This regulation implements the Gateway Master Street Plan and improves vehicular, pedestrian, and bicycle circulation throughout the plan district, while minimizing congestion on the arterial system. Where full street connections are not feasible, pedestrian and bicycle connections provide access for those most sensitive to the lack of direct connections.

B. Where these regulations apply. The requirements of this section apply to all sites in the plan district.

C. Requirements.

1. The Portland Office of Transportation determines the location and widths of rights-of-way and extent and timing of street improvements based on the Gateway Master Street Plan in the Transportation Element of the Comprehensive Plan.

2. Proposed development that may obstruct new street alignments as identified in the Gateway Master Street Plan is regulated by Chapter 17.88.

33.526.260 Pedestrian Standards

A. Purpose. These regulations ensure direct pedestrian connections between the street and buildings on a site and between buildings and other activities within the site. Together with the Enhanced Pedestrian Street, entrance, and ground floor window regulations, the pedestrian standards ensure that the sidewalks in the plan district, especially on Enhanced Pedestrian Streets, are convenient, active, pleasant environments with pedestrian amenities.

B. Standards.

1. All sites in the plan district are subject to the Pedestrian Standards of Paragraph 33.130.240.B.1. through 3.

2. Improvements between buildings and the street. Development on sites abutting an Enhanced Pedestrian Street as shown on Map 526-4 must meet Standard B.2.b. Development on all other sites must meet the standards of either B.2.a or b. Development where there has been a school use on the site since June 18, 2004, must meet the standards of either B.2.a. or b.

   a. Landscaped. The area between a building or exterior improvement and a street lot line must be landscaped to meet the L1 standard in Chapter 33.248, Landscaping and Screening;

   b. Hard-surfaced. The area between a building or exterior improvement and a street lot line must be hard-surfaced and developed for use by pedestrians, outdoor seating for restaurants, or pedestrian-oriented accessory activities including stands selling flowers, food or drinks. The area must contain amenities such as benches, trees (tree wells with grates are exempt from the hard-surface requirement), drinking fountains, planters, and kiosks. At least one or these amenities must be provided for each 100 square feet of pedestrian use area in the setback.

3. Bicycle parking may be located in the area between a building and a street lot line.

33.526.270 Entrances

A. Purpose. These regulations ensure that at least one main entrance into a building, and each tenant space in a building that faces a street, be oriented to public streets or the light rail alignment. This requirement enhances pedestrian access from the sidewalk to adjacent buildings. Together with the Enhanced Pedestrian Street, ground floor window, and pedestrian standards, the entrance standards ensure that the sidewalks in the plan district are convenient, active, pleasant environments with pedestrian amenities.

B. Where these regulations apply. In RM2, RM3, RM4, RX, C, E, and CI zones, buildings must meet the standards of Subsection C., below.

C. Entrances. For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent street grade. Entrances that open into lobbies, reception areas, or common interior circulation space must also meet the standards of this section. The entrances must:

1. Face a public street or light rail alignment;

2. Be within 15 feet of the public street or light rail alignment it faces;

3. Be oriented to nearby transit facilities as follows:

a. If a site abuts a light rail alignment along East Burnside Street, the main entrance must orient to that alignment. If the proposed building is within 100 feet of a transit station, at least one entrance must be along the first 25 feet of the wall nearest the station.

b. If a site abuts a transit street other than a light rail alignment, the entrance must orient to that street.

c. If the site abuts intersecting transit streets, the main entrance must orient to the street with the highest classification.

d. If the site abuts intersecting transit streets with the same classification, the entrance may be at a 45 degree angle to both streets or within 25 feet of the corner along either transit street.

33.526.280 Enhanced Pedestrian Street Standards

A. Purpose. These regulations enhance and ensure the continuity of the pedestrian environment along key streets in the Gateway plan district. The standards help maintain an urban character along the Enhanced Pedestrian Streets by reinforcing the continuity of pedestrian-oriented, active ground-level uses and strengthening the relationship between those uses and the pedestrian environment. Active uses include but are not limited to: lobbies, retail, residential, commercial, and office. Together with the ground floor window, entrance, and pedestrian standards, the Enhanced Pedestrian Street standards foster an efficient, safe, and interesting route for pedestrians to move through the Gateway plan district.

B. Where these regulations apply. Development on sites abutting an Enhanced Pedestrian Street as shown on Map 526-4, where the development is new development or that adds at least 40,000 square of net building area to the site, must meet the standards of this section. Development where there has been a school use on the site since June 18, 2004 is exempt from this requirement.

C. Required building lines. Either Paragraph C.1. or C.2., below, must be met. Exterior walls of buildings designed to meet the requirements of this subsection must be at least 15 feet high.

1. The building must extend to the street lot line along at least 75 percent of the lot line; or

2. The building must extend to within 12 feet of the street lot line for 75 percent of the lot line and the space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes or vendor's stands.

D. Ground floor active uses. Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A, above. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to active uses. This standard must be met along at least 50 percent of the ground floor of walls that front onto a sidewalk, plaza, or other public open space. Areas designed to accommodate active uses must meet the following standards:

1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
2. The area must be at least 25 feet deep, measured from the street frontage wall;
3. The area may be designed to accommodate a single tenant or multiple tenants;
4. The street-facing façade must include windows, or be structurally designed so doors and windows can be added when the space is converted to active building uses; and
5. Parking is not allowed in the areas that are required to meet the standard of this subsection.

33.526.290 Ground Floor Windows

A. Purpose. In the Gateway plan district, blank walls on the ground level of buildings are limited in order to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
- Encourage continuity of retail and service uses;
- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
- Avoid a monotonous pedestrian environment.

B. Standard. All exterior walls on the ground level that face a street lot line, sidewalk, plaza, or other public open space or right-of-way must meet the Ground Floor Window requirements of the CX zone.

33.526.300 Required Windows Above the Ground Floor

A. Purpose. These regulations prevent large blank walls above the ground floor from facing residential sites outside the plan district. Together with the height regulations, this helps lessen the impact of tall buildings in the regional center on adjacent residential neighborhoods.

B. Required windows above the ground floor. Sites across a street and within 50 feet of R7 through R2.5 zones outside the plan district must provide windows in façades that face a residential zone. The windows must cover at least 15 percent of the area of the façade above the ground level. This requirement is in addition to any required ground floor windows.

33.526.310 Exterior Display and Storage

Exterior display and storage are prohibited except for outdoor seating for restaurants and pedestrian-oriented accessory uses, including flower, food, or drink stands. Temporary open-air markets and carnivals are also allowed.

33.526.320 Drive-Through Facilities

Drive-through facilities are prohibited.

33.526.330 Gateway Master Plan

A. Purpose. The Gateway master plan adds development potential and flexibility for projects in specified areas. A carefully considered master plan has the potential to ensure that new development moves sites in the plan district closer to the goals of the Gateway Regional Center, while allowing for flexibility, additional development capacity, and phasing of change. The additional development potential and flexibility are possible because the master plan demonstrates that the policy objectives of the Outer Southeast Community Plan are advanced and can be met in the long term. The Gateway master plan is an option; it is not a requirement.

B. Flexibility achieved. An approved Gateway master plan allows additional flexibility in any of the following situations:

1. Allocates allowed floor area to individual development sites that will not remain in the same ownership;
2. Allows uses to be arranged on the site in the most appropriate manner by allowing uses to be located in zones where they are otherwise not permitted, except that household living is prohibited in EG zones.
3. Allows the development of required housing at an alternate location;
4. Defers the building of required open area;
5. Defers the construction of required streets, accessways, and other transportation elements; or
6. Allows applicants to take advantage of bonus options in 33.526.230.

C. Contents of a Gateway master plan. In addition to the application requirements of Section 33.730.060, a Gateway master plan must contain the components listed below. The greater the level of detail in the plan, the less need for extensive reviews of subsequent phases. Conversely, the more general the details, the greater the level of review that will be required for subsequent phases. The plan must include:

1. Floor area. How allowable floor area will be distributed throughout the site. This can be shown by location of buildings, by subareas of the site, or by amount assigned to each lot. Floor area may be reallocated within the site.
2. Location of uses. The location of proposed uses on the site. If a use is allowed on the site, it may be located on a portion of the site where the zoning would otherwise not permit it. Regardless of use, the base zone development standards will apply.
3. Housing.
   a. The location, density, and general type of housing to be built. If residential development is required by the base zone, the plan must show how the requirement will be met.
   b. If the required housing is proposed for a location outside of the residentially-zoned area, the proposed site must meet the following requirements. The site must be under the applicant's control. The site must be vacant or used for

surface parking, or have improvements with an assessed value less than one-third the value of the land. The site must be within the Gateway plan district and be zoned CX or EX. The proposed housing site must be of suitable size and location to be attractive for the required amount of housing.

4. Minimum and maximum requirements. The total combined floor area for the entire site and for each use must be within the minimum required and maximum allowed, including bonus floor area, for the plan area. Floor area transfers outside of the Gateway master plan site are prohibited.

5. Infrastructure capability. The plan must identify and link the development of each phase of the project to the provision of services necessary to meet the infrastructure service needs of the development associated with that phase.

6. Circulation. The plan must identify a clear internal circulation system that joins the surrounding street system at logical points and meets the needs of pedestrians, bicyclists, and drivers.

7. Open area. The plan must identify when and where the open area will be built.

8. Connectivity. The plan must identify when and where the streets, accessways, and other internal connections will be built.

9. Proposed reviews and criteria. Required reviews, such as design and other land use reviews, for all phases may be done as part of the initial master plan review, or may be done separately at the time of each new phase of development.

   a. If the applicant requests that all of the required reviews be done as part of the review of the master plan, the plan must explain and provide enough detail on how the proposals comply with the approval criteria for the reviews.

   b. If the applicant decides to defer these reviews to the time of future development, the plan must specify what review procedures and approval criteria will be used for reviewing that development.

   c. Adjustments and modifications. If any adjustments or modifications are being requested in conjunction with the Gateway master plan review, the application must include a statement as to how each adjustment and modification complies with the approval criteria for the adjustment or modification.

D. Duration and expiration of a Gateway master plan.

1. A Gateway master plan must include currently proposed developments and developments that might be proposed within at least 3 years.

2. An approved Gateway master plan remains in effect until development allowed by the plan has been completed, the plan is amended or superseded, or it becomes void as specified in Paragraph D.3., below.

3. If there has been no development on the site within 10 years after the Gateway master plan is approved, the Gateway master plan is void, and no further development will be allowed on any area previously covered by the plan until a new or updated plan is approved.

E. Implementation.

1. Development in conformance with a Gateway master plan.

   a. Development that is consistent with and conforms to the specific Gateway master plan is not required to go through another Gateway master plan review, but may be subject to additional reviews specified by the plan.

   b. Any transportation, water, stormwater disposal, or wastewater disposal systems identified in the plan as necessary to serve the development are in place or will be in place when the project is ready for occupancy.

2. Development not in conformance with Gateway master plan. Development that is not in conformance with the Gateway master plan requires an amendment to the plan.

33.526.340 Parking

A. Purpose. The regulations of this section ensure that development is oriented to transit, bicycling, and pedestrian travel while ensuring accessibility for motor vehicles. Limiting the number of parking spaces promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for a better pedestrian environment, and protects air and water quality. Parking that is provided in structures is preferred over parking in surface lots because, as a more efficient use of land, structured parking promotes compact urban development. In addition, parking structures with active uses on the ground floor provide a better environment for pedestrians and contribute to the continuity of street-level retail and service uses that support a thriving urban area.

The parking ratios in this section will accommodate most auto trips to a site and take into account the intensity of development in the area, on-street parking supply, pedestrian activity, and proximity to frequent transit service.

Limiting the location of parking and access on light rail alignments improves access to transit, supports a transit-oriented development pattern, and reduces conflicts between motor vehicles and pedestrians or bicycles. In particular, it reduces conflicts between motor vehicles and light rail trains, especially where the access would require cars to cross the light rail tracks.

B. Number of parking spaces.

1. Minimum required parking spaces. There is no minimum number of required parking spaces.

2. Maximum allowed parking spaces.

   a. Except as specified in B.2.b., the maximum number of parking spaces allowed for nonresidential uses is 150 percent of Standard A in Table 266-2 of Chapter 33.266, Parking and Loading. The maximums apply to both surface and structured parking.

   b. Exceptions.

(1) Medical and dental offices. The maximum number of parking spaces allowed for medical and dental offices is 1 space per 204 square feet of net building area. The maximum applies to both surface and structured parking.

(2) Office uses. If all of the parking accessory to Office uses is in structured parking, the maximum number of parking spaces allowed for Office uses is 1 space per 294 square feet of net building area.

(3) Park-and-ride facilities. There is no maximum for park-and-ride facilities.

C. Location.

1. Vehicle areas are not allowed between a primary structure and any street, except as follows:

   a. Sites with through lots or with three frontages may have vehicle areas between a primary structure and one Local Service Transit Street.

   b. Sites on full blocks may have vehicle areas between a primary structure and two Local Service Transit Streets.

   c. Driveways are allowed between a building and a street that is not a light rail alignment if the driveway provides a straight line connection between a street and parking area inside the building. Driveways between a building and a light rail alignment are not allowed.

2. Vehicle areas are not allowed on the portion of the site within 100 feet of a street that is a light rail alignment.

D. Structured parking near light rail. In C and E zones, areas of structured parking located within 100 feet of a light rail alignment must meet the standards of 33.526.280.D, Ground Floor Active Uses, along at least 50 percent of the structure's ground floor walls that face the light rail alignment and front onto a sidewalk, plaza, or other public open space.

33.526.350 Required Design Review

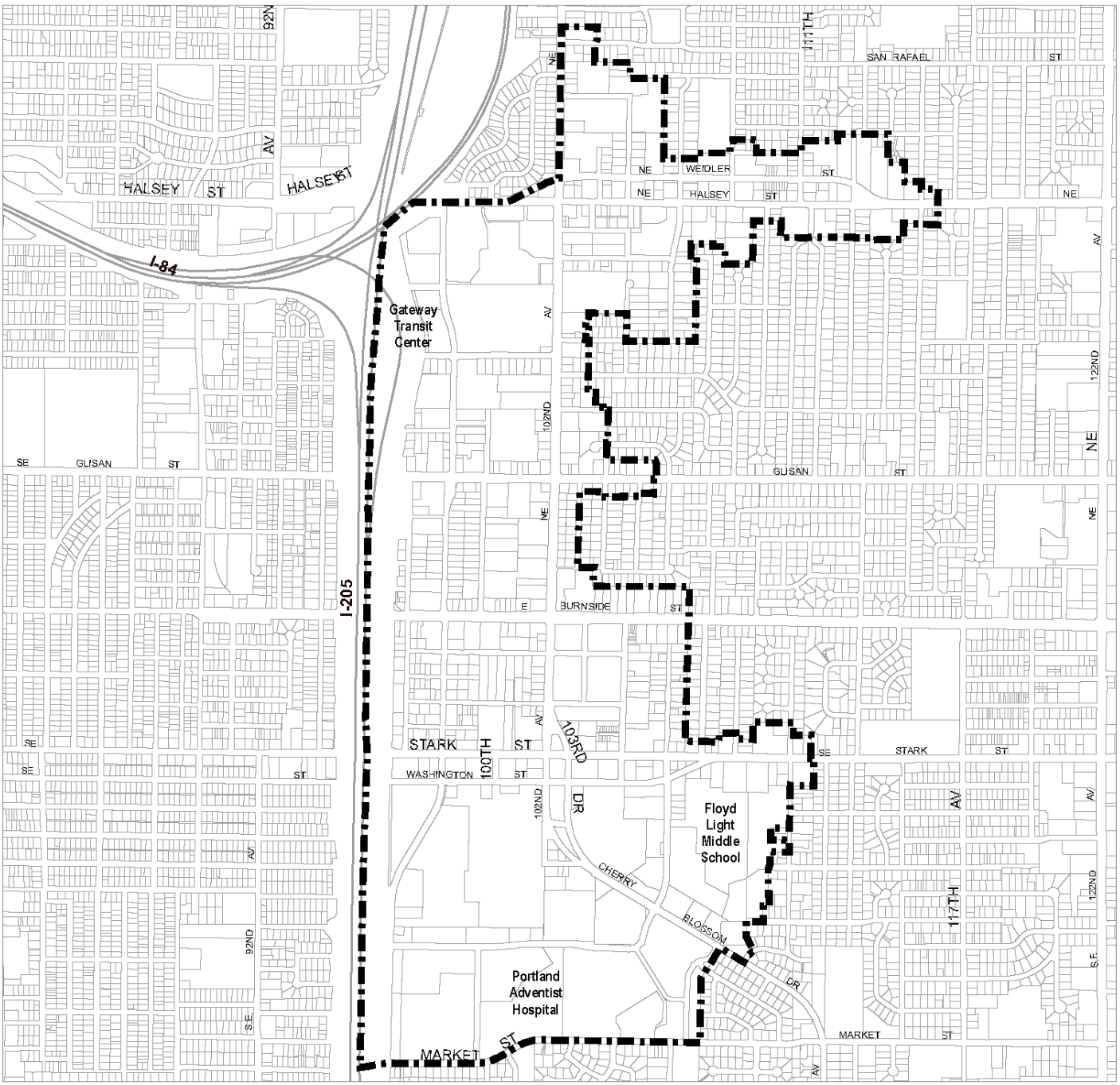
The regulations of Chapter 33.420, Design Overlay Zones apply in all areas of the plan district that are within the Design Overlay Zone.

(Added by Ord. No. 169763, effective 3/25/96. Amended by: Ord. 172010, effective 3/18/98; Ord. No. 174980, effective 11/20/00; Ord. No. 175837, effective 9/7/01; Ord. No. 177028, effective 12/14/02; Ord. No. 178423, effective 6/18/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188162, effective 2/1/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20.)

Gateway Plan District

Map 526-1

Map Revised May 24, 2018



Plan District Boundary

NORTH

0 1,050 2,100

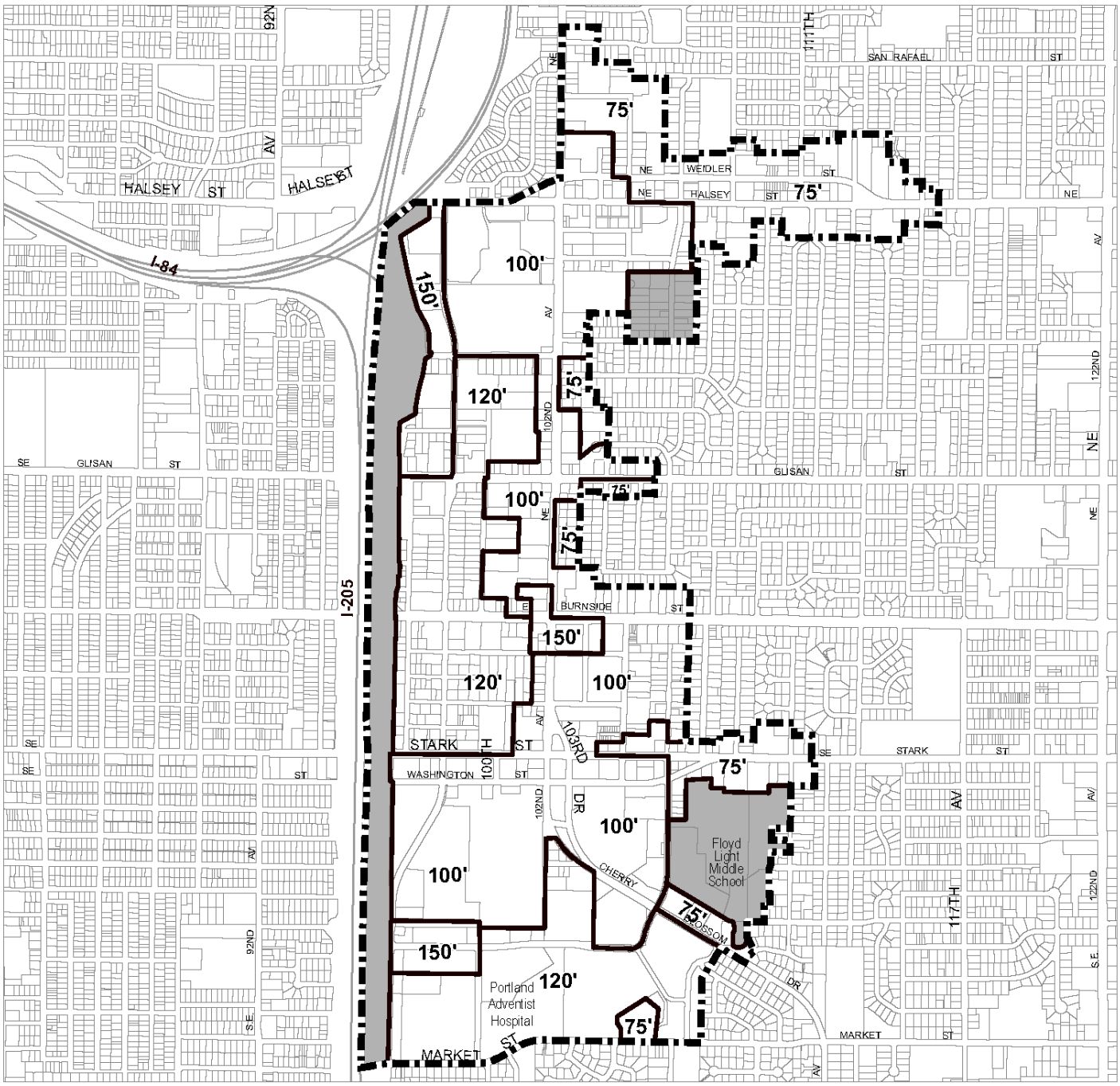
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Gateway Plan District
Maximum Heights

Map 526-2

Map Revised May 24, 2018



Plan District Boundary

Maximum building height boundary

X' Maximum building height

Base Zone Maximum Height Areas

NORTH

0 1,050 2,100

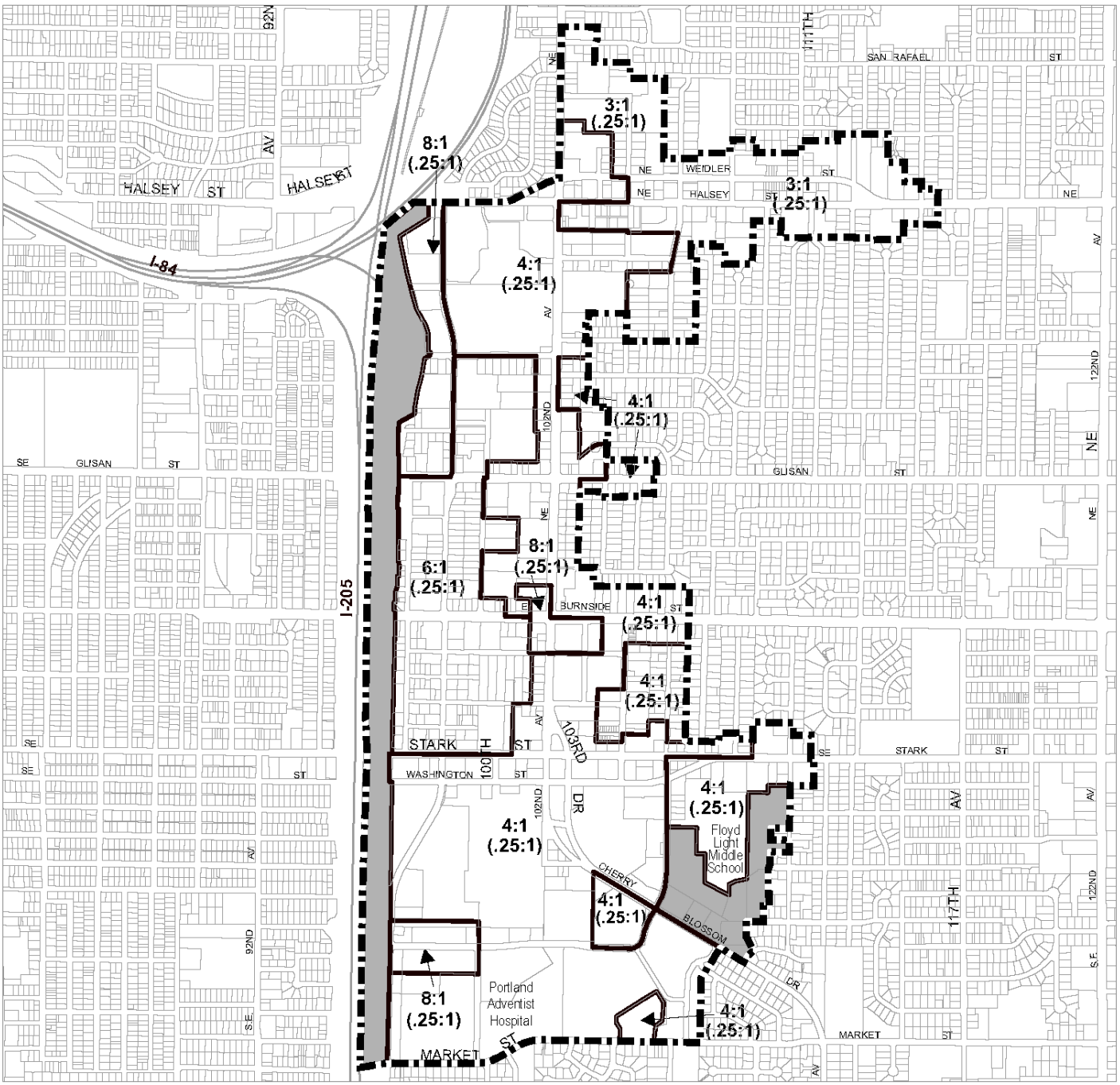
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Gateway Plan District
Floor Area Ratios (FAR)

Map 526-3

Map Revised May 24, 2018



Plan District Boundary

FAR Boundary

Area where FAR determined by the base zone

X:Y Maximum FAR

X = Gross square Foot of building

Y = Square foot of site

(X:Y) Minimum FAR

NORTH

0 1,050 2,100

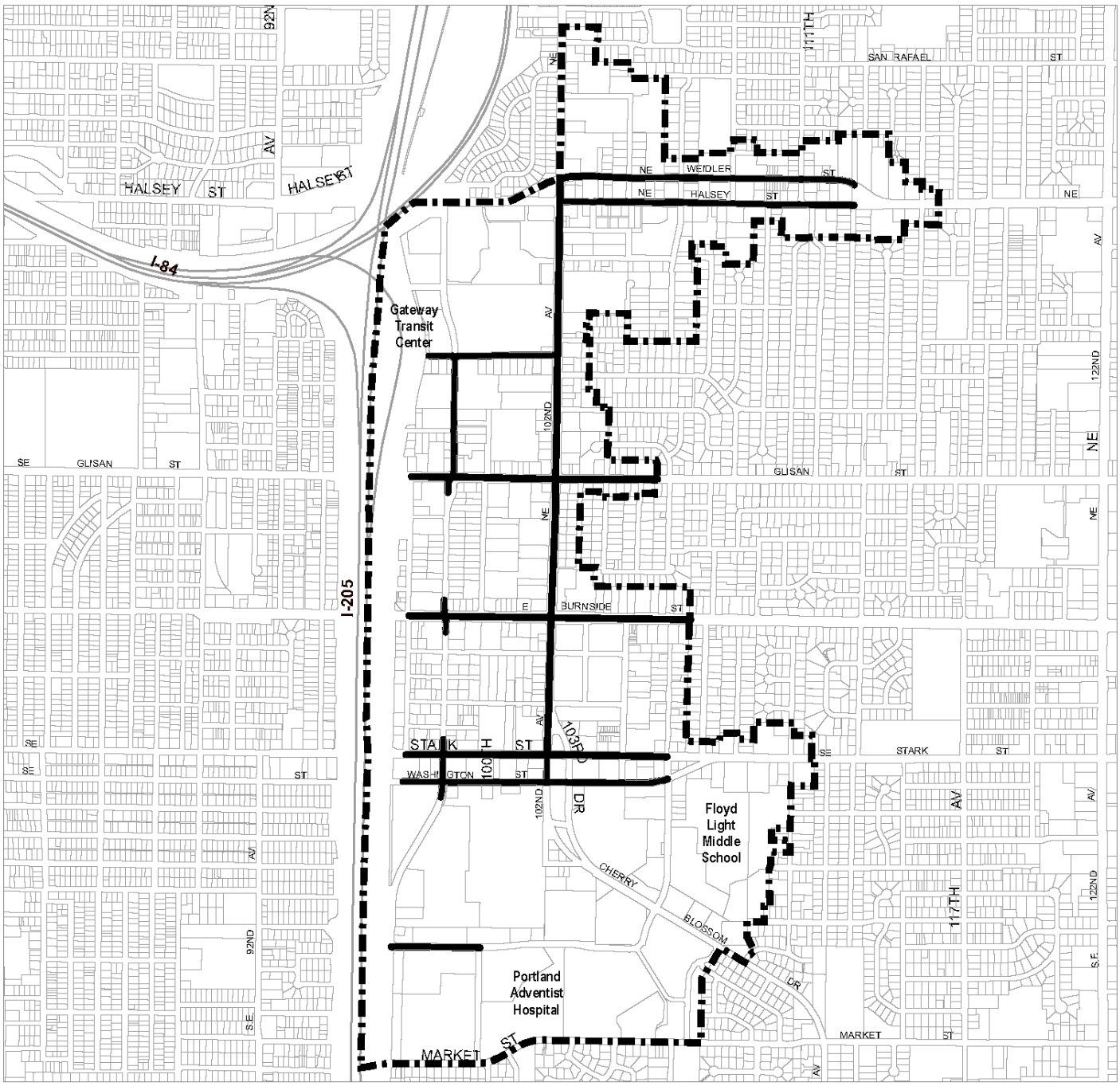
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Gateway Plan District
Enhanced Pedestrian Streets

Map 526-4

Map Revised May 24, 2018



Plan District Boundary

Enhanced Pedestrian Streets

NORTH

0 1,050 2,100

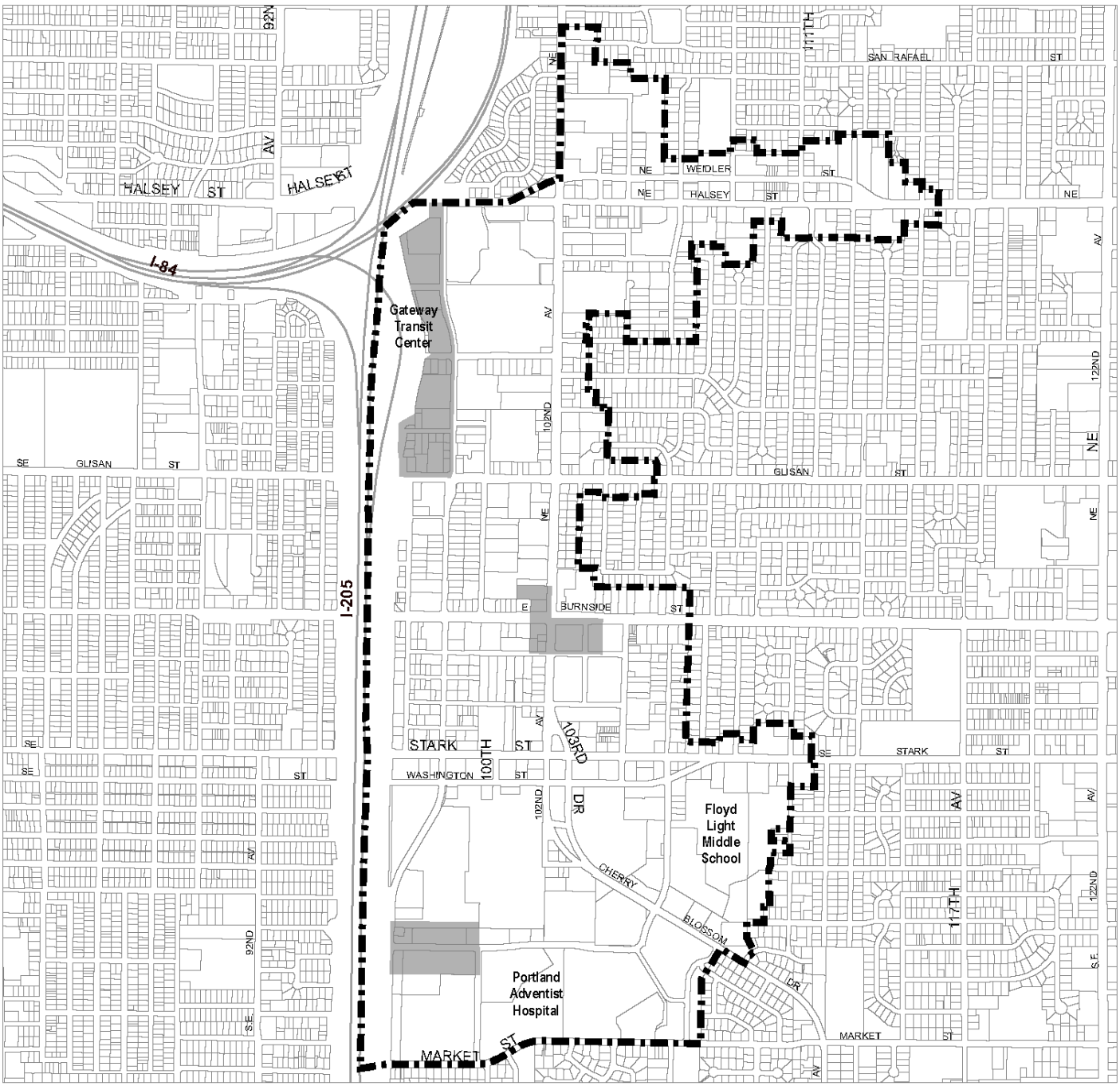
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Gateway Plan District
Bonus Option Areas

Map 526-5

Map Revised May 24, 2018



Plan District Boundary

Areas eligible for bonus height and FAR

NORTH

0 1,050 2,100

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.530 Glendoveer Plan District

530

Sections:

33.530.010 Purpose
33.530.020 Where the Regulations Apply
33.530.030 Minimum Lot Size
33.530.040 Building Setbacks
33.530.050 Additional Standards for Flag Lots
Map 530-1 Glendoveer Plan District

33.530.010 Purpose

The regulations of the Glendoveer plan district are intended to ensure that the special development patterns fostered by Ascot zoning and succeeding zoning provisions established by Multnomah County are protected and continued under City zoning regulations following annexation.

33.530.020 Where the Regulations Apply

The standards of this chapter apply only to areas zoned R7 and which were zoned LR7.5 by Multnomah County prior to the establishment of City zoning. Glendoveer plan district boundaries and areas that were formerly zoned LR7.5 and are now zoned R7 are shown on Map 530-1, located at the end of this chapter, and on the Official Zoning Maps.

33.530.030 Minimum Lot Size and Maximum Density

The minimum lot area is 7,500 square feet. The minimum lot width is 70 feet. Maximum density is 1 unit per 7,500 square feet of site area.

33.530.040 Building Setbacks

A. Building setback standards. The minimum building setbacks are:

Setback	Distance
Front setback	30 feet
Side setback	10 feet
Rear setback	15 feet

B. Setback standards for detached garages. Detached garages are allowed in side and rear building setbacks that do not abut a street if all of the following are met:

1. The garage entrance is at least 50 feet from a front lot line, and if on a corner lot, 25 feet from a side street lot line;

2. The garage has dimensions that do not exceed 24 feet by 24 feet;

3. The garage is no more than 15 feet high and the garage walls are no more than 10 feet high, excluding the portion of the wall within a gable;

4. The structure in which the garage is located contains no space for living, sleeping, eating, cooking or sanitation; and

5. Dormers meet the setback standards of Subsection A, above.

33.530.050 Additional Standards for Flag Lots

A. Minimum lot dimensions. Flag lots are exempt from the minimum front lot line standard. The minimum lot width and minimum lot depth required for each flag lot is 70 feet. For the purposes of this subsection width and depth are measured at the midpoints of the opposite lot lines of the "flag" portion of the lot. All other lot dimension standards must be met.

B. Setbacks. Flag lots have required building setbacks that are the same along all lot lines. The required setbacks are 15 feet.

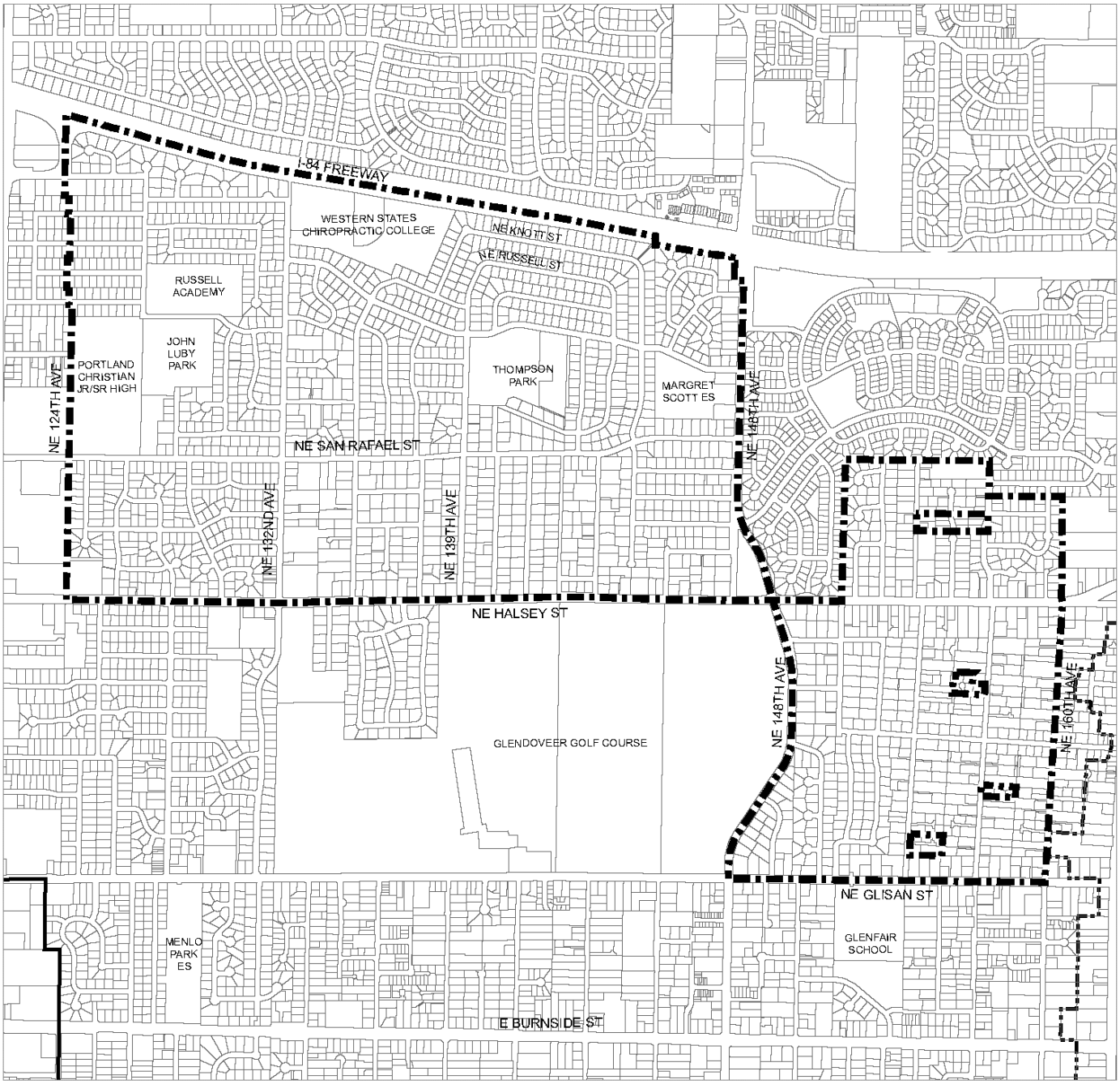
C. Maximum Height. The maximum height for all structures on flag lots is 25 feet.

(Amended by: Ord. No. 167650, effective 6/10/94; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 182429, effective 1/16/09.)

Glendoveer Plan District

Map 530-1

Map Revised July 8, 2016



Plan District Boundary

NORTH

0 1,200 2,400

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.531 Guild's Lake Industrial Sanctuary Plan District

531

Sections:

General
33.531.010 Purpose
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Map 531-1 Guild's Lake Industrial Sanctuary Plan District and Subdistricts
Map 531-2 Subdistrict B

33.531.010 Purpose

The Guild's Lake Industrial Sanctuary plan district fosters the preservation and growth of this premier industrial area adjacent to Portland's central city. The plan district's large number of well-established industrial firms are dependent on the area's multimodal transportation system, including marine, rail, and trucking facilities, and on the ability of area streets to accommodate truck movements. Because of its proximity to inner-city neighborhoods with high concentrations of commercial and residential uses, the Guild's Lake Industrial Sanctuary is particularly vulnerable to impacts from, and redevelopment to, nonindustrial uses. The provisions of the plan district recognize that the displacement of industrial uses by inappropriate nonindustrial uses potentially threatens the integrity of this district and investments in public and private infrastructure. The provisions of this chapter protect the area from incompatible uses which threaten the district's integrity, stability and vitality and compromise its transportation system. This chapter also includes provisions to ensure a more pedestrian- and transit-oriented streetscape along NW Vaughn Street and an improved interface with the mixed-use neighborhood to the south.

33.531.020 Where the Regulations Apply

The regulations of this chapter apply to sites in the Guild's Lake Industrial Sanctuary plan district. The boundaries of the plan district are shown on Map 531-1 at the end of this chapter, and on the Official Zoning Maps. The boundaries of the subdistricts are also shown on Map 531-1.

Use Regulations

33.531.100 Purpose

Nonindustrial uses in the plan district are limited because they interfere with industrial activities and generate traffic that can compromise the ability of the area's multimodal transportation system to serve industrial uses. These restrictions ensure that the plan district is preserved primarily for industrial uses, while allowing limited commercial uses that serve industrial firms and their employees. The restrictions are most extensive in the IH zone; in that zone the potential for

conflicts between industrial and nonindustrial uses is greatest because of the nature of heavy industrial operations. Greater flexibility is provided for nonindustrial uses along portions of the plan district's southern boundary, together with additional development standards, to address the close interface of industrial operations and mixed-use areas along NW Vaughn Street.

33.531.110 Additional Use Limitations in the IH Zone

A. Purpose. These regulations place additional limitations on commercial uses to minimize their impact on industrial activity. In addition, the regulations place limits on accessory and headquarters offices in the core of the plan district to ensure that the offices will be clearly subordinate to their associated uses and to limit their potential impacts on nearby industrial operations.

B. Where these regulations apply. The regulations of this section apply to sites in the IH zone.

C. Retail Sales And Service and Office uses in the IH zone.

1. Limited uses. Up to four Retail Sales And Service and Office uses are allowed per site. The square footage of the net building area plus the exterior display and storage area may be up to 3,000 square feet per use.

2. Conditional uses.

   a. More than four Retail Sales And Service or Office uses on a site is a conditional use.

   b. Any Retail Sales And Service or Office use where the net building area plus the exterior display and storage area is more than 3,000 square feet is a conditional use. Except for sites with a historic landmark, the net building area of all the Retail Sales And Service or Office uses on a site plus the exterior display and storage area, taken together, may not exceed 10,000 square feet or the square footage of the site area, whichever is less. For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display and storage area, taken together, may not exceed 25,000 square feet or twice the square footage of the site area, whichever is less. Exceptions to these size limits are prohibited.

D. Accessory Offices and Headquarters Offices. Up to 25 percent of the net building area plus exterior work and storage areas on a site, or 25,000 square feet, whichever is less, may be in accessory office or headquarters office use. Accessory or headquarters office uses that exceed this percentage, or occupy more than 25,000 square feet, are a conditional use. Accessory and headquarters offices are allowed only in conjunction with a primary use that is allowed in the zone or has been approved as a conditional use.

33.531.120 Additional Prohibited Uses

A. Purpose. To preserve the Guild's Lake area as a suitable location for industrial uses, these regulations prohibit nonindustrial uses that conflict with industrial activities and that can contribute to traffic congestion, especially in the core of the plan district.

B. Additional prohibited uses in the IH zone. The following uses are prohibited in the IH zone:

1. Household Living;
2. Self-Service Storage;
3. Commercial Outdoor Recreation; and
4. Major Event Entertainment.

C. Additional prohibited uses in the IG zones. The following uses are prohibited in the IG zones:

1. Household Living;
2. Commercial Outdoor Recreation; and
3. Major Event entertainment.

33.531.130 Additional Regulations in Subdistrict A

Sites in Subdistrict A are also subject to the regulations of the following Sections of the Northwest Hills Plan District: 33.563.200 Prohibition, 33.563.210 Additional Approval Criteria, and 33.563.030, Transfer of Development Rights.

33.531.140 Additional Regulations in Subdistrict B

A. Purpose. These regulations minimize conflicts between industrial operations in the Guild's Lake Industrial Sanctuary and the mixed-use neighborhood to the south. Uses are limited or prohibited that may conflict with nearby industrial and residential uses or that can overburden the area's transportation system. These regulations provide additional flexibility in the siting of the limited amount of Office uses allowed in the subdistrict, while preserving overall Office use limitations. The regulations also limit blank walls on the ground level of buildings to encourage a continuity of active uses along street frontages and to avoid a monotonous pedestrian environment. Parking access is limited along NW Vaughn Street to minimize impacts on the transportation system and to reduce conflicts with pedestrians.

B. Where these regulations apply. These regulations apply to sites in an EG zone within Subdistrict B, shown on Map 531-2.

C. Additional limited uses.

1. Retail Sales And Service use~~s~~ limitation. Retail Sales And Service uses are allowed if the net building area plus the exterior display and storage area is not more than 10,000 square feet per site.
2. Office use limitation. Except for sites with Historic Landmarks, Office uses are allowed if the net building area devoted to Office uses is not more than the total square footage of the site. On a site with a Historic Landmark, Office uses are allowed if the net building area devoted to Office uses is not more than twice the total square footage of the site.

D. Additional prohibited uses. The following uses are prohibited:

1. Quick Vehicle Servicing;
2. Commercial Outdoor Recreation; and
3. Major Event Entertainment.

E. Development standards.

1. Maximum floor area ratios. Half the floor area used for parking is not counted toward maximum floor area ratios.
2. Maximum height. The maximum building height is 65 feet.
3. Building coverage. The maximum building coverage is 100 percent.
4. Minimum landscaped area. There is no minimum landscaped area.
5. Transfer of floor area. The amount of floor area allowed to be in Office use on the portion of a site within Subdistrict B may be transferred to the portion of another site within Subdistrict B, if all of the following are met:
   a. Development on the receiving site must meet all development standards except for the amount of floor area in office use, which is increased to allow the amount transferred;
   b. Transfer of Office floor area may involve only one transferring site and one receiving site; and
   c. The property owner(s) must execute a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the floor area reflecting the respective increase and decrease of potential Office use floor area. The covenant must meet the requirements of Section 33.700.060.
6. Setbacks and main entrances. There is no minimum building setback. Sites are subject to the maximum setback standards and main entrance standards of the EG1 zone.
7. Ground floor windows. The ground floor of all street-facing façades that are 20 feet or closer to a street lot line adjacent to NW Vaughn Street must meet the ground floor window standards of the EX zone.
8. Drive-through facilities. Drive-through facilities are prohibited.
9. Motor vehicle access. Motor vehicle access to a vehicle area or structure is not allowed from NW Vaughn Street unless the site has no other street frontage.
10. Disclosure statement. Before a building permit is issued for an Office use, the applicant must record a disclosure statement with the County. In addition, the owner must provide a copy of the disclosure statement to all prospective tenants and buyers. The disclosure statement must state that the office is located in an industrial area where impacts from industrial uses are present, such as noise, vibrations, fumes, odors, glare, traffic and freight movement. The statement is available at the Development Services Center; and

F. Northwest Transportation Fund bonus option. Contributors to the Northwest Transportation Fund (NWTF) receive Office floor area bonuses. For each contribution to the NWTF, a bonus of one square foot of additional floor area that may be used for Office use is earned, up to an additional floor area ratio of 0.85 to 1. The amount of the contribution required for each square foot of additional floor area is in Chapter 17.19, Northwest Transportation Fund. This bonus allows additional floor area to be in Office uses; it does not increase the total amount of floor area in any use that is allowed on the site, and does not count towards the maximum FAR allowed by the base zone.

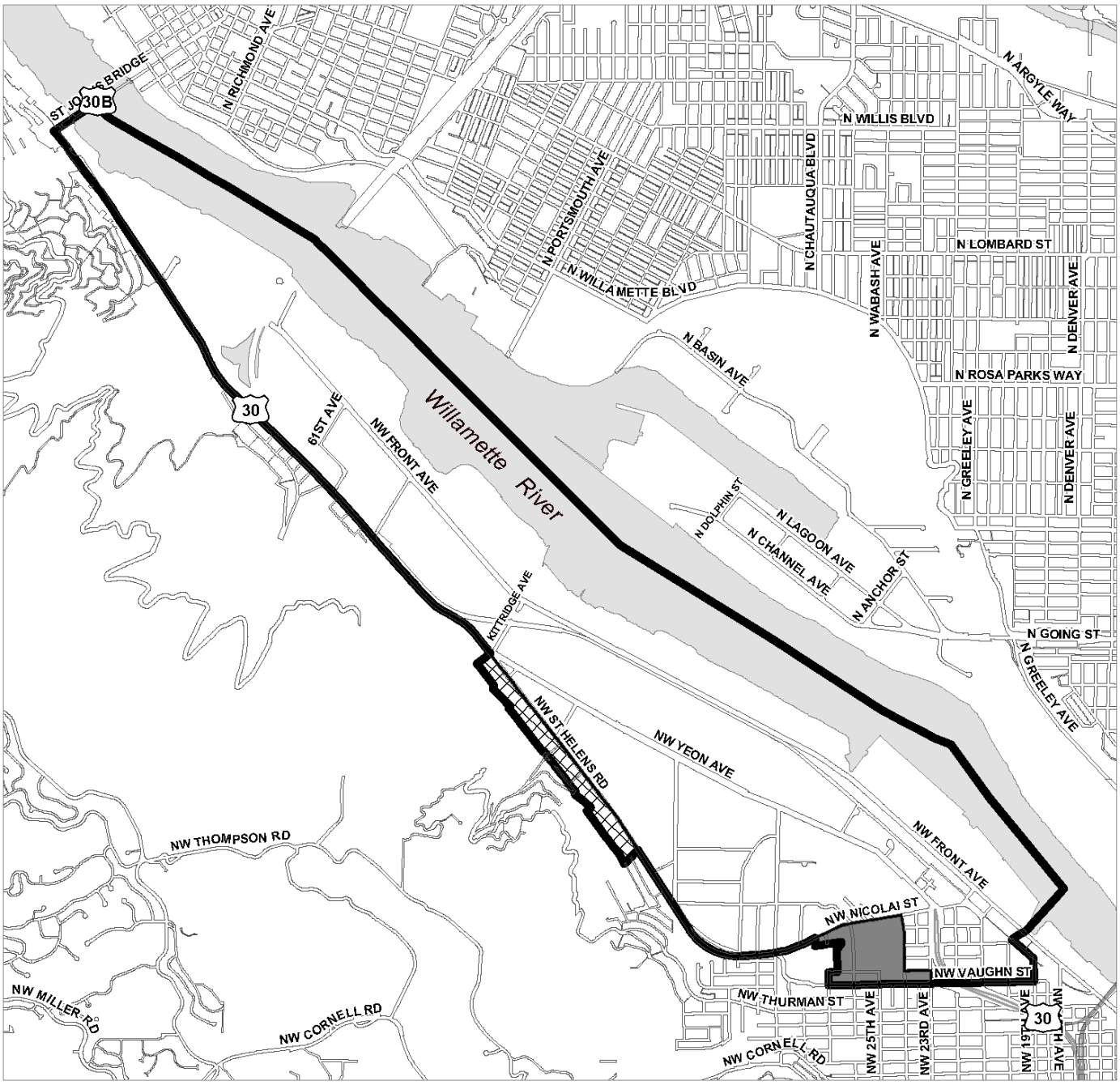
The NWTF is to be collected and administered by the Portland Office of Transportation. The funds collected may be used only to make transportation improvements in the area that will be most affected by the bonus, which is generally bounded by: NW Pettygrove Street, NW Nicolai Street, I-405, NW 27th Avenue.

(Added by: Ord. No. 176092, effective 12/21/01. Amended by: Ord. No. 177920, effective 11/8/03; Ord. No. 183269, effective 10/21/09; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18.)

Guild's Lake Industrial Sanctuary Plan District and Subdistricts

Map 531-1

Map Revised May 24, 2018



Plan District Boundary

Subdistrict A

Subdistrict B

NORTH

0 2,250 4,500

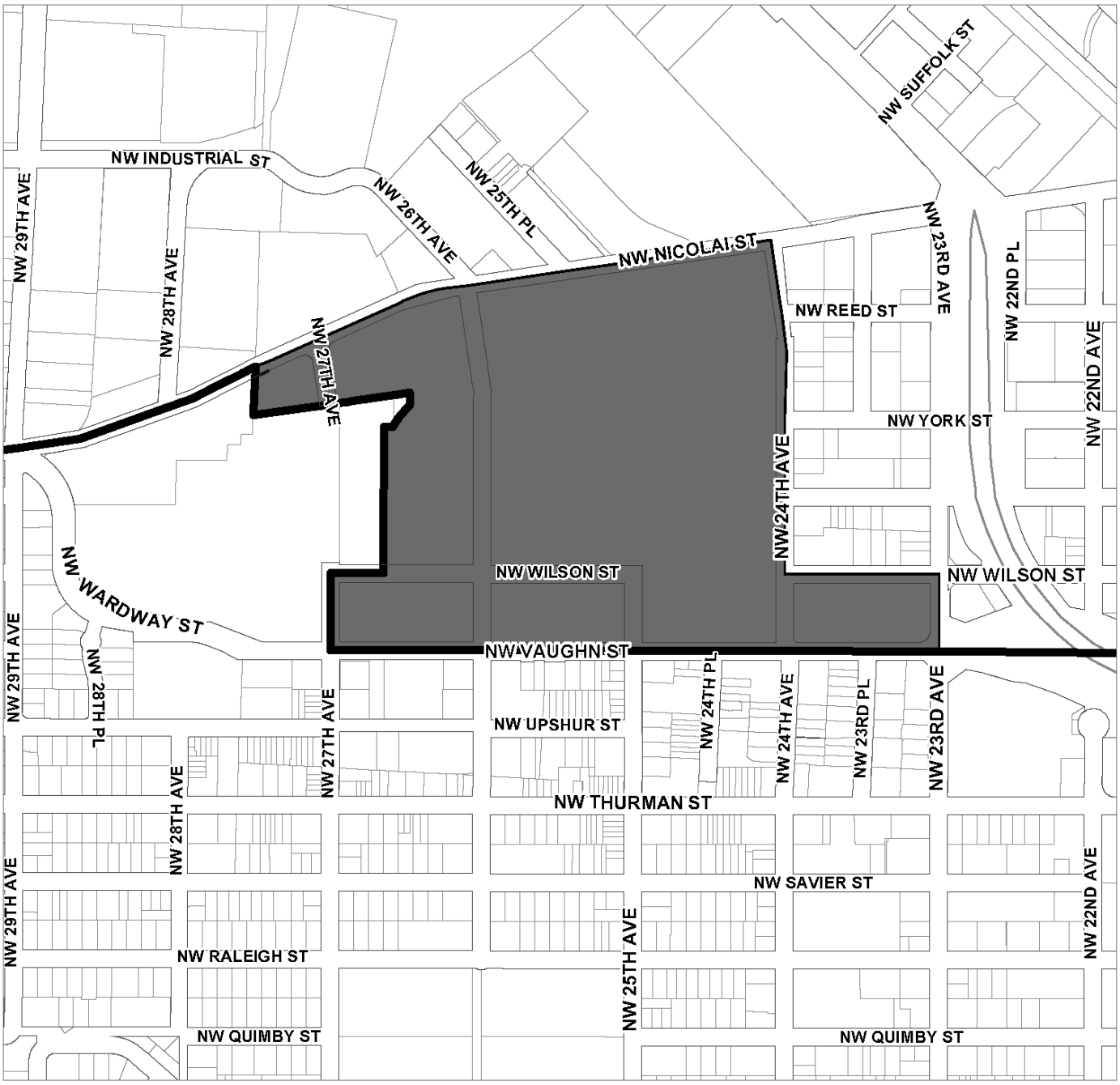
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Guild's Lake Industrial Sanctuary
Plan District Subdistrict B

Map 531-2

Map Revised May 24, 2018



Plan District Boundary

Subdistrict B

NORTH

0 375 750

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.532 Hayden Island Plan District

532

Sections:

General
33.532.010 Purpose
33.532.020 Where These Regulations Apply
33.532.030 Application of Regulations Relating to Future Rights-of-Way and Transit Stations
Development Standards
33.532.110 Additional Regulations in the OS Zone
33.532.210 Maximum Building Height
33.532.220 Minimum and Maximum Floor Area
33.532.230 Transition Between Zones
33.532.240 Transfer of Residential Density
33.532.245 Maximum Setbacks in C Zones
33.532.250 Main Entrance
33.532.255 Buildings Fronting On Internal Accessways
33.532.260 Street Connectivity
33.532.270 Drive-Through Facilities
Map 532-1 Hayden Island Plan District and Subdistrict
Map 532-2 Hayden Island Plan District: Maximum Building Height
Map 532-3 Hayden Island Plan District: Island Core Access Streets

General

33.532.010 Purpose

The regulations in this chapter will preserve and enhance both the character and opportunities of Hayden Island to:

- Create a transportation network that provides for all modes, and allows people to easily move from one mode to another;
- Focus higher intensity, mixed-use development near the Light Rail Station;
- Provide opportunities for a range of housing types, and encourage mixed-use development, including commercial uses, to serve the residential uses;
- Ensure transitions between residential and nonresidential zones and neighborhoods; and
- Recognize the current function of the Jantzen Beach Super Center as an auto-oriented shopping mall and its long-term potential for more intense development that is less auto-oriented and more pedestrian-friendly resulting from major investments in the transportation system.

The environmental zoning that applies to much of the plan district will preserve and restore the unique and valuable natural resources of the island, such as the shallow water habitat.

33.532.020 Where These Regulations Apply
The regulations of this chapter apply to the Hayden Island plan district. The boundaries of the plan district and subdistrict are shown on Map 532-1 at the end of this chapter, and on the Official Zoning Maps.

33.532.030 Application of Regulations Relating to Future Rights-of-Way and Transit Stations
Regulations of this chapter that are based on the location of a right-of-way or Transit Station apply as follows:

A. If the right-of-way or Transit Station has been improved or dedicated, the regulation applies based on the actual location of the right-of-way, tract, or easement.

B. If the right-of-way or Transit Station has not been improved or dedicated, the regulation applies based on the location of the right-of-way or Transit Station as shown on the Master Street Plan for the area that has been accepted by City Council. The multi-modal street plan is maintained by the Portland Bureau of Transportation and is documented in the Transportation Element of Portland's Comprehensive Plan.

Development Standards

33.532.110 Additional Regulations in the Open Space Zone

A. **Purpose.** More intense activities may be appropriate in OS-zoned sites near the Transit Station. Allowing these uses can both provide space for outdoor activities that are appropriate in an urban setting, and increase desirable activity within and near open space.

B. **Where these regulations apply.** The regulations of this section apply to sites in the OS zone that are within 1,500 feet of the Transit Station.

C. **Retail Sales And Service.**

1. Up to 10,000 square feet of net building area in Retail Sales And Service uses or 10 percent of the area of the site, whichever is less, may be requested through a Conditional Use Review. This maximum applies to the cumulative net building area of all Retail Sales And Service uses on a site.

2. Maximum parking. The maximum parking allowed for Retail Sales And Service uses is 1 space per 250 square feet of net building area.

33.532.210 Maximum Building Height

A. **Purpose.** The regulations of this section:

- Allow taller buildings near the Light Rail Station to encourage mixed-use and transit-oriented development;
- Increase opportunities for creative design to encourage development of interesting buildings that help create a sense of place;
- Recognize the prominent location of Hayden Island as a gateway to Oregon and the potential for visually interesting development to welcome visitors and residents, while mitigating for potential impacts through excellent design, articulation and step-backs, and the use of quality materials.

B. Maximum building heights.

1. Generally. The maximum building heights are shown on Map 532-2.

2. Height Opportunity Areas. In the Height Opportunity Areas shown on Map 532-2:

   a. Height may be increased to 90 feet if the maximum building coverage is 20 percent or less;

   b. Height may be increased to 80 feet if the maximum building coverage is 25 percent or less;

   c. Adjustments and modifications the standards of this paragraph are prohibited.

3. Jantzen Beach subdistrict. In the Jantzen Beach subdistrict, adjustment may be requested to increase height to the maximum height limit shown on Map 532-2. Heights above the maximum height limit shown on Map 532-2 are prohibited.

33.532.220 Minimum and Maximum Floor Area

A. Purpose. These regulations encourage dense, mixed-use development in the pedestrian district, and reinforce the Jantzen Beach subdistrict as a transit-supportive, mixed-use neighborhood.

B. Where these regulations apply. The regulations of this Subsection apply in the Jantzen Beach subdistrict.

C. Maximum FAR in the Jantzen Beach subdistrict

1. In the Jantzen Beach subdistrict, the maximum FAR is .75 to 1. Floor area used for parking is not counted toward maximum FAR. Transfers of floor area between the West and East subareas are prohibited.

2. Inclusionary housing bonuses. The following inclusionary housing bonus options are allowed. An increase in FAR of more than 3 to 1 on a site that is outside the pedestrian district is not allowed. An increase in FAR of more than .75 to 1 on a site that is inside the pedestrian district is not allowed.

   a. Mandatory inclusionary housing bonus option. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.

   b. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:

      (1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the

regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

(2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

D. Minimum FAR in Jantzen Beach subdistrict.

1. Purpose. These regulations ensure that development is distributed throughout the Jantzen Beach subdistrict to maximize the positive benefits of pedestrian-friendly, properly-scaled development without the negative impacts of over-sized buildings surrounded by large surface parking lots.

2. West subarea. In the West subarea, the minimum amount of the West subarea that must be covered with buildings is 300,000 square feet.

3. East subarea. In the East subarea, the amount of East subarea that must be covered with buildings is 300,000 square feet.

E. Adjustments to maximum floor area or maximum FAR. Adjustments to the maximum floor area or FAR regulations of this Chapter must meet the following approval criterion in addition to the approval criteria of Chapter 33.805: The transportation system is capable of supporting the proposal in addition to the existing uses in the area. Evaluation factors including capacity of Interstate 5 on and off ramps on Hayden Island.

F. Land Divisions in the Jantzen Beach Subdistrict.

1. Supplemental application requirement. Applications for land divisions in the Jantzen Beach subdistrict must specify how the minimum and maximum floor area required by this chapter will be allocated to each lot, parcel, and tract.

2. Supplemental approval criterion. The allocation of minimum and maximum floor area to each lot, parcel, and tract must be found to still meet the requirements of this chapter.

3. The applicant must execute a covenant with the City which is attached to and recorded with the deed of each lot, parcel, and tract. The covenant must identify the minimum and maximum floor area designated for each lot, parcel and tract.

33. 532.230 Transition Between Zones

A. Purpose. These regulations limit some of the negative impacts of larger-scale development in commercial/mixed use or industrial zones on buildings in adjacent residential zones.

Requiring development to step down near the residential zones avoids having an abrupt transition between the zones, as does the limitation on large blank walls facing residential sites.

B. Where these regulations apply. The regulations of this section apply to sites in commercial/mixed use and industrial zones.

C. Maximum building height.

1. Sites abutting a residential zone. On the portion of a site within 30 feet of a residential zone, the maximum building height is 25 feet. See Figure 532-1.

2. Sites across a street from a residential zone. On the portion of a site within 15 feet of the lot line across the street from a residential zone, the maximum building height is 25 feet. See Figure 532-2.

Figure 532-1
Height limits on sites abutting R zones

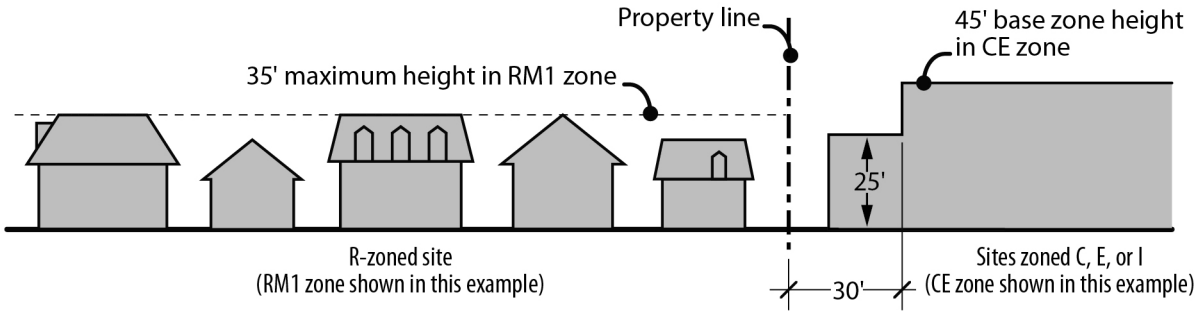
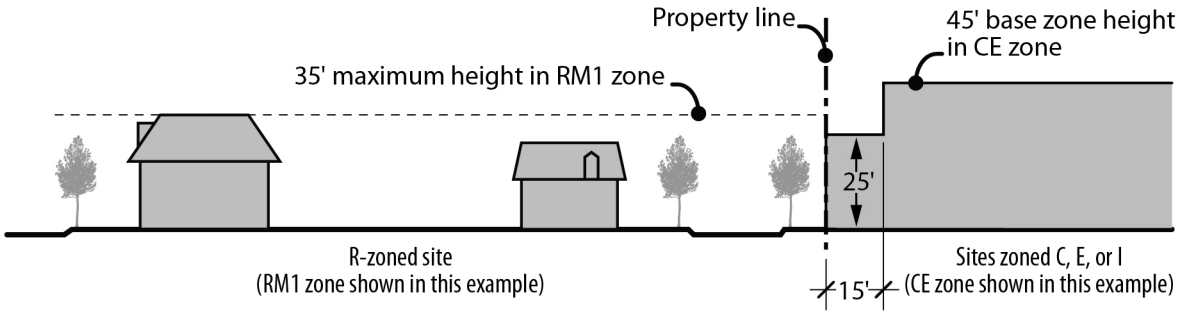


Figure 532-2
Height limits on sites across a street from R zones



D. Required windows above the ground floor.

1. Sites abutting a residential zone. On the portion of a site within 30 feet of a residential zone, at least 15 percent of the area of the façade above the ground level must be windows. This requirement is in addition to any required ground floor windows.

2. Sites across a street from a residential zone. On the portion of a site within 15 feet of the lot line across the street from a residential zone, at least 15 percent of the area of

the façade above the ground level must be windows. This requirement is in addition to any required ground floor windows.

33.532.240 Transfer of Residential Density

A. Purpose. Residential density is limited by the Portland International Airport Noise Impact Overlay Zone (the "x" overlay zone), which applies to much of the plan district. In some instances, residential development is tied to previous Multnomah County Comprehensive Plan designations. Allowing transfers of residential density provides development flexibility while adhering to the limits of the overlay zone.

B. Density transfers. Residential density may be transferred among sites in the plan district if all of the following are met:

1. The receiving sites must be located within the same or lesser noise contour of the x overlay as the sending sites;
2. The receiving site must be in a C or R zone;
3. The maximum density allowed on the receiving site, including transferred density, is 1 dwelling unit per 700 square feet of site area; and
4. The property owners of both sending and receiving sites must execute a covenant with the City that is attached to and recorded with the deeds of both the sending and receiving sites reflecting the respective increase and decrease of potential density. The covenant must meet the requirements of Section 33.700.060.

33.532.245 Maximum Setbacks in Commercial/Mixed Use Zones

The maximum setbacks that apply to sites in commercial/mixed use zones in Pedestrian Districts apply to all sites in commercial/mixed use zones in the plan district.

33.532.250 Main Entrance

A. Purpose. Locating the main entrance of a use near the street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.

B. Where these regulations apply. The regulations of this section apply to sites in commercial/mixed use zones. If a site has frontage on more than one street, and one of the streets is an Island Core Access Street, the main entrance must face the Core Street. If the site has frontage on two Core Access Streets, or on two non-Core Access Streets, this standard must be met on only one of the frontages. Island Main Core Access Streets are shown on Map 532-3.

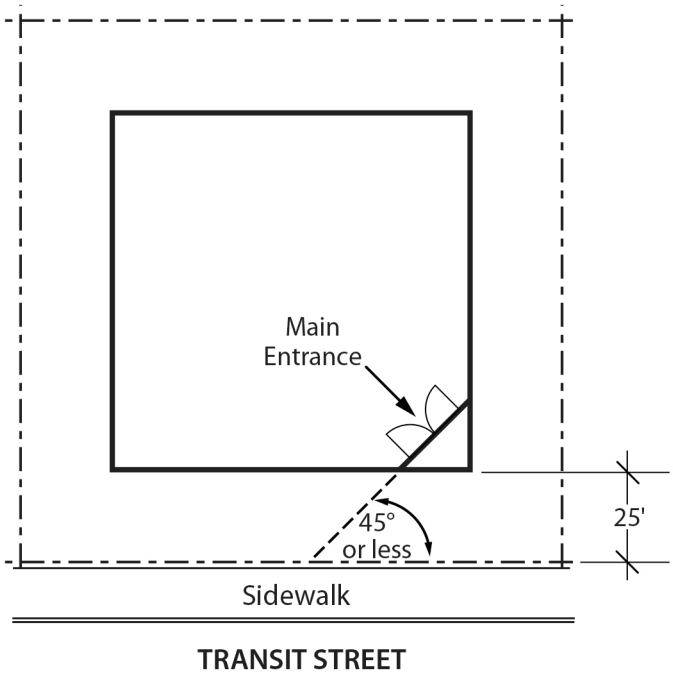
C. Location. For each building, at least one main entrance must:

1. Be within 25 feet of a street;
2. Allow pedestrians to both enter and exit the building; and
3. Either:
    a. Face the street; or

b. Be at an angle of up to 45 degrees from the street, measured from the street property line, as shown in Figure 532-3, below.

D. Unlocked during regular business hours. The main entrance that meets the standards of Subsection C, above, must be unlocked during regular business hours.

Figure 532-3
Main Entrance



33.532.255 Buildings Fronting on Internal Accessways

A. Purpose. Internal accessways allow an alternative for larger retail buildings on very large sites to provide functional pedestrian connections, building locations, and main entrance placement without meeting the standards of the base zone. These larger retail buildings can still meet the intent of the base zone regulations and be transit-supportive and pedestrian-friendly by requiring the building to meet standards associated with transit streets on the internal accessway. These accessways provide a finer network of street and pedestrian connectivity linking development to public streets.

B. Where these regulations apply. The regulations of this section apply to buildings in the Jantzen Beach subdistrict where a single use occupies over 60,000 square feet of floor area in a single story.

C. Building regulations. Buildings which front on an internal accessway are exempt from the maximum building setback, ground floor windows and transit street main entrance standards of the base zone and the Hayden Island plan district if the buildings meet the base zone standard for maximum building setback, ground floor windows and transit street main entrance along an internal accessway. The internal accessway must meet the requirements for Subsection D.

D. Internal accessways. The internal accessway must meet the following:

1. The internal accessway must have at least one auto travel lane, curbs, and an unobstructed sidewalk which separates the building from the curb.
2. The drive aisle may be up to 25 feet wide, and must provide a direct connection to an Island commercial core street or to a Transit Station.
3. One of the following must be met, as shown in Figure 532-4:
   a. The sidewalk must be at least 15 feet wide and planted with trees a maximum of 30 feet on center. Trees must be planted in the center of unpaved tree wells at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk; or
   b. The sidewalk must be at least 10 feet wide. There must be a planting strip at least 5 feet wide. The planting strip must be between the curb and the sidewalk, and be landscaped to at least the L1 standard, except that trees cannot be grouped.
4. Parallel parking is allowed between the sidewalk and the drive aisle provided if it is at least 50 feet from the main entrance. Parallel parking may reduce the width of the sidewalk to 10 feet with trees a maximum of 30 feet on center or 6 feet with a 4-foot wide planting strip.

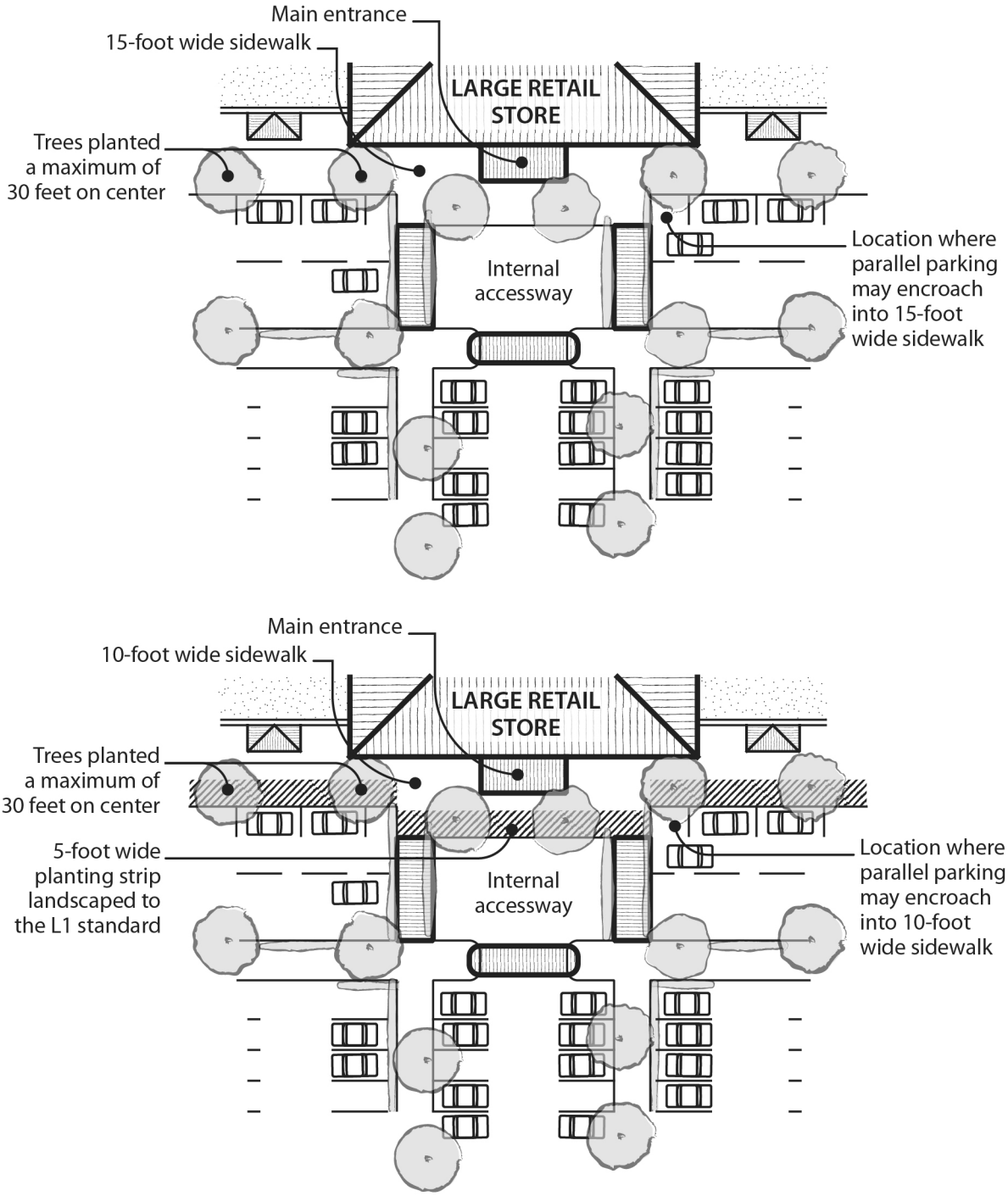
33.532.260 Street Connectivity

A. Purpose. The connectivity requirement ensures that adequate street and pedestrian/bicycle connections will be provided for local access to development and access for emergency vehicles. This regulation implements the Hayden Island Master Street Plan and improves vehicular, pedestrian, and bicycle movement throughout the plan district, while reducing congestion. Where full street connections are not feasible, pedestrian and bicycle connections provide access for those users most sensitive to the lack of direct connections.

B. Requirements.

1. The Portland Bureau of Transportation determines the location and widths of rights-of-way and extent and timing of street improvements based on the Hayden Island Master Street Plan in the Transportation Element of the Comprehensive Plan.
2. New street alignments as identified in the Hayden Island Master Street Plan are regulated by Chapter 17.88.

Figure 532-4
Buildings On Internal Accessways



33.532.270 Drive-Through Facilities

A. Purpose.

1. In the area west of Center Avenue which is designated as a pedestrian district, these regulations discourage development that adversely affects the pedestrian environment, and limits auto-oriented uses.

2. The area east of Center Avenue is not designated as a pedestrian district and is appropriate for auto-oriented uses, based on the current uses and the proximity to the bridge; these uses serve both those in autos and those on foot. These regulations preserve the ability of existing and future businesses to have drive-through facilities.

B. Regulation.

1. West of Center Avenue, drive-through facilities are prohibited on the portion of a site within a pedestrian district. This prohibition includes curb cuts and driveways used for access to the drive-through facility, stacking lanes for queuing vehicles, and the facility itself, such as the drive-up window or gas pump island.

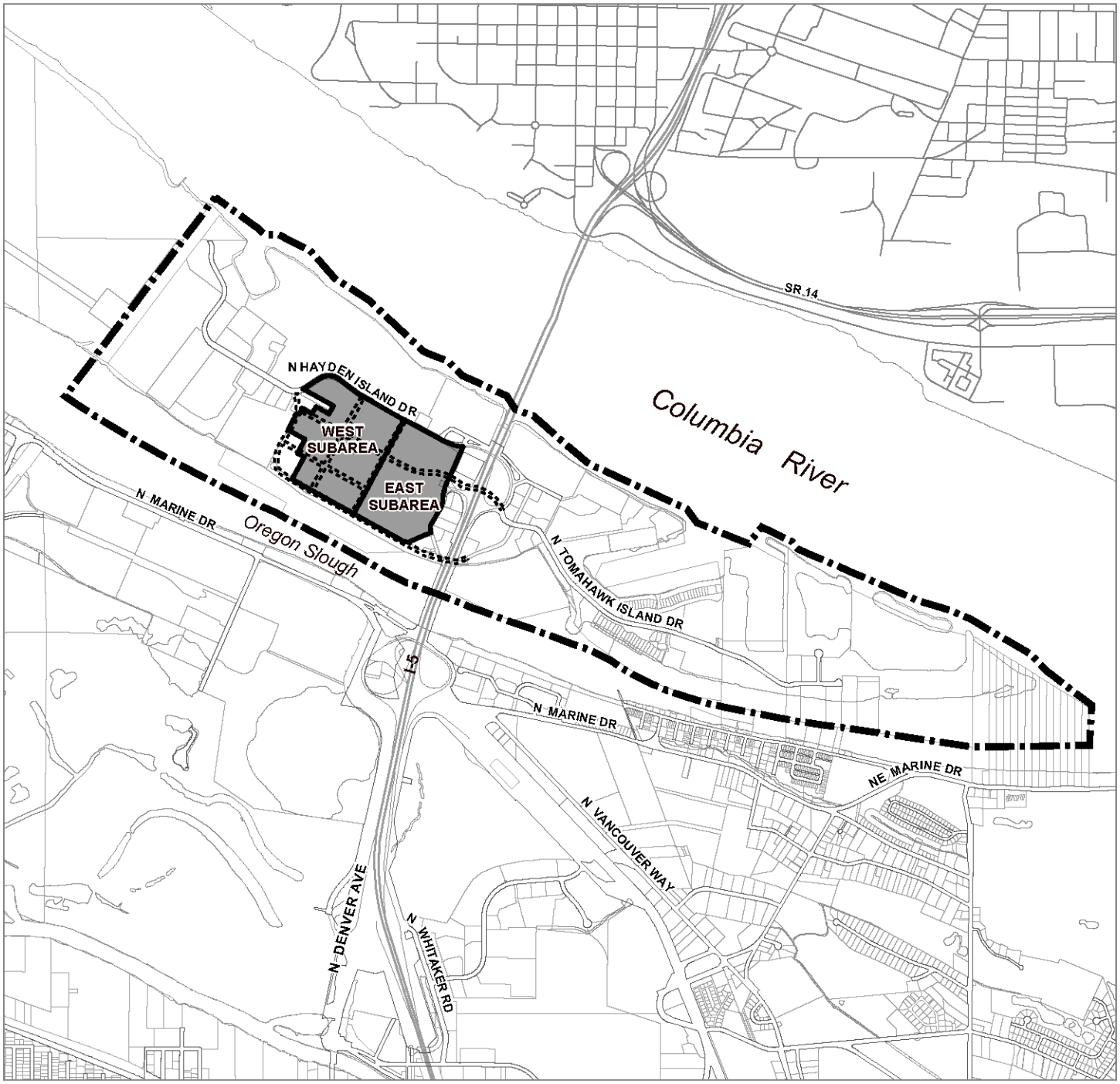
2. East of Center Avenue, drive-through facilities are allowed on the portion of a site within a CM1 zone. Access must be from N. Jantzen Drive, but location is not otherwise limited to particular streets.

(Added by Ord. No. 183124, effective 9/18/09. Amended by: Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20.)

Hayden Island Plan District and Jantzen Beach Subdistrict

Map 532-1

Map Revised July 24, 2015



Plan District Boundary

Subdistrict

Proposed right-of-way

NORTH

0 1,500 3,000

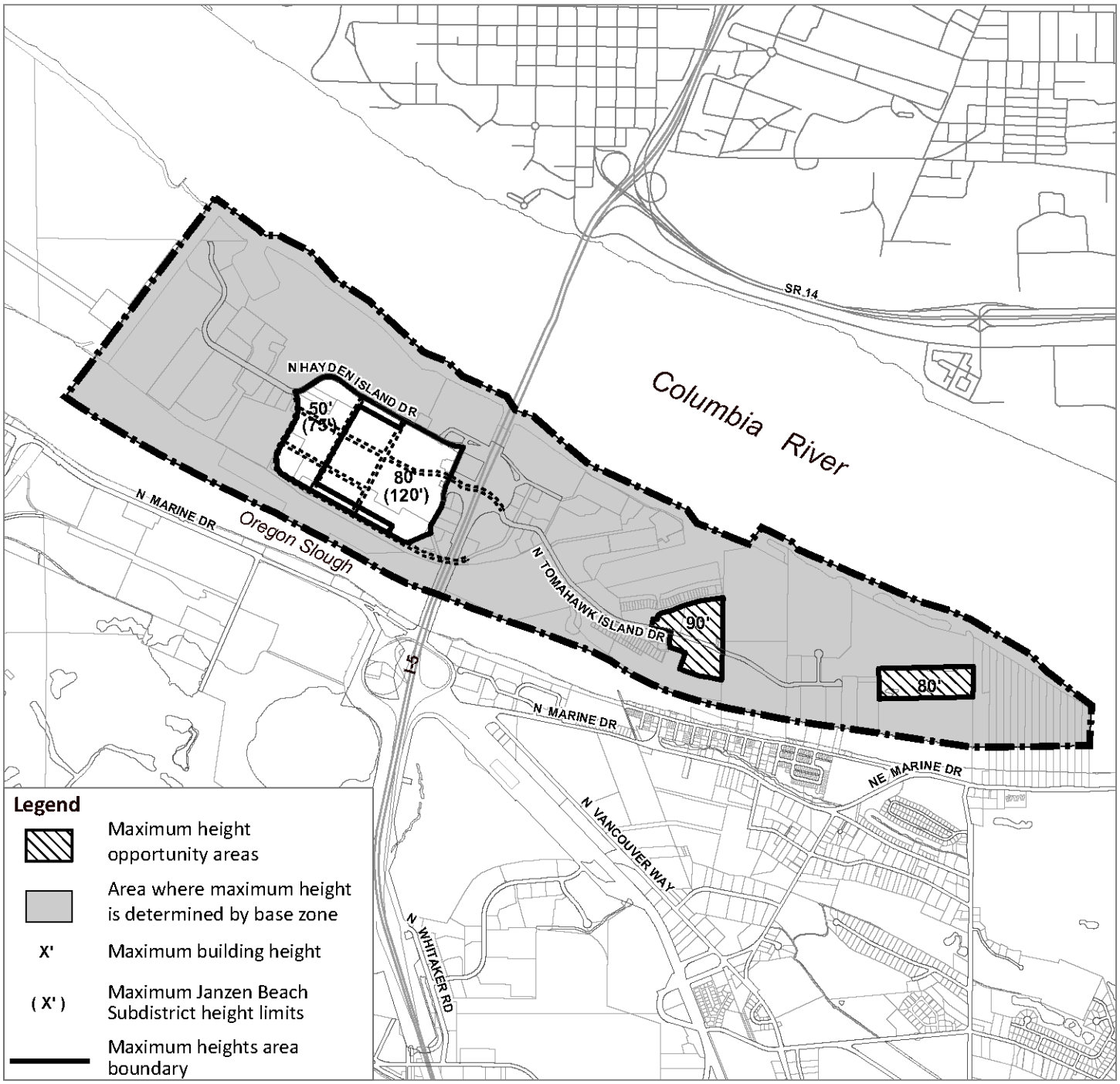
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Hayden Island Plan District
Maximum Heights

Map 532-2

Map Revised July 24, 2015



Plan District Boundary

Proposed right-of-way

NORTH

0 1,500 3,000

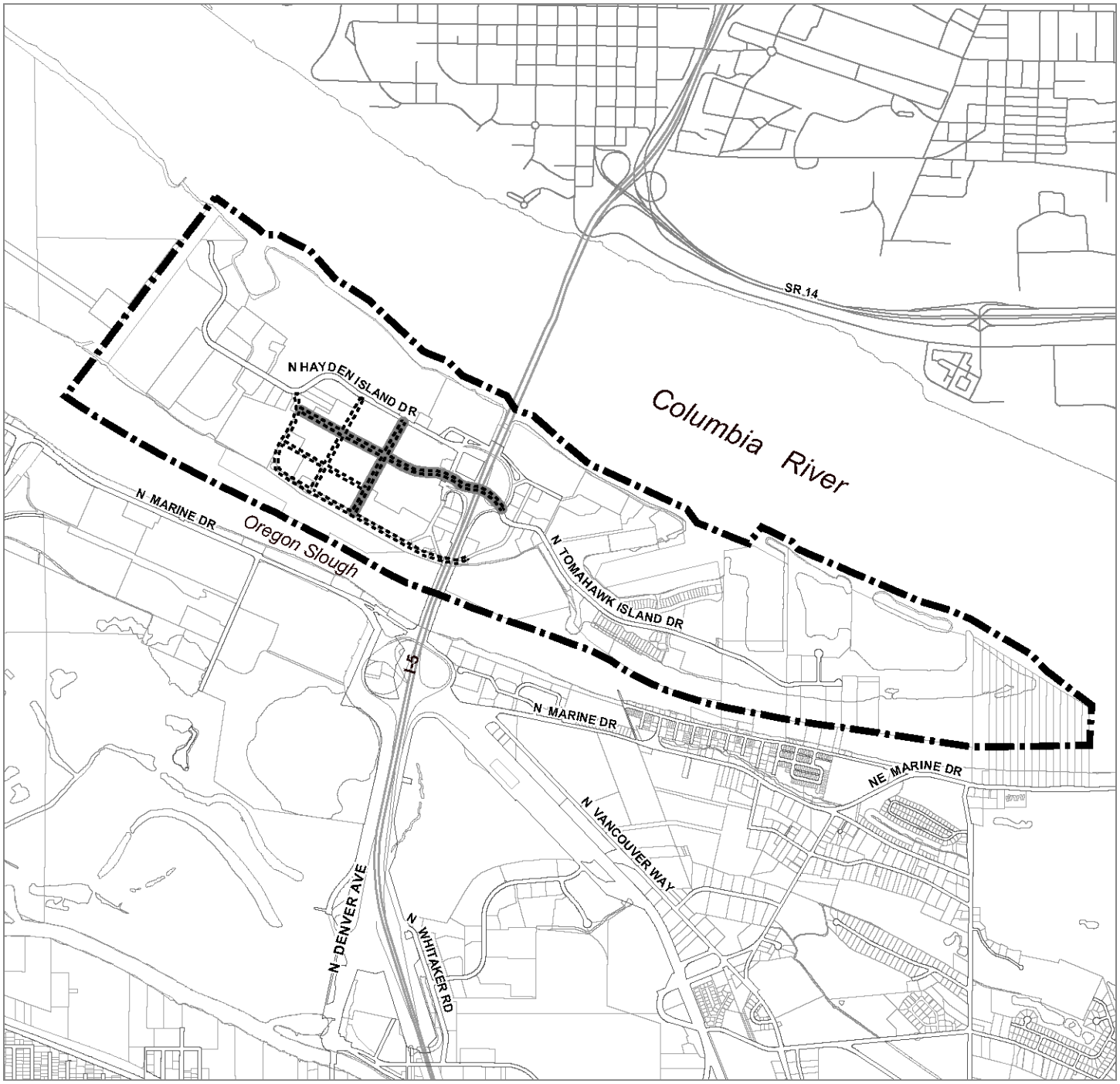
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Hayden Island Plan District
Island Core Access Streets

Map 532-3

Map Revised July 24, 2015



Plan District Boundary

Island core access street

Proposed right-of-way

NORTH

0 1,500 3,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.533 Healy Heights Plan District

533

Sections:

33.533.010 Purpose
33.533.020 Where the Regulations Apply
33.533.030 Existing Towers
33.533.040 Relocation of Existing Towers
33.533.050 New Towers and Expanded Facilities
33.533.060 Damage, Destruction and Discontinuance
33.533.070 Development Standards
33.522.080 Monitoring and Power Density Measurements
33.522.090 Radiofrequency Interference
33.533.100 Procedures
Map 533-1 Healy Heights Plan District

33.533.010 Purpose

The Healy Heights Plan District provides additional regulations for the conditional use review of Radio Frequency Transmission Facilities in a unique situation. Healy Heights has a concentrated and complex array of radiofrequency sources and towers located within a developed single-family neighborhood. The plan district protects the established character of the neighborhood while ensuring that the broadcast and communications industry at this location remains viable. This plan district achieves its purpose through:

- Control of aesthetic impacts through limitations on additions to or expansion of broadcast towers;
- Improving the opportunity for communication between the users of broadcast facilities and surrounding residents;
- Requiring mitigation of the effects of radiofrequency interference to the extent practicable; and
- Reaffirming the importance of Healy Heights to the Radio Frequency Transmission industry and to the people served by that industry.

33.533.020 Where the Regulations Apply

The regulations of this chapter apply only to Radio Frequency Transmission Facilities within the Healy Heights Plan District. All Radio Frequency Transmission Facilities and accessory uses are described in and regulated by Chapter 33.274. The boundaries of the plan district are shown on Map 533-1 at the end of this chapter, and on the Official Zoning Maps.

33.533.030 Existing Towers

Existing towers may continue to operate. Up to 7 Radio Frequency Transmission towers are allowed in the plan district. Additional towers are prohibited. When a tower is removed from the plan district, the maximum number of towers allowed is reduced accordingly. The maximum number of towers cannot exceed the number of towers present in the plan district.

33.533.040 Relocation of Existing Towers
Existing towers may be relocated within the plan district if the review body finds the following approval criteria are met:

A. Relocation of an existing tower does not result in a taller tower, an increase in the extent to which ice may fall from the tower to a nearby property in residential use, an increase in wind noise, or in power density on properties in residential use.

B. Relocation of an existing tower must result in reduced aesthetic impact for nearby residential uses and may not result in a significant increase in the aesthetic impacts to the City as whole. Aesthetic impacts include, but are not limited to:

- Tower design;
- Tower height;
- Tower mass;
- Tower coloring/visibility;
- Landscaping;
- Accessory structure design; and
- Setbacks.

33.533.050 New Towers and Expanded Facilities
New towers and reconstruction that will expand tower capacity may be approved if the review body finds the approval criteria of A and B, below, are met. Temporary towers may be approved if the review body finds that criterion C, below, is met. All other new towers or reconstruction that will expand tower capacity are prohibited.

A. **Tower sharing.** The new or expanded tower facility is designed as a shared use facility and will provide for consolidation of existing Radio Frequency Transmission Facilities from within the plan district.

B. **Tower consolidation.** An existing tower, or towers, within the plan district is to be removed as part of the proposal, resulting in a net reduction of the number of towers present in the plan district.

C. **Temporary towers.** Temporary auxiliary towers may be used when necessary for the reconstruction of an existing tower, to protect workers from excessive levels of radiofrequency energy, or to replace a damaged tower. The temporary auxiliary tower may remain until such time as the existing tower is returned to regular use, and then it must be dismantled and removed from the plan district within 90 days. A temporary tower may not be in place for more than 2 years or exceed the radio frequency emissions levels or exposure limits established by the Federal Communications Commission (FCC). Applicants must certify compliance with FCC emissions standards with the permit application.

33.533.060 Damage, Destruction, and Discontinuance

A. **Reconstruction and maintenance.** Existing towers may be repaired or undergo major maintenance for structural safety, as confirmed by a licensed engineer. Repair or maintenance may not result in a tower with increased dimensions. Improved structural

integrity may not, by itself, result in an increase in the number of antennas or transmitters, or in power density.

B. Discontinuance. In the event that a tower is demolished or not used and maintained as a broadcast or relay facility for a period of 2 years, it must be dismantled and removed from the plan district.

33.533.070 Development Standards

A. Minimum site size. The minimum site size requirements of 33.274.040, do not apply to sites in this plan district, as they appear at the time of adoption of this plan district, and as long as such sites have a tower used and maintained as a broadcast or relay facility.

B. Setbacks. Where the subject site abuts a site which includes a Radio Frequency Transmission Facility, the minimum tower setback requirements of 33.274.040, do not apply to new or replacement towers in this plan district. Where the subject site abuts a site in exclusive residential use, the minimum tower setback requirements of 33.274.040 apply to all new or replacement towers in this plan district.

C. Other development aspects. All aspects of development not regulated by this chapter are regulated by 33.274.

33.533.080 Monitoring and Power Density Measurements

A. Monitoring. Monitoring of RF fields will occur as determined by the Healy Heights RF Advisory Board, to confirm that conditions as described by An Investigation of Radiofrequency Fields on Healy Heights, Portland, Oregon, Phase II, December 16, 1991, have remained the same or changed in the manner predicted by subsequent approved applications for change or addition.

1. Monitoring must be performed by a qualified technician or engineer.
2. Monitoring will consist of measurement of radiofrequency fields in a manner comparative to and compatible with, the methodology used in and described by An Investigation of Radiofrequency Fields on Healy Heights, Portland, Oregon, Phase I, August 14, 1990.
3. Monitoring must include at least the points used for narrow band measurements in An Investigation of Radiofrequency Fields on Healy Heights, Portland, Oregon, Phases I and II, plus a minimum of 10 other points identified in that document, falling outside of and generally dispersed around the plan district.
4. Monitoring will occur when there is reasonable cause to believe that one or more of the facilities at Healy Heights is causing radiofrequency radiation in excess of the levels allowed. Monitoring may occur at random.

B. Required power density assessment.

1. Calculation of power density. All applications for new or expanded facilities not exempted by 33.274.030, will be accompanied by a calculation of the effects of the proposed facility on the existing radiofrequency environment. The calculation of power density must be made for the points used for narrow band measurements in

An Investigation of Radiofrequency Fields on Healy Heights, Portland, Oregon, Phases I and II, plus a minimum of 10 other points identified in this document, falling outside of and generally dispersed around the plan district.

2. Measurement of power density. When calculations show that the majority of the measurement points will have an increase of 25 percent of the difference between the latest base line study of power density levels and the maximum power density allowed, a new base line power density level must be established. A new base line will be established by measuring the power density at, or as near as reasonably possible, all measurement points identified in An Investigation of Radiofrequency Fields on Healy Heights, Portland, Oregon, Phases I and II, after regular operation of the facility has commenced. Final approval of the facility will be contingent upon documenting compliance with the radio frequency emissions levels and exposure limits established by the Federal Communications Commission (FCC).

C. Method of power density measurements. All measurements, whether for monitoring or required of an applicant, must be made in the manner described by the section entitled Technical Approach, beginning on page 9 of An Investigation of Radiofrequency Fields on Healy Heights, Portland, Oregon, Phase I, August 14, 1990. For the purpose of monitoring radiofrequency fields, measurements need not necessarily occur at all points measured in An Investigation of Radiofrequency Fields on Healy Heights, Portland, Oregon, Phases I and II, but should occur as near to those points as reasonably possible and in sufficient number to ascertain to what extent the radiofrequency environment has changed.

33.533.090 Radiofrequency Interference

All Radio Frequency Transmission Facilities owners and operators are responsible for assuring that interference to consumer electronic devices, from their equipment, is kept to the minimum level possible.

A. Interference survey. Surveying the extent of radiofrequency interference (RFI) will occur in the manner and frequency as determined by the Healy Heights RF Advisory Board. Survey of RFI may be included as a condition of approval to a land use approval or as a joint responsibility of the operators and owners of the Healy Heights RF facilities. To the extent possible, such surveys will determine the types of interference encountered, the area of interference, and the source of interference.

B. Mitigation of interference. When the source of RFI can be determined, the owner and operator of that source will be responsible for any and all steps necessary for mitigation of the effects of the RFI, as determined appropriate by the Healy Heights RF Advisory Board.

33.533.100 Procedures

Construction of a temporary tower will be reviewed through the Type II procedure. All other Radio Frequency Transmission Facility proposals are subject to the review procedures of Chapter 33.274, Radio Frequency Transmission Facilities.

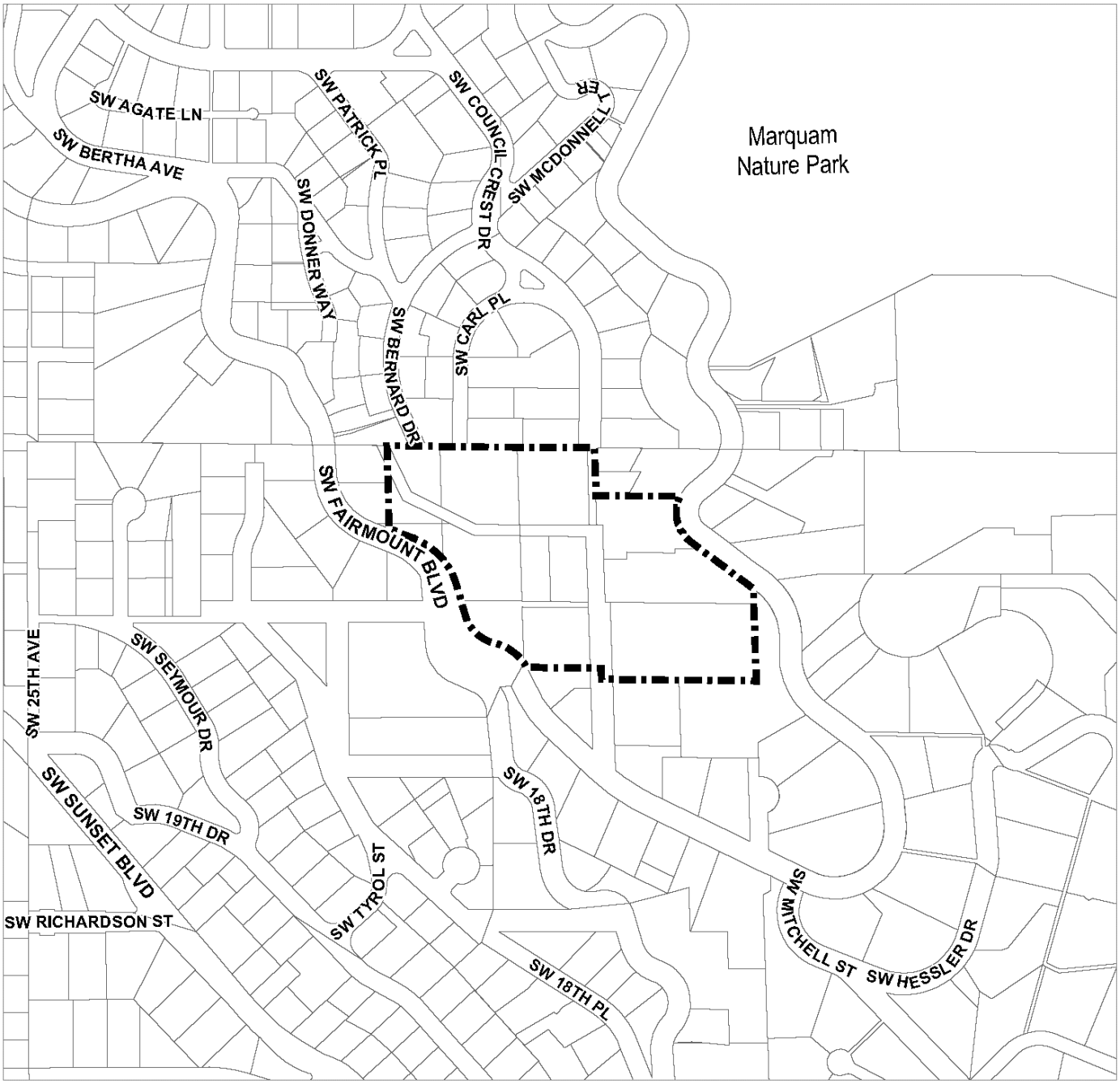
The staff may require an application for a new tower to be reviewed by the Design Commission for advice to the Hearings Officer or City Council.

(Added by: Ord. No. 166921, effective 10/1/93; Ord. No. 167650, effective June 10, 1994; Ord. No. 171718, effective 11/29/97; Ord. No. 186639, effective 7/11/14.)

Healy Heights Plan District

Map 533-1

Map Revised July 8, 2016



Plan District Boundary

NORTH

0 300 600

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.534 Hillsdale Plan District

534

Sections:

General
33.534.010 Purpose
33.534.020 Where These Regulations Apply
Use Regulations
33.534.100 Purpose
33.534.110 Prohibited Uses
Development Standards
33.534.200 Purpose
33.534.210 Setbacks
33.534.220 Exterior Display, Storage and Work Activities in the IR and C Zones
33.534.230 Drive-Through Facilities
33.534.240 Required Design Review
Map 534-1 Hillsdale Plan District

General

33.534.010 Purpose

The regulations of the Hillsdale plan district promote compatibility between existing and new residential and commercial development and support the Hillsdale Town Center.

33.534.020 Where These Regulations Apply

The regulations of this Chapter apply to development in the Hillsdale plan district. The boundaries of the plan district are shown on Map 534-1 at the end of this Chapter, and on the Official Zoning Maps.

Use Regulations

33.534.100 Purpose

Use restrictions in the Hillsdale plan district will help avoid conflicts between the public's investment in pedestrian, transit and bicycle improvements and the role Hillsdale plays as a Town Center. Limiting auto-oriented uses will ensure that private investment complements the public's investment.

33.534.110 Prohibited Uses

The following uses are prohibited:

A. Vehicle repair;

B. Quick vehicle servicing;

C. Self-service storage; and

D. Warehouse and freight movement.

33.534.200 Purpose

These development standards maintain the established character of the Hillsdale area while encouraging pedestrian-oriented development.

33.534.210 Setbacks

A. Front building setback in the RM2zone. A setback of at least 10 feet is required in the RM2 zone along streets designated as Local Service Streets in the Transportation Element of the Comprehensive Plan.

B. Building setback in C zones. Buildings in the commercial/mixed use zones that are entirely 200 feet or more from a street that abuts the site are exempt from the maximum building setback of the base zone for that street. See Figure 534-1.

33.534.220 Exterior Display, Storage and Work Activities in the IR and C Zones

Exterior display, storage and work activities are prohibited in the IR and C zones, except for the following, which are allowed:

A. Outdoor seating for restaurants;

B. Pedestrian-oriented uses, including flower, food, and drink stands, and other similar, pedestrian-oriented uses;

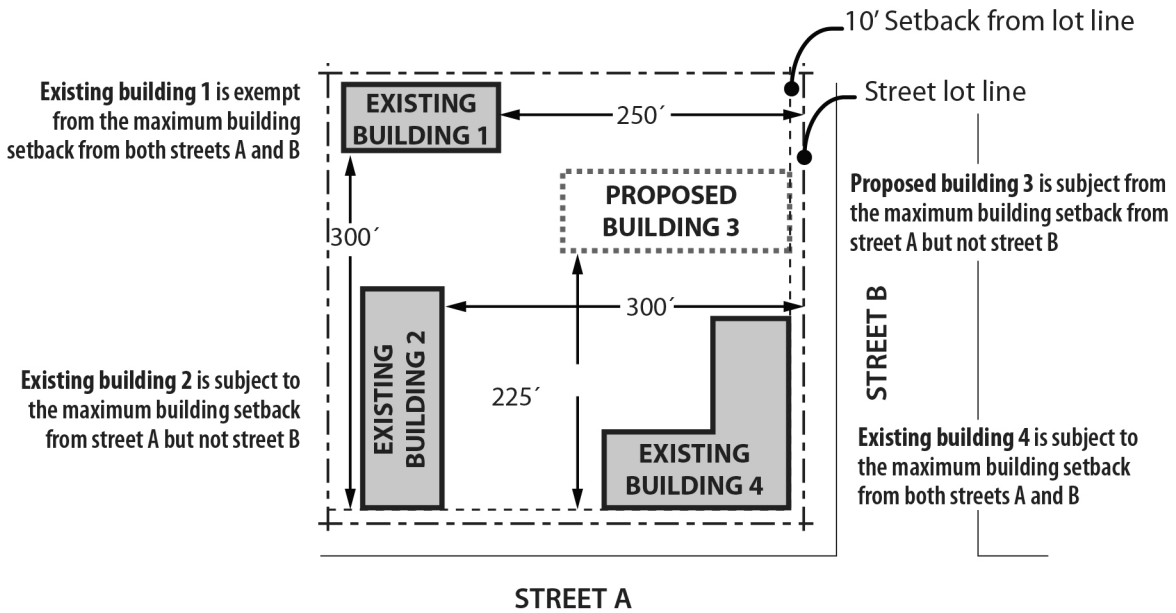
C. Farmers' markets selling plants and produce may operate one day per week; and

D. Exterior display of items for sale, if the following are met:

1. The display is within 20 feet of the store from which the items are being sold; and
2. Items are displayed only when the store is open.

Development Standards

Figure 534-1
Exemption from Maximum Building Setback in C Zone



33.534.230 Drive-Through Facilities
Drive-through facilities are prohibited.

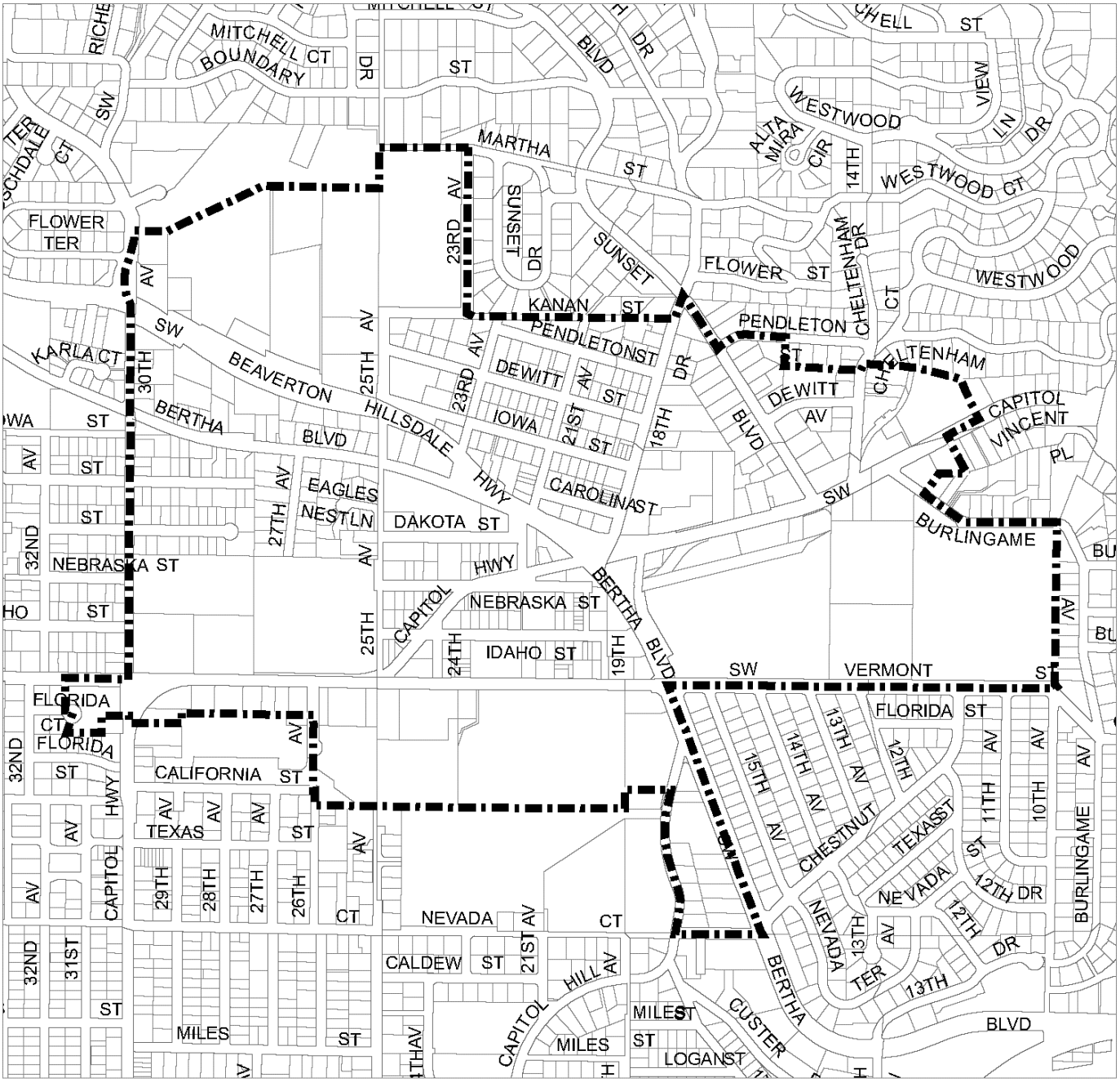
33.534.240 Required Design Review
The regulations of Chapter 33.420, Design Overlay Zones apply in all areas of the plan district that are within the Design Overlay zone.

(Added by: Ord. No. 171699, effective 11/21/97. Amended by: Ord. No. 186639, effective 7/11/14; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20.)

Hillsdale Plan District

Map 534-1

Map Revised July 8, 2016



Plan District Boundary

NORTH

0 600 1,200

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.535 Johnson Creek Basin Plan District

535

In order to maintain an alphabetical structure of the Plan Districts within the 500s series of chapters, Chapter 33.535 has been renumbered. See Chapter 33.537, Johnson Creek Basin Plan District.

(Added by Ord. No. 164472, effective 8/16/91. Amended by: Ord. No. 168698, effective 4/17/95; Ord. No. 169763, effective 3/25/96; Ord. No. 170495, effective 8/21/96; Ord. No. 170806, effective 1/17/97; Ord. No. 172208, effective 5/13/98; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02.)

33.536 Hollywood Plan District

536

Sections:

General
33.536.010 Purpose
33.536.020 Where These Regulations Apply
Use Regulations
33.536.100 Purpose
33.536.110 Prohibited Uses
33.536.120 Required Residential Uses
33.536.130 Commercial Parking in the CM2 and CM3
Development Standards
33.536.200 Purpose
33.536.210 Prohibited Development
33.536.220 Maximum Building Height
33.536.230 Transition Between Residential and Commercial/Mixed Use Zones
33.536.235 Transition Between Commercial/Mixed Use Zones
33.536.240 Floor Area Ratio
33.536.250 Bonus Options
33.536.260 Building Facades Facing Sandy Boulevard
33.536.280 Enhanced Pedestrian Street Standards
33.536.290 Maximum Parking Allowed in the RX, CM2, and CM3 Zones
33.536.300 On-Site Location of Vehicle Areas Along Sandy Boulevard
33.536.310 Required Design Review
33.536.320 Nonconforming Development
Map 536-1 Hollywood Plan District and Subdistricts
Map 536-2 Hollywood Plan District: Maximum Building Heights
Map 536-3 Hollywood Plan District: Enhanced Pedestrian Streets

General

33.536.010 Purpose

The Hollywood plan district provides for an urban level of mixed-use development including commercial, office, housing, and recreation. Specific objectives of the plan district include strengthening Hollywood's role as a commercial and residential center, and promoting the use of light rail, bus transit, and walking. These regulations:

- Enhance business and economic vitality;
- Promote housing and mixed-use development;
- Discourage auto-oriented uses and developments and direct the placement of auto-oriented uses and developments away from the area of most intense activity;
- Reinforce the connection between the Hollywood Transit Center and the business core of the Hollywood District;

- Enhance the pedestrian experience; and
- Enhance the character of buildings in the plan district.

33.536.020 Where These Regulations Apply

The regulations of this Chapter apply in the Hollywood plan district. The boundaries of the plan district and subdistricts are shown on Map 536-1 at the end of this chapter, and on the Official Zoning Maps.

Use Regulations

33.536.100 Purpose

Use restrictions in the area near the transit center and in the business core of Hollywood ensure that development maximizes the public's investment in transit. The restrictions also strengthen the role of Hollywood as a mixed-use center. Limits on parking and auto-oriented uses encourage pedestrian and transit-oriented uses and activities. Requiring residential uses in key areas supports the commercial uses in Hollywood and also increases pedestrian activity near the transit center and in the commercial core of Hollywood.

33.536.110 Prohibited Uses

A. Purpose. These regulations limit auto-oriented uses in the plan district, and help reduce traffic congestion, especially in the commercial core of Hollywood.

B. Prohibited uses.

1. Park and Ride facilities are prohibited in the plan district; and
2. Vehicle Repair and Quick Vehicle Servicing are prohibited in Subdistrict A.

33.536.120 Required Residential Uses

A. Purpose. This regulation ensures a minimum level of housing in the area near the Hollywood Transit Center to support transit use and promote a dense, vital, urban-scaled mix of uses and activities. Housing is particularly important in this mix because it supports the commercial uses, promotes walking from residential areas to nearby services, and contributes to evening and weekend activity.

B. Where this regulation applies. The regulation of this section applies to new development or additions of more than 2,500 square feet of floor area in the Required Residential Area shown on Map 536-1.

C. Required residential uses. At least 50 percent of new floor area must be in residential uses.

33.536.130 Commercial Parking in the CM2 and CM3 Zones

A. Purpose. These regulations allow Commercial Parking that serves employees and visitors in Hollywood while discouraging parking for those who park in Hollywood and take transit to other destinations.

B. Limitations on Commercial Parking uses. Commercial Parking in the CM2 and CM3 zones is a conditional use, and must be in a structure.

C. Supplemental application requirements. A parking demand analysis is required to show a need for Commercial Parking at this location.

Development Standards

33.536.200 Purpose

These development standards foster a mixed-use urban character with a high quality pedestrian environment, and an emphasis on good building design. The standards also promote the Enhanced Pedestrian Streets as the primary pedestrian routes in the plan district. Finally, these standards help ensure an attractive transition in areas where commercial and residential zones abut.

33.536.210 Prohibited Development

A. Purpose. These regulations limit auto-oriented development and ensure transit-supportive levels of residential development in the commercial core of the plan district and in the areas closest to the Hollywood Transit Center. The regulations also support existing businesses with drive-through facilities by creating limited opportunity for these facilities to redevelop as part of development that fosters an urban mix and intensity of uses.

B. Single-dwelling residential. Single-Dwelling residential development is prohibited in Subdistrict A. Alterations to existing Single-Dwelling residential development are allowed.

C. Accessory parking. Parking that is accessory to uses outside of the plan district is prohibited.

D. Drive-through facilities. Drive-through facilities are prohibited, except that in Subdistrict B, drive-through facilities may be allowed if they meet all of the regulations of this subsection:

1. There was a legal drive-through facility on the site on May 5, 2000;
2. The new drive-through is on the same site and the existing drive-through will be removed;
3. The replaced drive-through facility will be part of a new development on the site that meets the following:
   a. After the new development is built, the FAR on the site must be at least 1.5:1; and
   b. At least 25 percent of the new floor area must be in residential uses;
4. The drive-through facility must either:
   a. Meet the standards of Chapter 33.224, Drive-Through Facilities; or
   b. Meet the following:
      (1) The service area must be within the primary structure on the site;
      (2) The service area must have useable floor area above it on the second story; and

(3) The stacking lanes must meet the standards of Section 33.224.050, Stacking Lane Standards, and must be enclosed within the primary structure on the site; and

5. Access to and from NE Sandy Blvd. for the drive-through is prohibited.

33.536.220 Maximum Building Height

The maximum building heights are shown on Map 536-2 except as specified in Subsection 33.536.230.C. Adjustments to these heights are prohibited.

33.536.230 Transition Between Residential and Commercial/Mixed Use Zones

A. Purpose. These regulations ensure that there is a transition in height when commercial/mixed use sites are abutting or across the street from low and medium density residential zones. In addition, the regulations prevent large blank walls above the ground floor from facing residential sites from across a street and ensure that building heights reduce to relate to adjoining single-dwelling zones.

B. Where these regulations apply. The regulations of this section apply to sites in commercial zones.

C. Maximum building height.

1. Generally. The maximum allowed building height is shown on Map 536-2, Building Heights, except as specified in Paragraphs C.2 and C.3 below:

2. Sites abutting RF – RM2 zones. Sites abutting RF through RM2 zones have height limits that decrease in two steps near the residential zone. See Figure 536-1. These height limits are:

   a. On the portion of a site within 25 feet of a site zoned RF through RM2, the maximum building height is the same as the abutting residential zone.

   b. On the portion of a site that is more than 25 feet but within 50 feet of a site zoned RF through RM2, the maximum building height is 45 feet.

3. Sites across a street from RF – RM2 zones. Sites across a street from RF through RM2 zones have height limits that decrease near the residential zone. On the portion of the site within 15 feet of the lot line across the street from a site zoned RF though RM2, the maximum building height is the same as the residential zone across the street. See Figure 536-2.

D. Required windows above the ground floor. Sites across a street and within 50 feet of RF through R2.5 zones must provide windows in façades that face a residential zone. The windows must cover at least 15 percent of the area of the façade above the ground level. This requirement is in addition to any required ground floor windows.

Figure 536-1
Height limits on sites abutting RF – RM2 zones

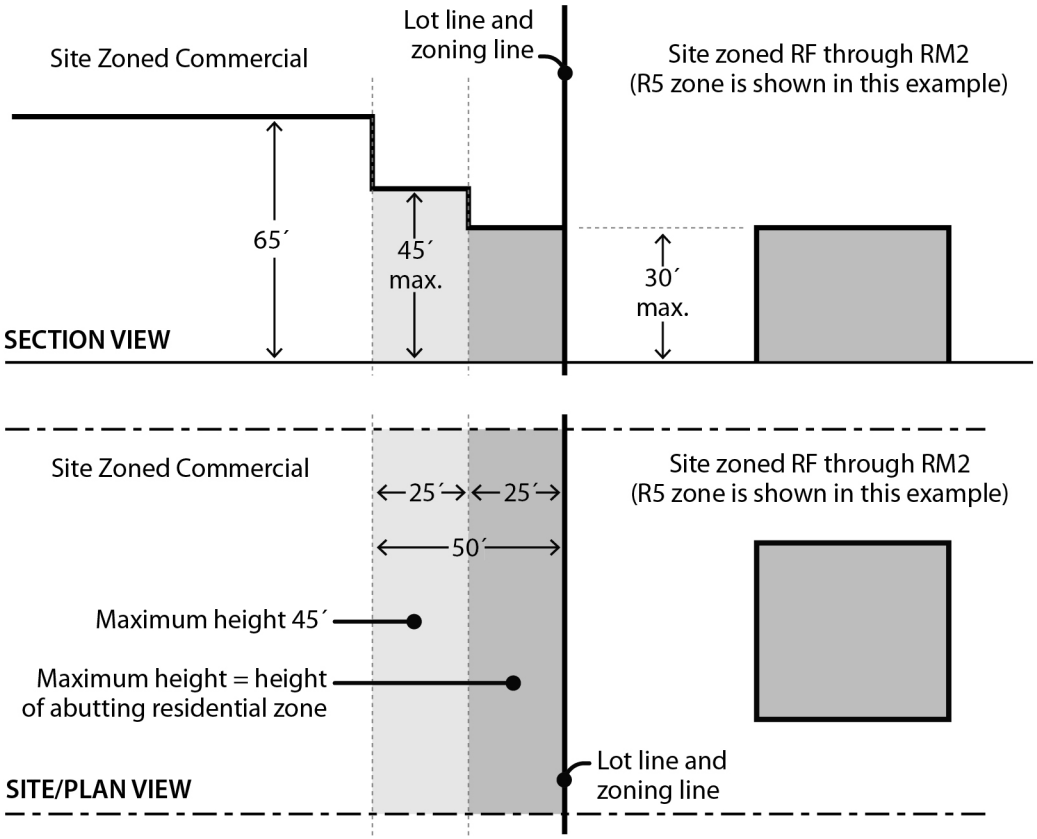
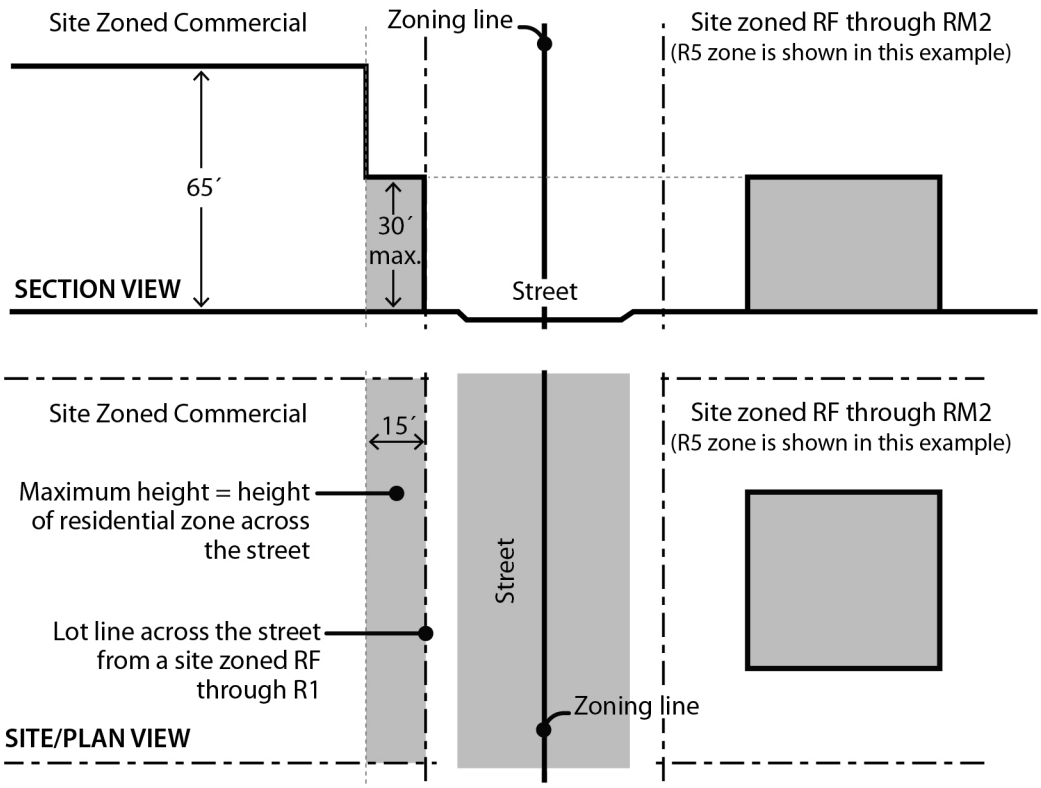


Figure 536-2
Height limits on sites across a street from RF – RM2 zones



33.536.235 Transition Between Commercial/Mixed Use Zones

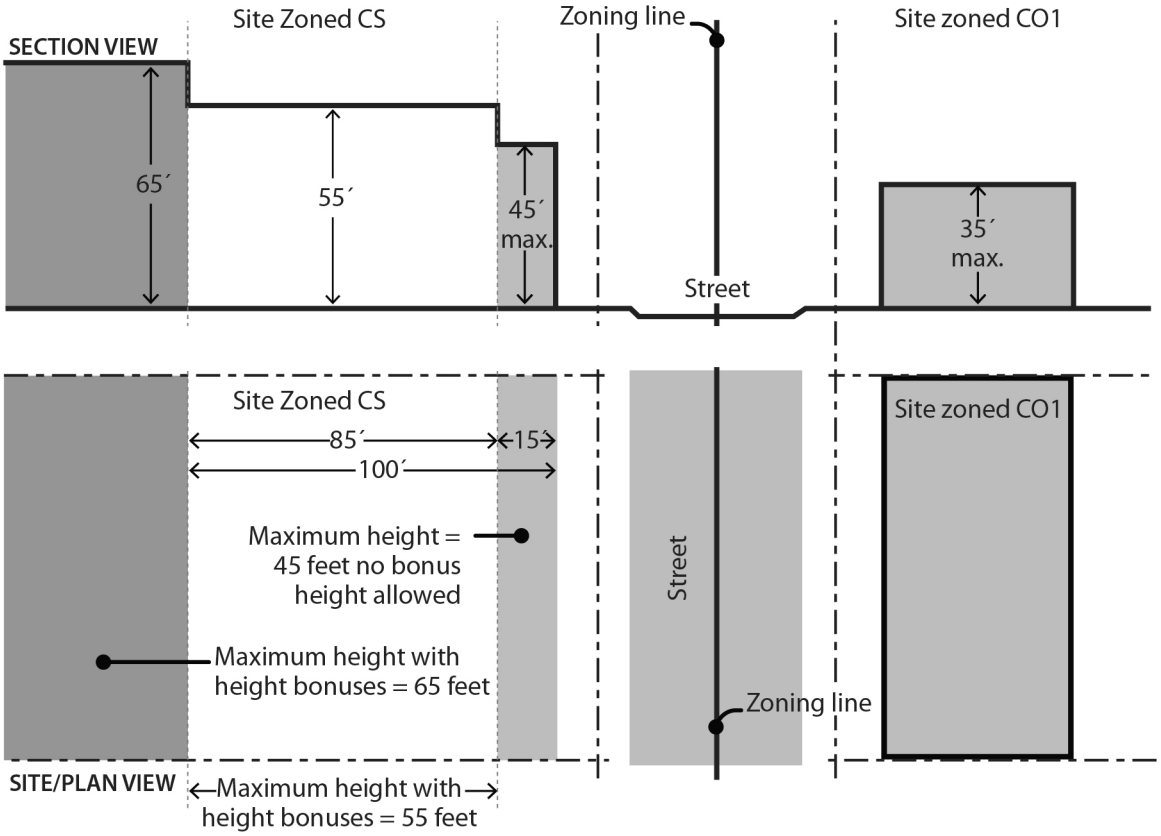
A. **Purpose.** This regulation ensures that there is a transition in height when a commercial/mixed use site where height bonuses are being used is across a street from a less intense commercial/mixed use zone.

B. **Where these regulations apply.** The regulation of this section applies to sites in the CM2 zone that meet the following:

1. The site in the CM2 zone is across a street from sites in the CM1 zone; and
2. Development on the site will use height bonuses.

C. **Maximum building height.** On the portion of the site within 15 feet of the lot line across the street from a site zoned CM1, the maximum allowed building height is 45 feet. On the portion of the site that is more than 15 feet but within 100 feet from the lot line across the street from a site zoned CM1, the maximum allowed building height is 55 feet. See Figure 536-3.

Figure 536-3
Height limits on a CM2 site across a street from a CM1 zone



33.536.240 Floor Area Ratio

A. **Purpose.** These regulations encourage high-density development near the transit center and reinforce Hollywood's role as a transit-supportive, mixed-use urban center.

B. **Where these regulations apply.** These regulations apply to new development in the CM2 zone and in subdistrict A. Alterations or exterior improvements to existing development are exempt from Subsection C.

C. **Minimum floor area ratio in subdistrict A.** The minimum floor area ratio in subdistrict A is 1 to 1. Floor area used for parking does not count toward meeting this requirement.

D. **Maximum floor area ratios.** The maximum floor area ratio in the CM2 zone and in subdistrict A is 4 to 1. Floor area used for parking does not count toward meeting this requirement.

33.536.250 Height and FAR Bonus Options

A. **Purpose.** Bonus options encourage certain types of development, special facilities and amenities that are desired within the commercial core of Hollywood and near the Hollywood Transit Center.

B. Where these regulations apply. The regulations of this section apply to subdistrict A, and to areas outside of subdistrict A where bonus building height limits are shown in parenthesis on Map 536-2.

C. Bonus heights. Bonus heights are shown on Map 536-2. Adjustments to these heights are prohibited.

D. Bonus in the CM2 zone. The bonus options of this subsection may be used in the CM2 zone.

1. Additions to existing buildings. Where floor area that is in a residential uses is added to an existing building, the portion of the building containing the residential uses may be up to the bonus building height shown on Map 536-2.

2. New buildings. Where at least 25 percent of the floor area of a new building is in residential uses, the building may be up to the bonus building height shown on Map 536-2.

3. Bonus FAR:

   a. Maximum bonus floor area allowed. The maximum bonus floor area allowed through the use of bonus options of this Subsection is 1 to 1. Adjustments to this maximum are prohibited.

   b. Inclusionary housing bonus FAR options:

      (1) Mandatory inclusionary housing bonus option. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met;

      (2) Voluntary inclusionary housing bonus option. Bonus FAR is allowed when one of the following voluntary bonus options is met:

         - Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

         - Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of

Development Services. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

E. Bonus options in the CM3 zone. The bonus options of this subsection may be used in the CM3 zone.

1. Bonus height. Proposals that use any of the bonus provisions in this subsection may build up to the bonus building height shown on Map 536-2.

2. Maximum bonus floor area allowed. The maximum bonus floor area increase that may be earned through the bonus options of this subsection is 3 to 1. Adjustments to this maximum are prohibited.

3. More than one bonus allowed. More than one bonus option may be used.

4. Inclusionary housing bonus FAR options.

   a. Inclusionary housing bonus option. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met;

   b. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:

      (1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

      (2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

5. Below-grade parking bonus option. Where at least 25 percent of the accessory parking for the site is below grade, a bonus of three additional square feet of floor area is

earned for each square foot of parking where the finished ceiling height is below grade.

6. Open space bonus option. A bonus of five additional square feet of floor area is earned for each square foot of floor area developed and committed to open space. The open space must meet the following requirements:

   a. The open space must be located outdoors on the site, abut a public sidewalk, and be accessible to the public during daylight hours;

   b. The open space must have a minimum area of 1,000 square feet or five percent of the site area, whichever is greater, and a minimum dimension of 20 feet by 20 feet;

   c. No more than 70 percent of the open space area may be impervious surface;

   d. At least two trees must be provided for the first 1,000 square feet of open space area, and one tree per 1,000 square feet of additional open space area;

   e. At least two amenities must be provided for the first 1,000 square feet of open space area, and one amenity per 1,000 square feet of additional open space area. Amenities are: permanent seating, fountains, kiosks; and

   f. The property owner must record an easement for the open space that provides for unrestricted public access during daylight hours, and execute a covenant with the City ensuring the preservation, maintenance, and continued operation of the open space by the property owner. The covenant must comply with the requirements of Section 33.700.060.

7. Day care bonus option. For each square foot of area developed and committed to exclusive use as a day care facility, a bonus of three additional square feet of floor area is earned. The day care facility must meet the following requirements:

   a. The day care facility must have a minimum area of 2,000 square feet and be used for the purpose of day care for the life of the building;

   b. The facility must be open during normal business hours at least five days each week and 50 weeks each calendar year; and

   c. The property owner must execute a covenant with the City ensuring continuation and maintenance of the day care facility by the property owner. The covenant must comply with the requirements of Section 33.700.060.

33.536.260 Building Facades Facing Sandy Boulevard

A. Purpose. These regulations ensure that new development reinforces the unique diagonal geometry of sites adjacent to Sandy Boulevard.

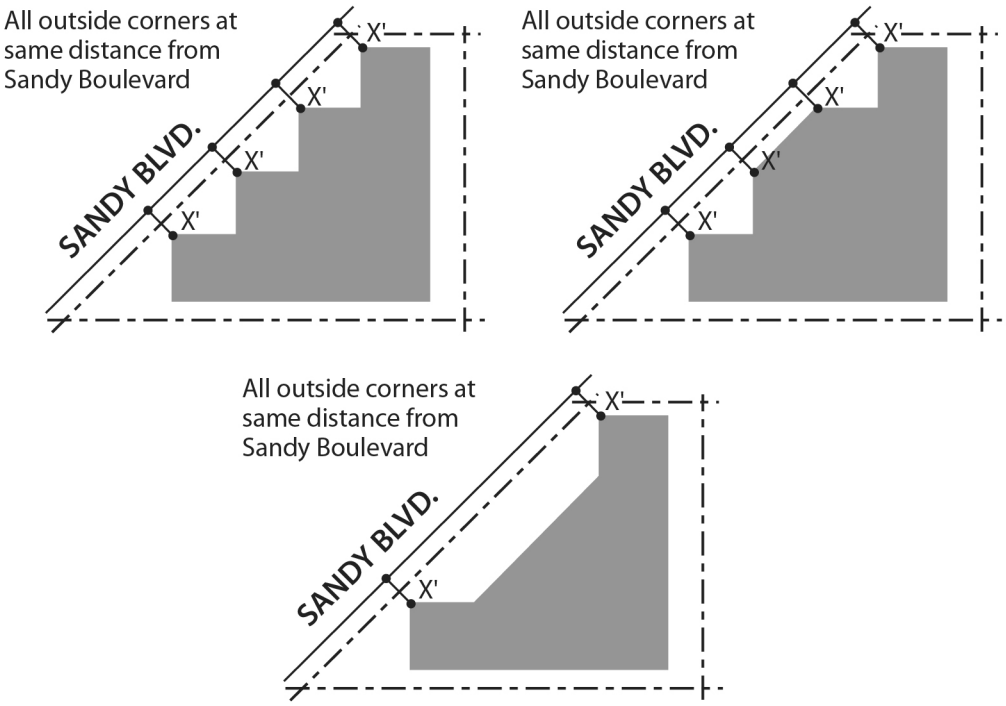
B. Where these regulations apply. These regulations apply to sites with frontage along Sandy Boulevard.

C. Building facades facing Sandy Boulevard. The exterior walls of the building that can be seen from the Sandy Boulevard lot line must be either:

1. Parallel to Sandy Boulevard; or

2. In a series of stepped facades at an angle to Sandy Boulevard in which all outside building corners are at the same distance from Sandy Boulevard, as shown in Figure 536-4.

Figure 536-4
Examples of building facades facing Sandy Boulevard



33.536.280 Enhanced Pedestrian Street Standards

A. Purpose. These regulations enhance and ensure the continuity of the pedestrian environment and emphasize a core of business activities in Hollywood along the Enhanced Pedestrian Streets. The standards also help maintain a thriving urban district along the Enhanced Pedestrian Streets through the interrelationships of active uses on the ground floor of buildings and the street level pedestrian environment.

B. Where these regulations apply. These regulations apply to new development on sites with frontage on the Enhanced Pedestrian Streets shown on Map 536-3. Alterations or exterior improvements to existing development are exempt from these regulations.

C. Enhanced Pedestrian Street standards. New development must meet the following standards:

1. Active building uses. Buildings must be designed and constructed to accommodate active uses, such as lobbies, residential, retail, commercial, or office. This standard must be met along at least 50 percent of the ground floor of walls that front onto the Enhanced Pedestrian Streets.

Areas designed to accommodate active building uses must meet all of the following standards:

a. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;

b. The area must be at least 25 feet deep, measured from the street-facing facade;

c. The area must be designed to accommodate a single tenant or multiple tenants;

d. The street-facing facade facing the enhanced pedestrian street must include windows and doors; and

e. Parking is not allowed in the active building use areas.

2. Motor vehicle access. Motor vehicle access to a vehicle area or structure is not allowed from an Enhanced Pedestrian Street unless the site has no other street frontage.

33.536.290 Maximum Parking Allowed in the RM4, CM2, and CM3 zones

A. Purpose. Limiting the number of parking spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for a better pedestrian environment, and protects air and water quality. Parking that is provided in structures is preferred over parking in surface lots because, as an even more efficient use of land, structured parking promotes compact urban development. In addition, parking structures with active uses on the ground floor provide a better environment for pedestrians, and contribute to the continuity of street-level retail and service uses that support a thriving urban area.

The parking ratios in this section will accommodate most auto trips to a site based on typical peak parking demand for each use, and take into account the intensity of development in the town center, on-street parking supply, pedestrian activity, and proximity to frequent transit service. The maximum ratios are lower in Hollywood than in many other parts of the city because the entire plan district is within one-half mile of a light rail station and the Hollywood Transit Center.

B. Where these regulations apply. These regulations apply to accessory parking in the RM4, CM2, and CM3 zones.

C. Maximum allowed parking.

1. Generally. Surface and structured accessory parking is limited to the maximum ratios in Table 536-1, except as allowed in Paragraph C.2, below. When there is more than one primary use on a site, the amount of parking allowed is calculated based on the net building area of each use.

2. Exception for general office. For general office uses, the maximum ratio is 1 space per 294 square feet of net building area if the following are met:

a. At least half of the parking accessory to uses on the site is in structured parking;

b. Parking structures on the site must be designed so that at least 50 percent of the street-facing facade meets the standards of Paragraph 33.536.280.C.1, Active building uses. Parking structures are structures where parking occupies more than 50 percent of the gross building area.

Table 536-1
Maximum Parking Spaces Allowed in the RM4, CM2, and CM3 Zones

Use Categories	Specific Uses	Maximum Parking Spaces Allowed
Residential		
Household Living		1.35 per unit for surface parking. No maximum for structured parking and for houses, attached houses, and duplexes.
Group Living		No maximum
Commercial		
Retail Sales And Service	Retail, personal service, repair oriented	1 per 250 sq. ft. of net building area
	Restaurants and bars	1 per 75 sq. ft. of net building area
	Health clubs, gyms, lodges, meeting rooms, and similar. Continuous entertainment such as arcades and bowling alleys	1 per 330 sq. ft. of net building area
	Temporary lodging	1 per rentable room; for associated uses such as restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area
Office	General office	1 per 400 sq. ft. of net building area
	Medical/Dental office	1 per 330 sq. ft. of net building area
Quick Vehicle Servicing		1 per 500 sq. ft. of net building area
Vehicle Repair		1 per 750 sq. ft. of net building area
Commercial Parking		Not applicable
Self-Service Storage		1 per resident manager's facility, plus 3 per leasing office, plus 1 per 100 leasable storage spaces in multi-story buildings.
Commercial Outdoor Recreation		20 per acre of site
Major Event Entertainment		1 per 8 seats or per CU review
Industrial		
Manufacturing And Production		1 per 750 sq. ft. of net building area
Warehouse And Freight Movement		1 per 750 sq. ft. of net building area for the first 3,000 sq. ft. of net building area and then 1 per 3,500 sq. ft. of net building area thereafter
Wholesale Sales, Industrial Service, Railroad Yards		1 per 750 sq. ft. of net building area
Waste-Related		Per CU review

Table 536-1 Maximum Parking Spaces Allowed in the RM4, CM2, and CM3 Zones		
Use Categories	**Specific Uses**	**Maximum Parking Spaces Allowed**
Institutional		
Basic Utilities		None
Community Service		1 per 500 sq. ft. of net building area
Parks And Open Areas		Per CU review for active areas
Schools	Grade, elementary, junior high	1 per classroom
	High school	7 per classroom
Medical Centers		1 per 500 sq.ft. of net building area; or per CU review or Impact Mitigation Plan approval
Colleges		1 per 600 sq. ft. of net building area exclusive of dormitories, plus 1 per 4 dorm rooms; or per CU review or Impact Mitigation Plan approval
Religious Institutions		1 per 100 sq. ft. of main assembly area
Daycare		1 per 500 sq. ft. of net building area
Other		
Agriculture		None, or per CU review
Aviation, Detention Facilities, Aggregate Extraction		Per CU review
Radio Frequency Transmission Facilities	Personal wireless service and other non-broadcast facilities	None
	Radio or television broadcast	2 per site
Rail Lines & Utility Corridors		None

33.536.300 On-Site Location of Vehicle Areas Along Sandy Boulevard

A. **Purpose.** These regulations maintain a pedestrian-friendly environment along Sandy Boulevard while providing sites along Sandy flexibility in site design.

B. **Where these regulations apply.** These regulations apply to sites with frontage along Sandy Boulevard.

C. **On-site location of vehicle areas.** Vehicle areas are prohibited between the building and Sandy Boulevard. Vehicle areas are not allowed between the building and other transit street frontages.

33.536.310 Required Design Review

A. **Purpose.** Design review ensures attractive, quality design and a pedestrian-friendly character in the areas planned for urban-scale development in Hollywood. Design review also promotes a relationship between new development and historic building along Sandy Boulevard, and creates a special identity for the district's business core. Finally, design

review ensures design quality and promotes better transition of scale and character to the areas adjoining the business core.

B. Required Design Review. The regulations of Chapter 33.420, Design Overlay Zones apply in all areas of the plan district that are within the Design Overlay Zone.

33.536.320 Nonconforming Development

A. Purpose. These regulations ensure that improvements to nonconforming development will comply with the parking limits established for the Hollywood plan district.

B. Sites that are nonconforming in parking spaces. When a site is nonconforming in the number of required or allowed parking spaces, the following applies:

1. Minimum required parking spaces. If changes to a use or building are made that increase the number of required parking spaces over the existing situation, only the number of spaces relating to the increase need to be provided, up to the maximum allowed for the site.

2. Maximum allowed parking spaces. If changes to a use or building are made, existing parking spaces that are in excess of the maximum may be retained if the following conditions are met:

   a. Parking area may not be expanded, but may be reconfigured; and

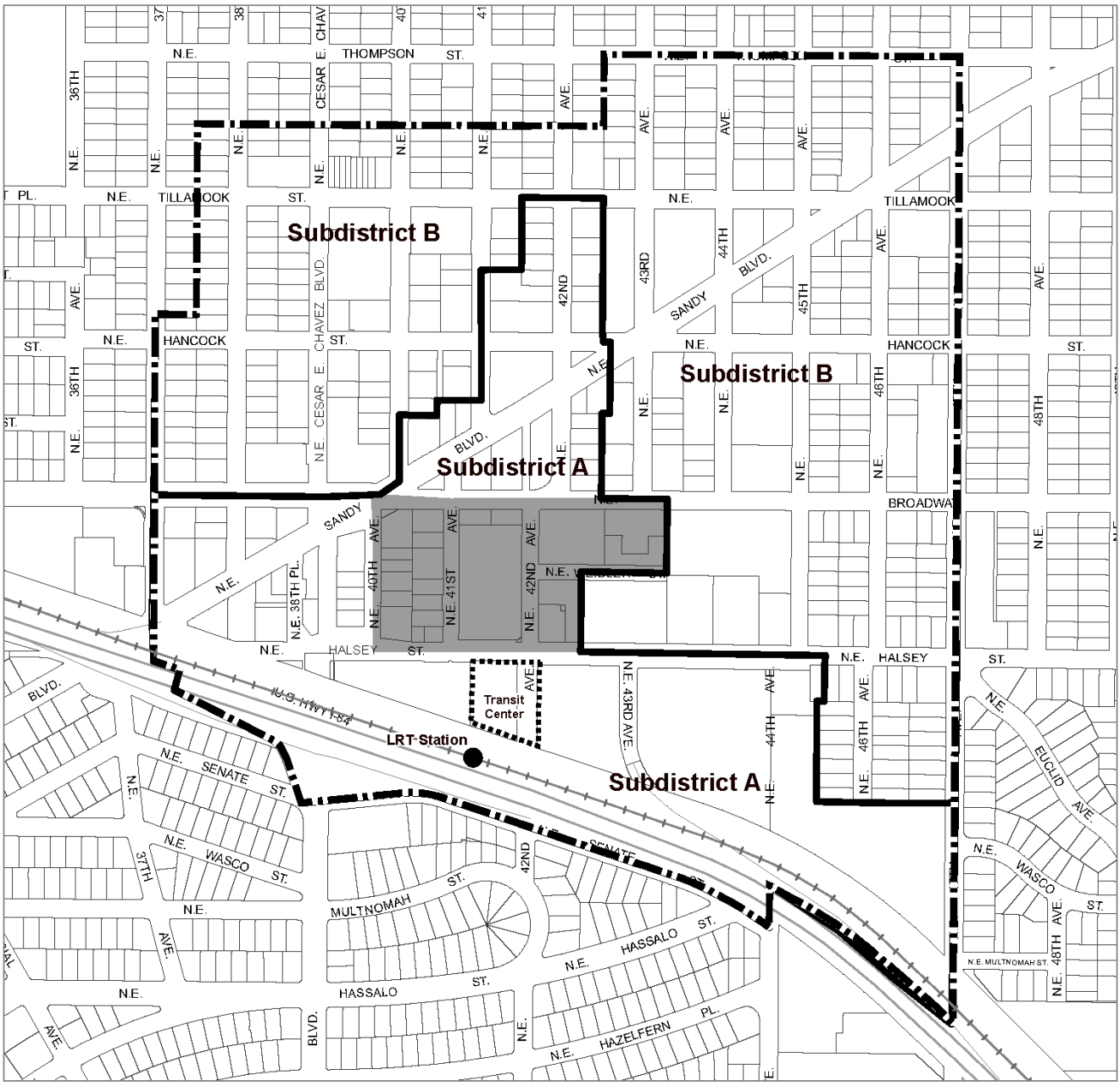
   b. If the parking area is reconfigured, it must meet the minimum setback and perimeter landscaping requirements and the minimum parking space and aisle dimensions stated in Chapter 33.266.

(Added by Ord. No. 174325, effective 5/5/00. Amended by: Ord. No. 174980, effective 11/20/00; Ord. No. 177422, effective 6/7/03; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20.)

Hollywood Plan District and Subdistricts

Map 536-1

Map Revised July 24, 2015



Plan District Boundary

Subdistricts

Required residential area

NORTH

0 375 750

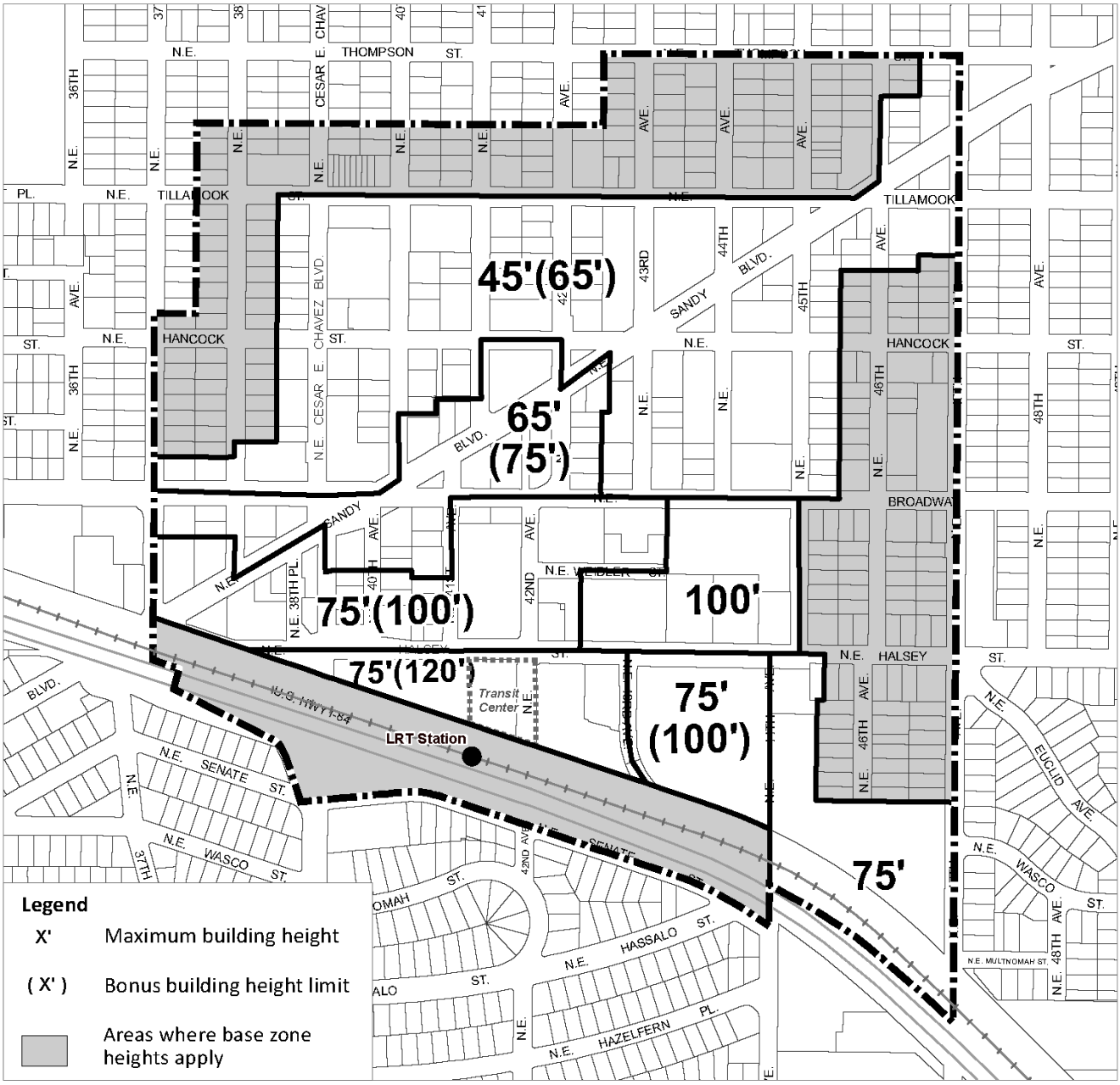
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Hollywood Plan District
Maximum Heights

Map 536-2

Map Revised May 24, 2018



Plan District Boundary

NORTH

0 375 750

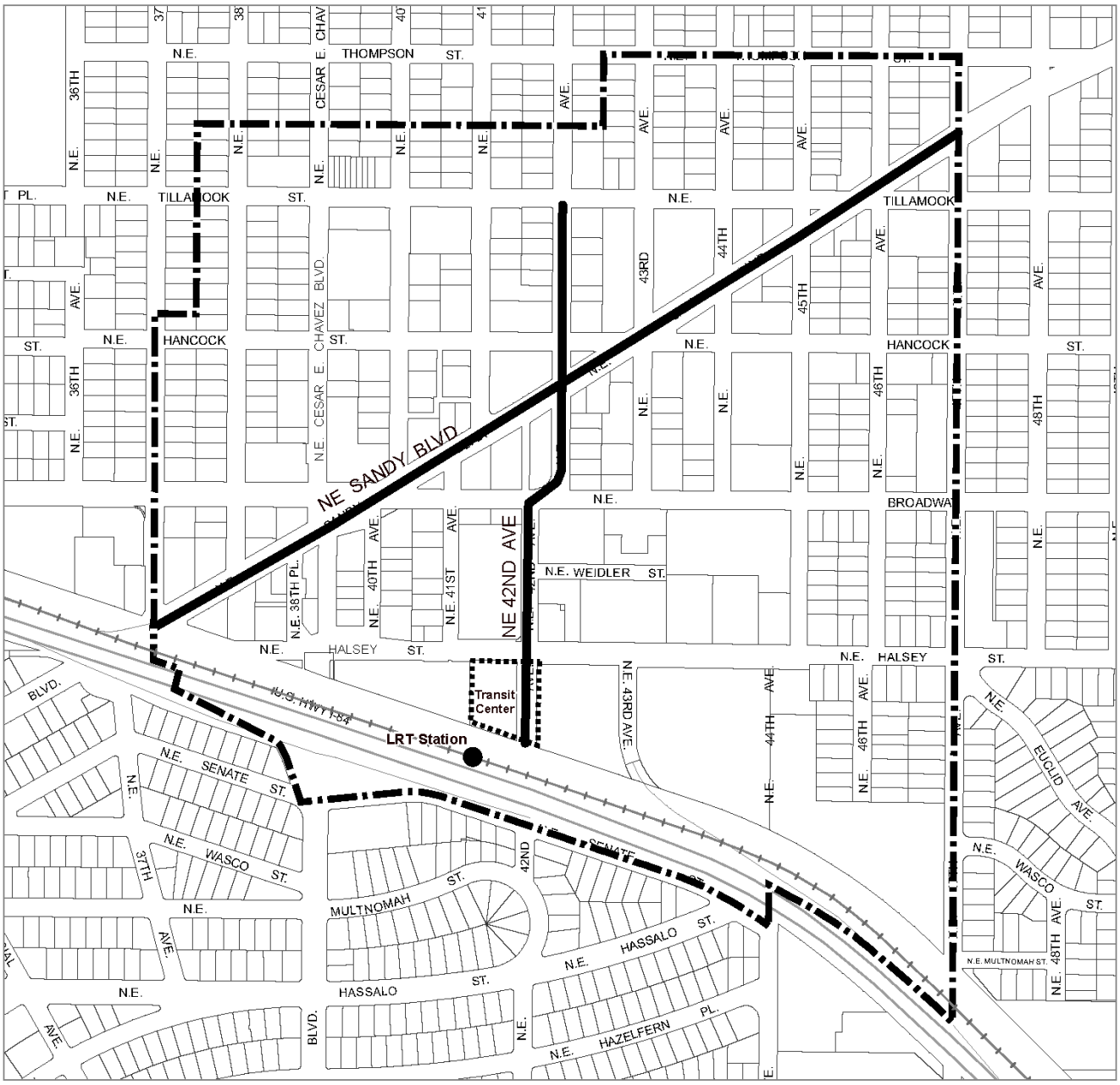
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Hollywood Plan District
Enhanced Pedestrian Streets

Map 536-3

Map Revised July 24, 2015



Plan District Boundary

Enhanced Pedestrian Streets

NORTH

0 375 750

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.537 Johnson Creek Basin Plan District

537

Sections:

General
33.537.010 Purpose
33.537.020 Where These Regulations Apply
33.537.030 Items Subject to These Regulations
33.537.040 Items Exempt from Environmental Regulations
Development Standards
33.537.100 General Development Standards
33.537.110 Transfer of Development Rights
33.537.120 Bonus Density
33.537.125 Tree Removal Standards
33.537.130 Springwater Corridor Standards
33.537.140 South Subdistrict Standards
33.537.150 Floodplain Standards
33.537.160 Johnson Creek Flood Risk Area
Map 537-1 Johnson Creek Basin Plan District

General

33.537.010 Purpose

The Johnson Creek Basin plan district provides for the safe, orderly, and efficient development of lands which are subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services. At certain locations, the density of development is limited by applying special regulations to new land division proposals. In addition, restrictions are placed on all new land uses and activities to reduce stormwater runoff, provide groundwater recharge, reduce erosion, enhance water quality, and retain and enhance native vegetation throughout the plan district. At other locations, development is encouraged and mechanisms are included that provide relief from environmental restrictions.

This plan district is intended to be used in conjunction with environmental zoning placed on significant resources and functional values in the Johnson Creek basin, to protect resources and functional values in conformance with Goal 8 of the Comprehensive Plan and Statewide Planning Goal 5.

33.537.020 Where These Regulations Apply

The regulations of this chapter apply in the Johnson Creek Basin plan district. The boundaries of the plan district are shown on Map 537-1 at the end of this chapter, and on the Official Zoning Maps.

The regulations of Sections 33.537.010 through 33.537.120 apply to all sites in the plan district. The regulations of Section 33.537.125 apply to sites that abut the Springwater Corridor, sites where any portion is within the special flood hazard area and sites where any portion is within the South

subdistrict. The regulations of Section 33.537.130 apply to sites that abut the Springwater Corridor. Where any portion of a site is in the special flood hazard area, the entire site is exempt from the regulations of Section 33.537.140 and is instead subject to the regulations of Section 33.537.150. The regulations of Section 33.537.160 apply to sites in the Johnson Creek Flood Risk Area. The South subdistrict, Springwater Corridor, and Flood Risk Area are shown on Map 537-1.

33.537.030 Items Subject to These Regulations

The following are subject to the development standards and required reviews of this chapter.

A. New development and exterior alterations;

B. New above or below ground utilities that are not in public rights-of-way; and

C. Removal of trees 6 or more inches in diameter.

33.537.040 Items Exempt from Environmental Regulations

The following items are exempt from environmental overlay zone regulations within the plan district, as they are compatible with the purposes of the plan district and will not adversely impact significant resources and functional values.

A. Items and conditions listed in the Johnson Creek Basin Protection Plan document as "Site-Specific Compatible Uses and Activities" in Chapter 8, Inventory Site Summaries;

B. Construction and maintenance of a public recreation trail and support facilities within the Springwater Corridor; and

C. Maintenance within existing rights-of-way, including road widening, rebuilding of bridges, resurfacing, and installation of curbs and sidewalks.

Development Standards

33.537.100 General Development Standards

The standards of this section apply to the entire Johnson Creek Basin plan district.

A. The following are prohibited within the Johnson Creek floodway. Exceptions to this are fences, public bridges, outfall structures, and fire hydrants, which are allowed subject to standards set by the Bureau of Environmental Services.

1. New above ground structures;
2. Alterations to existing commercial and industrial structures that exceed 50% of the assessed value; or
3. Increase of building coverage.

B. Release of water from Powell Butte reservoirs into Johnson Creek is prohibited unless there is a system malfunction or when the release would result in no more than a 10 percent increase in water volume at any point in the creek during the release period. Water discharged during scheduled release periods must be dechlorinated.

C. Groundcovers and shrubs identified on the Nuisance Plants List may be removed.

D. Planting of plants listed on the Nuisance Plants List is prohibited.

E. All vegetation removal activities must be surrounded or protected in a manner to prevent erosion and sediment from leaving the altered site.

33.537.110 Transfer of Development Rights

A. **Purpose.** These transfer of development rights regulations preserve development opportunities for new housing and reduce development pressure on environmentally sensitive sites. The regulations allow development rights to be transferred from sites with the Environmental Protection Overlay Zones or sites where any portion of the site is in the special flood hazard area to areas that can accommodate the additional density without environmental conflict.

B. **Regulations.** Transfer of development rights between sites in the plan district is allowed as follows. "Development rights" are the number of potential dwelling units that would be allowed on the site. Bonus density is not transferable.

1. Sending sites.

   a. Sites in single-dwelling zones where at least 50 percent of the site is within the Environmental Protection overlay zone may transfer development rights.

   b. Sites in single-dwelling zones where any portion of the site is in the special flood hazard area may transfer development rights.

2. Receiving sites. All sites within the Johnson Creek plan district may receive development rights from sending sites except:

   a. Sites in the RMP zone;

   b. Portions of a receiving site that are in either a "c" or "p" Environmental overlay zone;

   c. Sites where any portion of the site is in the special flood hazard area; and

   d. Portions of a receiving site in Land Class I or II within the South subdistrict. Land Class I and II are defined in Section 33.537.140.E, Maximum Density for Land Divisions and Planned Developments.

3. Maximum density. The density of the receiving site may not exceed 200 percent of the allowable density.

4. Transfer procedure. Transfer of development rights is allowed as follows:

   a. Planned Development (PD) required. The receiving site must be approved for development as a PD. The purpose of the PD review is to ensure that the extra density is developed appropriately on the receiving site according to the requirements and approval criteria of this subsection and the approval criteria in Chapter 33.665, Planned Development Review.

   b. Sending site included. The sending site must be a part of the application for PD review on the receiving site. The purpose of this requirement is to allow the City to track the reduced development potential on sending sites.

c. Covenant required. The owner of the sending site must execute a covenant with the City that reflects the reduced development potential on the sending site. The covenant must meet the requirements of 33.700.060. The covenant must be recorded within 90 days of the PD approval, or if the PD includes a land division, before the Director of BDS's approval of the final plat.

5. Approval Criteria. In addition to the PD approval criteria in Chapter 33.665, Planned Development Review, the transfer will be approved when the review body finds that all the following approval criteria have been met:

a. A PD proposed for the site that includes the transferred density has been approved; and

b. The owner of the sending site has executed a covenant with the City that reflects the reduction in potential density for the sending site.

6. Adjustments prohibited. Adjustments to the provisions of this section are prohibited.

33.537.120 Bonus Density

A. Purpose. Density bonuses promote denser development and encourage development in areas that have full and efficient urban services. They also encourage development patterns that reduce impact on environmentally sensitive sites.

B. Qualifying situations. Density bonuses are allowed except where prohibited. Density bonuses are prohibited on:

1. Portions of a site that are in Environmental Protection or Conservation overlay zones;

2. Sites where any portion of the site is in the special flood hazard area; or

3. Portions of a site in Land Class I or II within the South subdistrict. Land Class I and II are defined in Subsection 33.537.140.E, Maximum Density for Land Divisions and Planned Developments.

C. Maximum density. Proposals that meet the requirements of Subsection D, below, may increase their maximum density by 50 percent. Bonus density may be combined with transfer of development rights. The maximum increase in density that will be allowed when bonus and transfer development rights are combined is 100 percent.

D. Requirements. Proposals to use density bonuses must meet the following:

1. Development. Development must be any housing type that has at least two units in each structure or attached houses and must meet the development standards for residential development in the RM1 zone. Adjustments to this paragraph are prohibited.

2. Planned Development (PD) required. The proposal must be approved for development as a Planned Development. In addition to the PD approval criteria in Chapter 33.665, Planned Development Review, the following standards must be met:

a. Access to transit. Access from each dwelling unit within the proposal to a transit street or transitway, as identified in the Transportation Element of the City's Comprehensive Plan, must be provided. The access must be by a direct route

that is not more than one-quarter mile long. A direct route is one that follows public or private streets. A direct route may also include a pedestrian path developed as part of the proposal if the City receives an access easement for public use of the pedestrian path.

b. Sewer and water. Development sites within the project must be served by City sanitary sewer and water lines located in dedicated rights-of-way.

c. Storm water retention and detention. All storm water originating on the site must be managed to ensure that development on the site does not contribute to flooding. Stormwater collection systems must be designed so that the post development stormwater flow rate off the site is no greater than the pre-development flow rate off the site.

33.537.125 Tree Removal Standards

A. Purpose. The regulations of this section limit tree removal to protect the scenic and recreational quality of the Springwater Corridor, reduce stormwater runoff, flooding, erosion, and landslides and protect water quality and native vegetation.

B. Where these regulations apply. The standards of this section apply to trees that are 6 or more inches in diameter in the following locations:

1. Within 20 feet of the Springwater Corridor right-of-way;
2. On sites where any portion of the site is within the special flood hazard area; and
3. On sites where any portion of the site is within the South Subdistrict as shown on Map 537-1.

C. Standards. Trees 6 or more inches in diameter may not be removed unless one or more of the following are met:

1. The tree is determined by an arborist to be dead, dying or dangerous and needs to be removed;
2. The tree is listed on the Nuisance Plants List;
3. The tree is within 10 feet of existing or proposed buildings and structures attached to buildings, such as decks, stairs, and carports, or within 10 feet of a proposed driveway or right-of-way improvements;
4. The tree must be removed due to installation, repair, or maintenance of water, sewer, or stormwater services. For new installation of services, tree removal allowed under this provision is limited to a single 10 foot wide utility corridor per site;
5. The tree is within a proposed roadway or City-required construction easement;
6. The tree is at least 6 and up to 12 inches in diameter and does not meet any of the other standards of this Subsection, but is replaced with two trees. Replacement plantings must meet Section 33.248.030, Plant Materials. Trees removed within 20 feet of the Springwater Corridor must be replaced within the 20 feet of the Springwater Corridor; or

7. Trees that do not qualify for removal under C.1 through 6 may be removed if approved through tree review as provided in Chapter 33.853, Tree Review. However, where the tree removal requires environmental review, only environmental review is required.

D. Tree removal without development. When no development is proposed, tree removal allowed under the standards of Subsection C.1 through 5, above, is subject to the tree permit requirements of Title 11, Trees.

33.537.130 Springwater Corridor Standards

A. Purpose. This section ensures protection of the Springwater Corridor as a transportation, recreation and scenic amenity.

B. Where these regulations apply. The standards of this section apply to sites that abut the Springwater Corridor. These regulations do not apply within a public right-of-way. The Springwater Corridor is shown on the Official Zoning Maps and on Map 537-1 at the end of this chapter.

C. Standards.

1. General standards.

   a. Motor vehicle areas. Motor vehicle parking, loading, and maneuvering areas are not allowed within 20 feet of a lot line abutting the Springwater Corridor;

   b. Waste collection and waste storage areas. In multi-dwelling, C, E, I, and IR zones, exterior waste collection and waste storage areas must be screened from the corridor, the screen must be at least five feet deep and meet the L2 standard of Chapter 33.248, Landscaping and Screening;

   c. Tree removal. Trees within 20 feet of a lot line abutting the Springwater Corridor are subject to the tree removal standards of 33.537.125.

2. Special setback standards.

   a. Landscaped buffer required. New development and expansion of existing development, including buildings, other structures, fences, parking and loading areas, paved and graveled areas, and exterior display and storage areas, must be set back and provided with a landscape buffer along lot lines abutting the Springwater Corridor.

      (1) R zones. In R zones, a 20 foot landscaped buffer is required along a lot line that abuts the Springwater Corridor. The buffer must meet the L1 standard of Chapter 33.248, Landscaping and Screening.

      (2) C, E, and I zones. In C, E, and I zones, a 10 foot landscaped buffer is required along a property line that abuts the Springwater Corridor. The buffer must meet the L1 standard of Chapter 33.248, Landscaping and Screening.

   b. Bicycle and pedestrian paths. Connections for bicycles and pedestrians are allowed through the setback area.

33.537.140 South Subdistrict Development Standards

A. Purpose. These regulations mitigate the negative impacts that may result from the development of areas where flooding and landslides are common. The impermeable clay soils of the steep-sided Boring Lava hills to the south of the creek contribute to rapid stormwater runoff in the winter, and contribute to flooding. Unlike the flatter areas north of the creek, in the South subdistrict there are numerous small streams that can quickly carry stormwater runoff to Johnson Creek. The extensive tree canopy on these hillsides helps to slow stormwater runoff. Limitations on development density, tree removal, and impervious surface area reduce stormwater runoff, provide groundwater recharge, reduce erosion, protect water quality, and retain native vegetation. These regulations work together to protect watershed health while allowing the safe and efficient development of unconstrained lands.

B. Where these regulations apply. The regulations of this section apply in the South subdistrict as shown on Map 537-1. Where any portion of a site is in the special flood hazard area, the entire site is exempt from the standards of this section and is instead subject to the regulations of Section 33.537.150, Floodplain Development Standards.

C. Tree removal. Tree removal is subject to the standards of 33.537.125.

D. Impervious surface. No more than 50 percent of any site may be developed in impervious surface. Building eaves are included in the calculation of impervious surface.

E. Maximum Density for Land Divisions and Planned Developments. The maximum allowed density of development for Land Divisions and Planned Developments is determined by calculating the number of acres in each land classification and multiplying those figures by the following fractions in Table 537-1, below.

All land in the South subdistrict is divided into three land classifications, Classes I through III. Class I lands are generally the steepest sites having the greatest amount of natural hazards while Class III lands are generally flat without natural hazards. This land classification system is the basis for many of the regulations of this chapter.

Table 537-1
Land Class Characteristics and Density Restrictions

Land Class	Characteristics of the Land Class	Maximum Density
Class I lands	Located on slopes with a grade of 30 percent or greater.	One-fourth the maximum density allowed in the base zone.
Class II lands	Located on slopes with grade of 20 percent or greater, but less than 30 percent.	One-half the maximum density allowed in the base zone.
Class III lands	Located on slopes with grade of less than 20 percent.	Maximum density allowed in base zone.

33.537.150 Floodplain Standards

A. Purpose. The regulations of this section manage development in the floodplain in order to protect the quality and natural functions of the floodplain and reduce the loss of property in areas where flooding is common. Together, these regulations help reduce stormwater

runoff, provide groundwater recharge, reduce erosion, retain and enhance native vegetation, and enhance water quality.

B. **Where these regulations apply.** These regulations apply to sites where any portion of the site is in the special flood hazard area.

C. **Housing Types.** In the RM1 and RM2 zones, allowed housing types are limited to residential structures with at least two units in each structure and attached housing. A house is allowed on lots of record that cannot accommodate more than one dwelling unit under the provisions of Section 33.120.205, Density. Adjustments to this section are prohibited.

D. **Tree removal.** Tree removal is subject to the standards of 33.537.125.

E. **Impervious surface.** No more than 50 percent of any site may be developed in impervious surface. Building eaves are included in the calculation of impervious surface.

33.537.160 Johnson Creek Flood Risk Area

A. Where the entire site is within the Johnson Creek Flood Risk Area, as shown on Map 537-1, land divisions and PDs are prohibited.

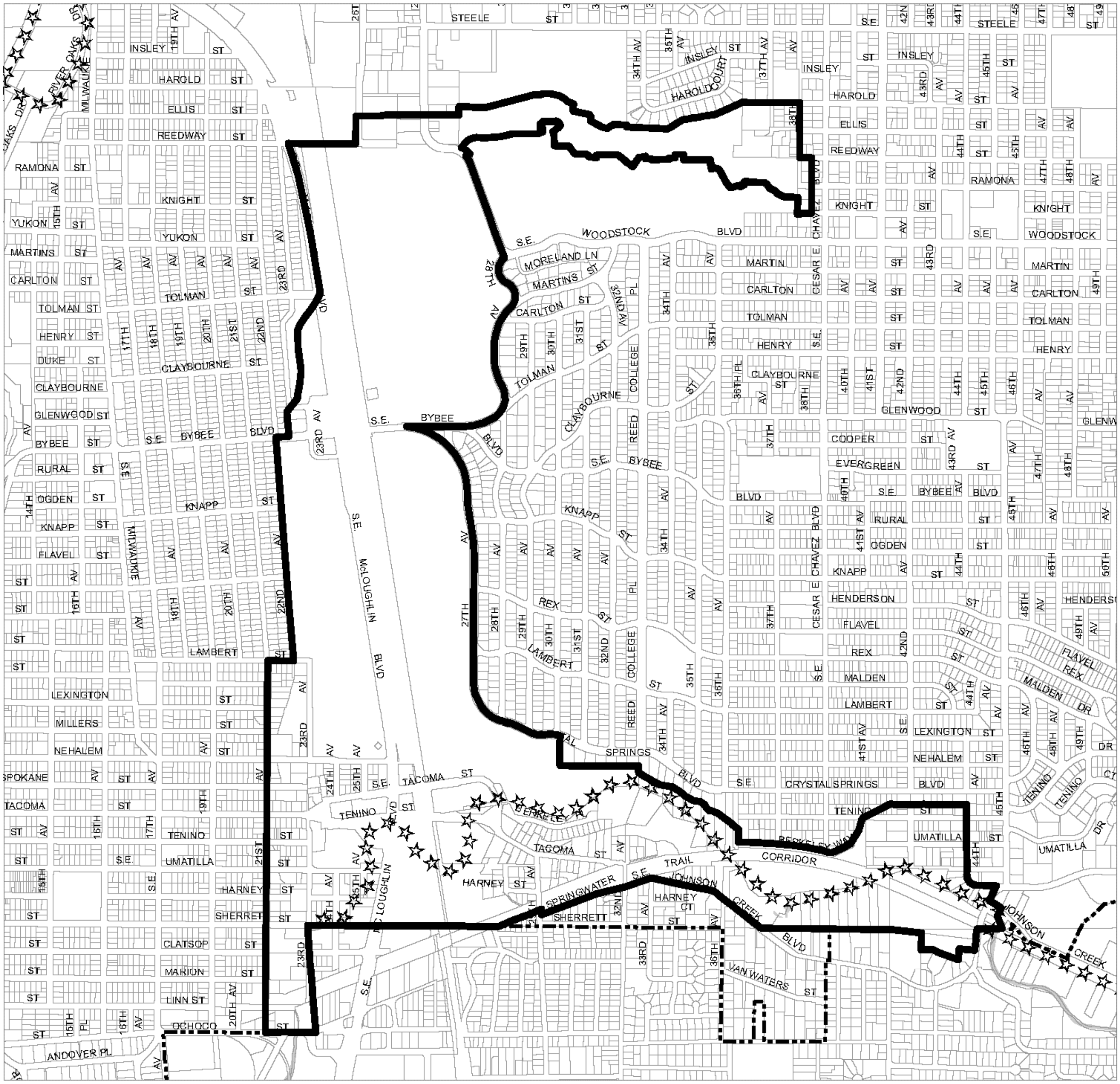
B. Where a portion of the site is within the Johnson Creek Flood Risk Area, as shown on Map 537-1, land divisions and PDs are allowed only if the portion of the site in the Flood Risk Area is placed in a tract.

(Added by Ord. No. 164472, effective 8/16/91. Amended by: Ord. No. 168698, effective 4/17/95; Ord. No. 169763, effective 3/25/96; Ord. No. 170495, effective 8/21/96; Ord. No. 170806, effective 1/17/97; Ord. No. 172208, effective 5/13/98; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177689, effective 7/19/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 181357, effective 11/9/07; Ord. No. 183534, effective 7/1/10; Ord. No. 184235, effective 11/26/10, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 186053, effective 1/1/15; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20.)

Johnson Creek Basin Plan District

Map 537-1

Map Revised January 1, 2015



City Boundary

Plan District Boundary

South Subdistrict

Flood Risk Area

Recreation Trail

NORTH

0 1,050 2,100

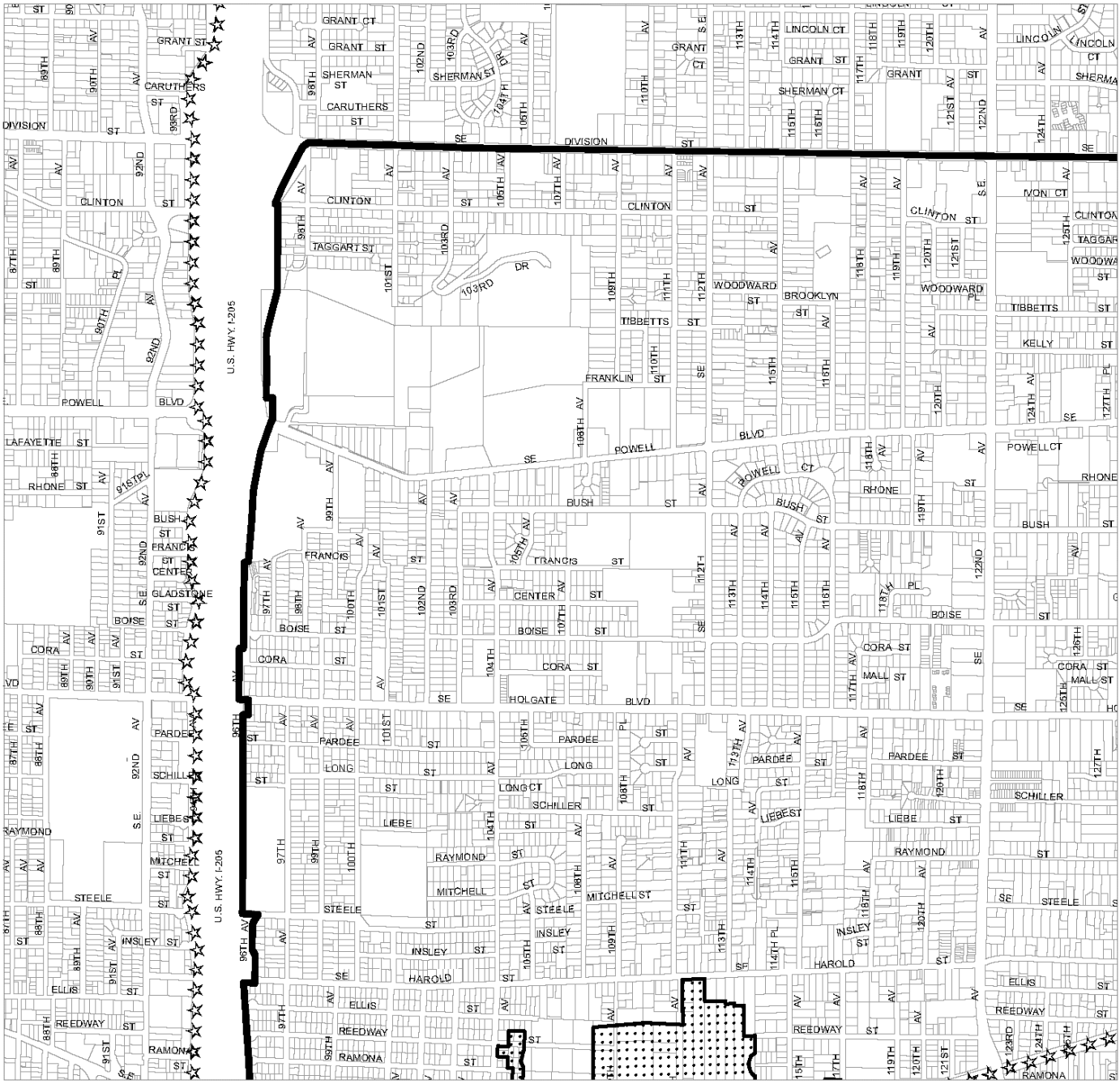
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Johnson Creek Basin Plan District

Map 537-1

Map Revised January 1, 2015



City Boundary

Plan District Boundary

South Subdistrict

Flood Risk Area

Recreation Trail

NORTH

0 1,050 2,100

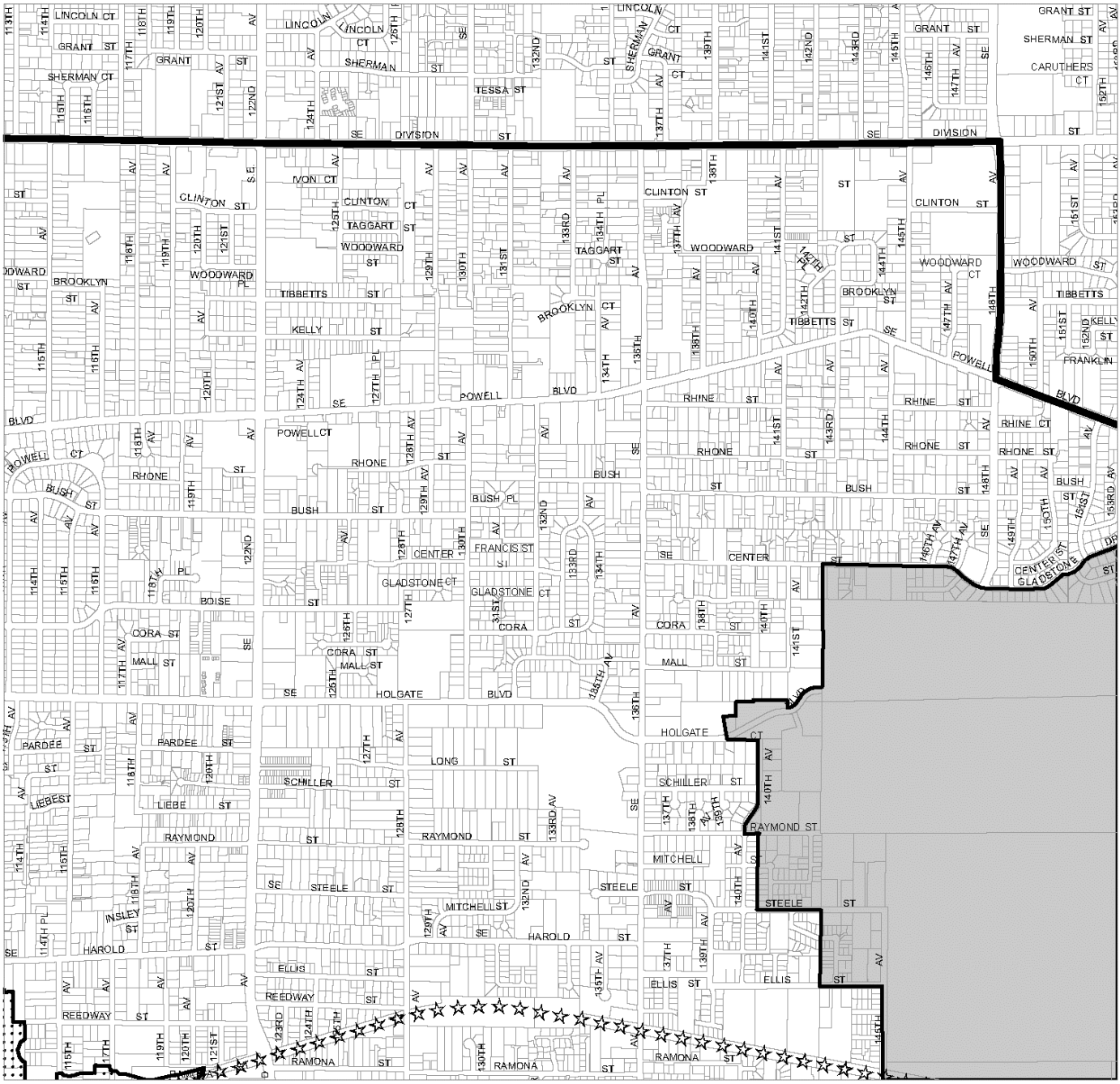
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Johnson Creek Basin Plan District

Map 537-1

Map Revised January 1, 2015



City Boundary

Plan District Boundary

South Subdistrict

Flood Risk Area

Recreation Trail

NORTH

0 1,050 2,100

Scale in Feet

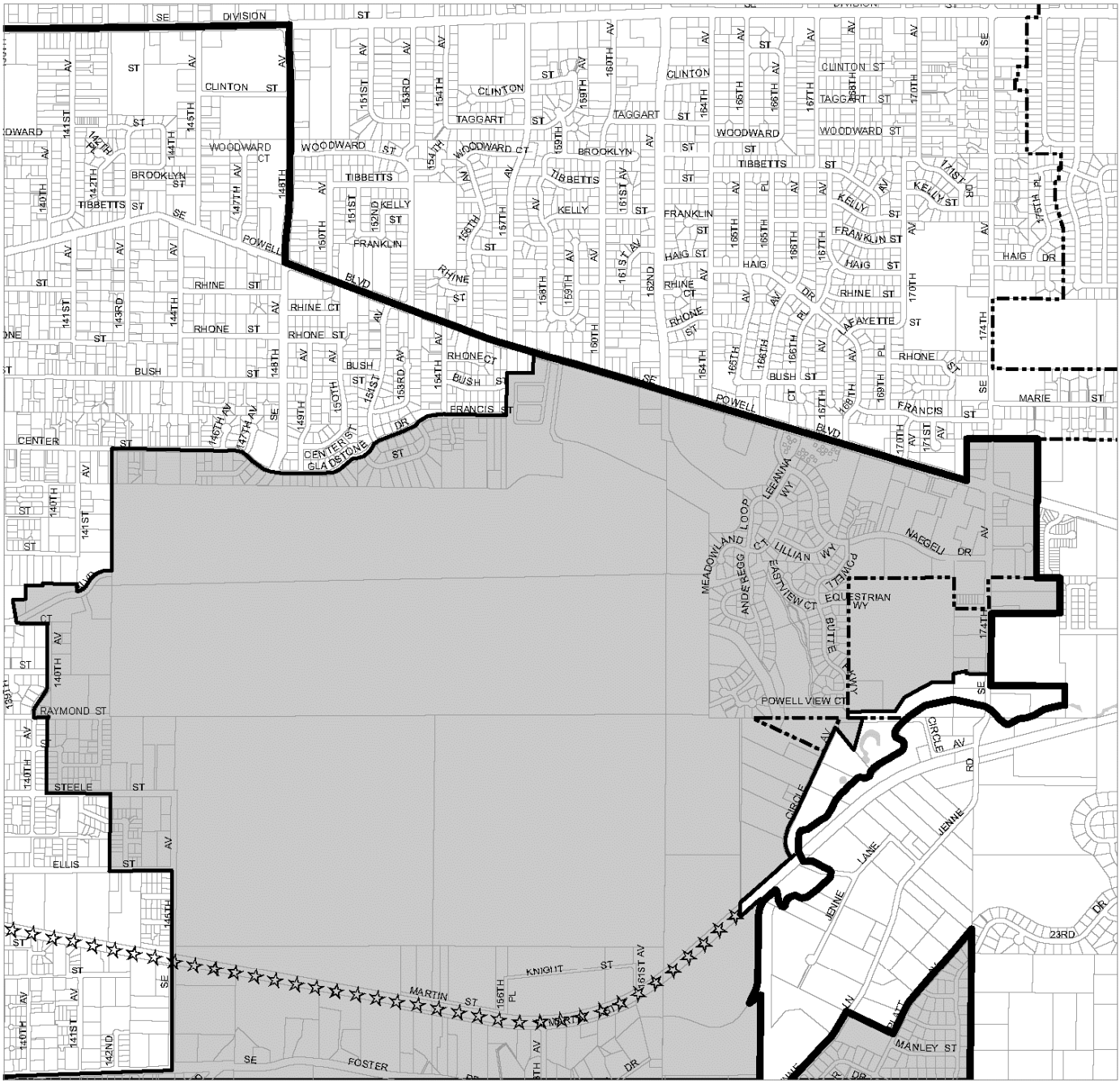
Bureau of Planning and Sustainability
Portland, Oregon

Johnson Creek Basin Plan District

Map 537-1

Map 4 of 8

Map Revised January 1, 2015



City Boundary

Plan District Boundary

South Subdistrict

Flood Risk Area

Recreation Trail

NORTH

0 1,050 2,100

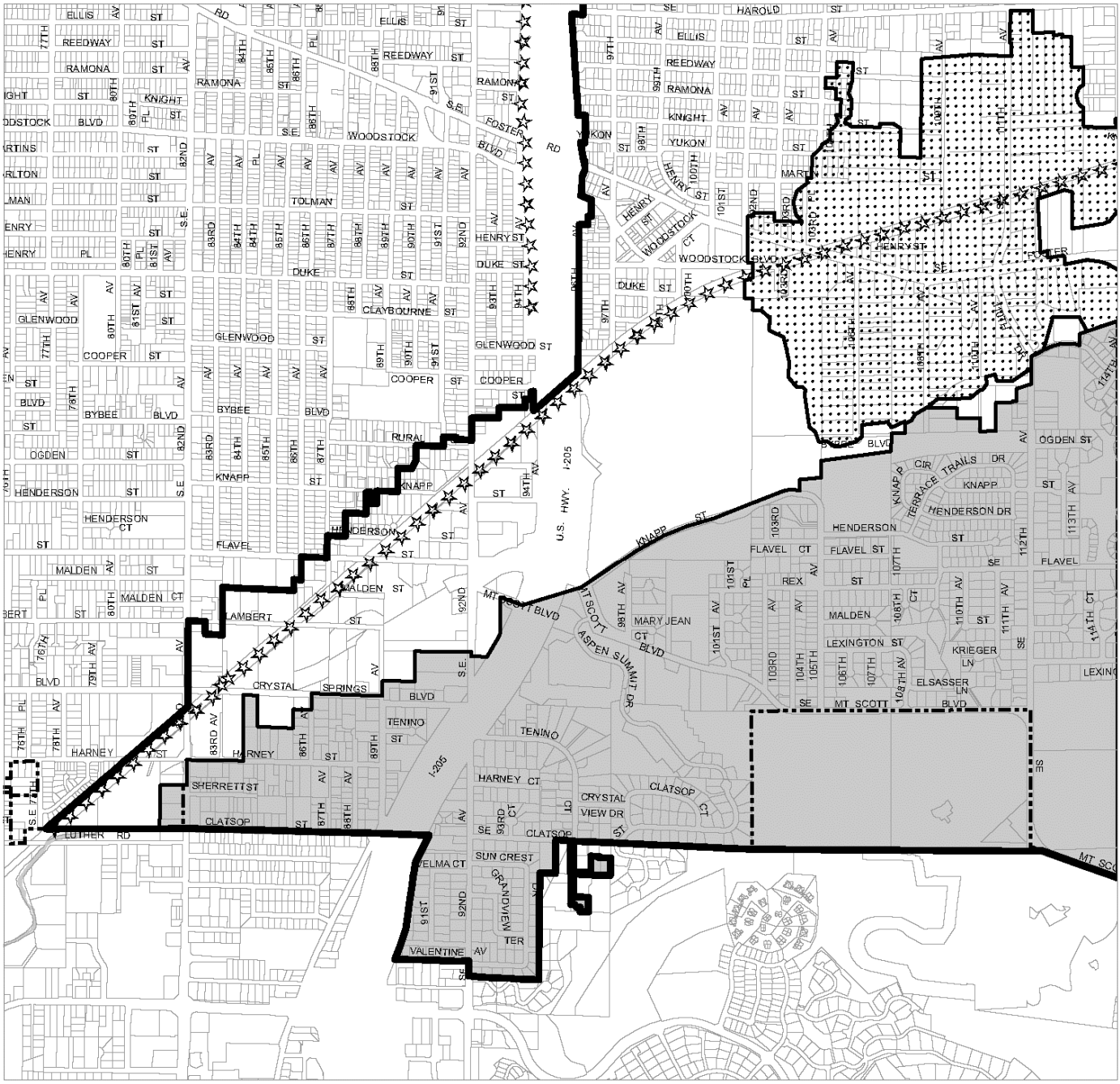
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Johnson Creek Basin Plan District

Map 537-1

Map Revised January 1, 2015



City Boundary

Plan District Boundary

South Subdistrict

Flood Risk Area

Recreation Trail

NORTH

0 1,050 2,100

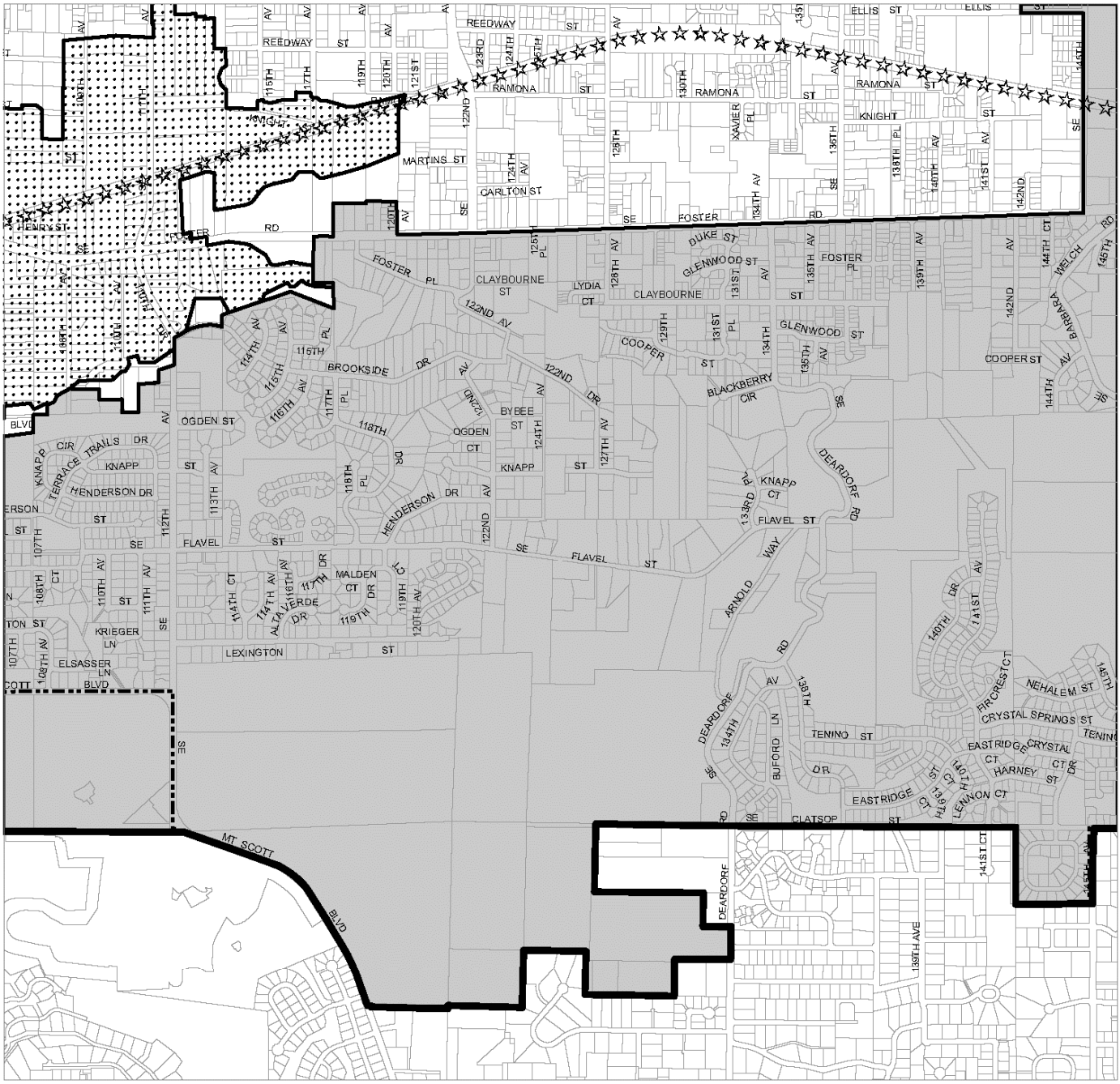
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Johnson Creek Basin Plan District

Map 537-1

Map Revised January 1, 2015



City Boundary

Plan District Boundary

South Subdistrict

Flood Risk Area

☆☆☆☆ Recreation Trail

NORTH

0 1,050 2,100

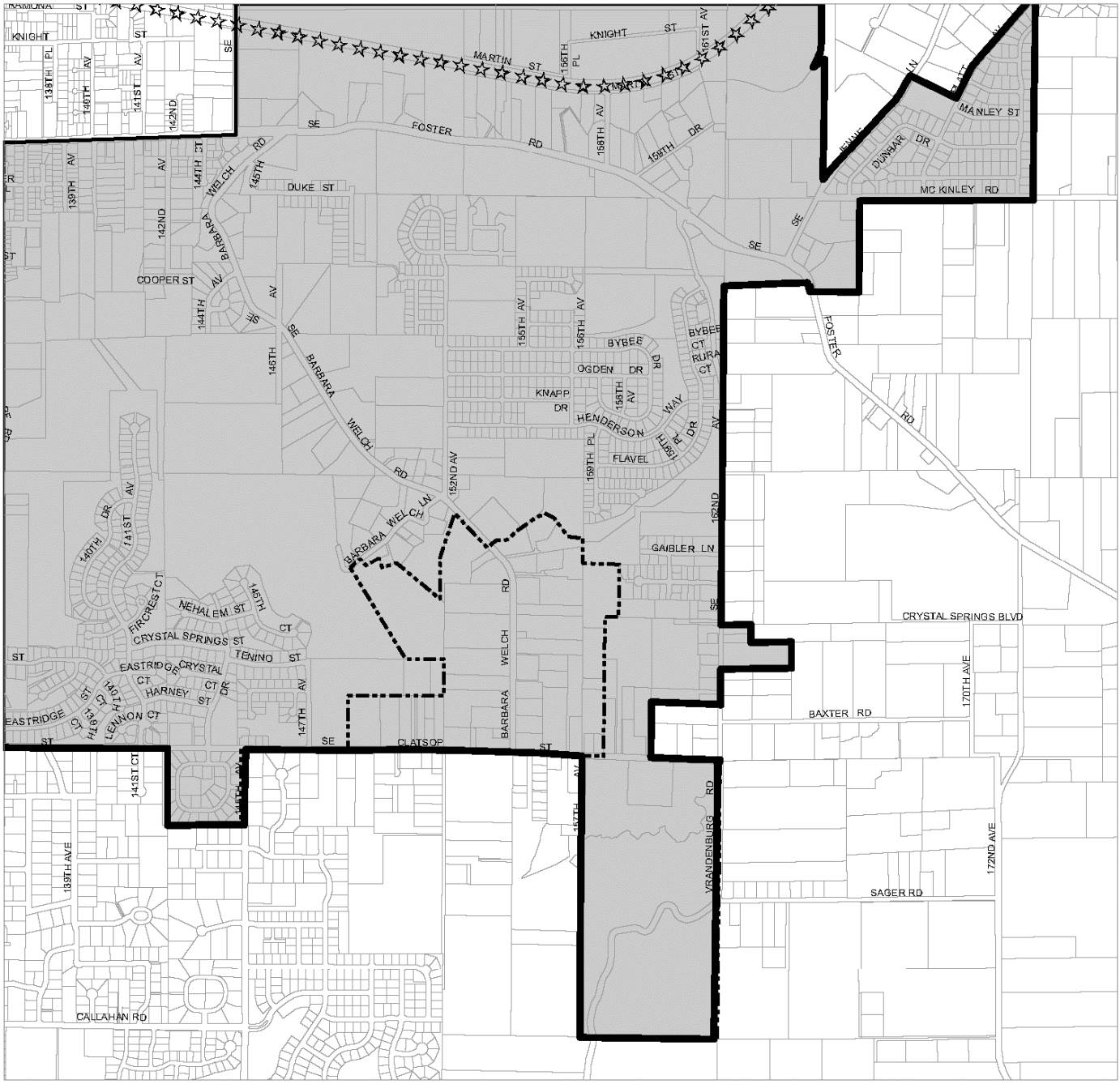
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Johnson Creek Basin Plan District

Map 537-1

Map Revised January 1, 2015



City Boundary

Plan District Boundary

South Subdistrict

Flood Risk Area

☆☆☆☆ Recreation Trail

NORTH

0 1,050 2,100

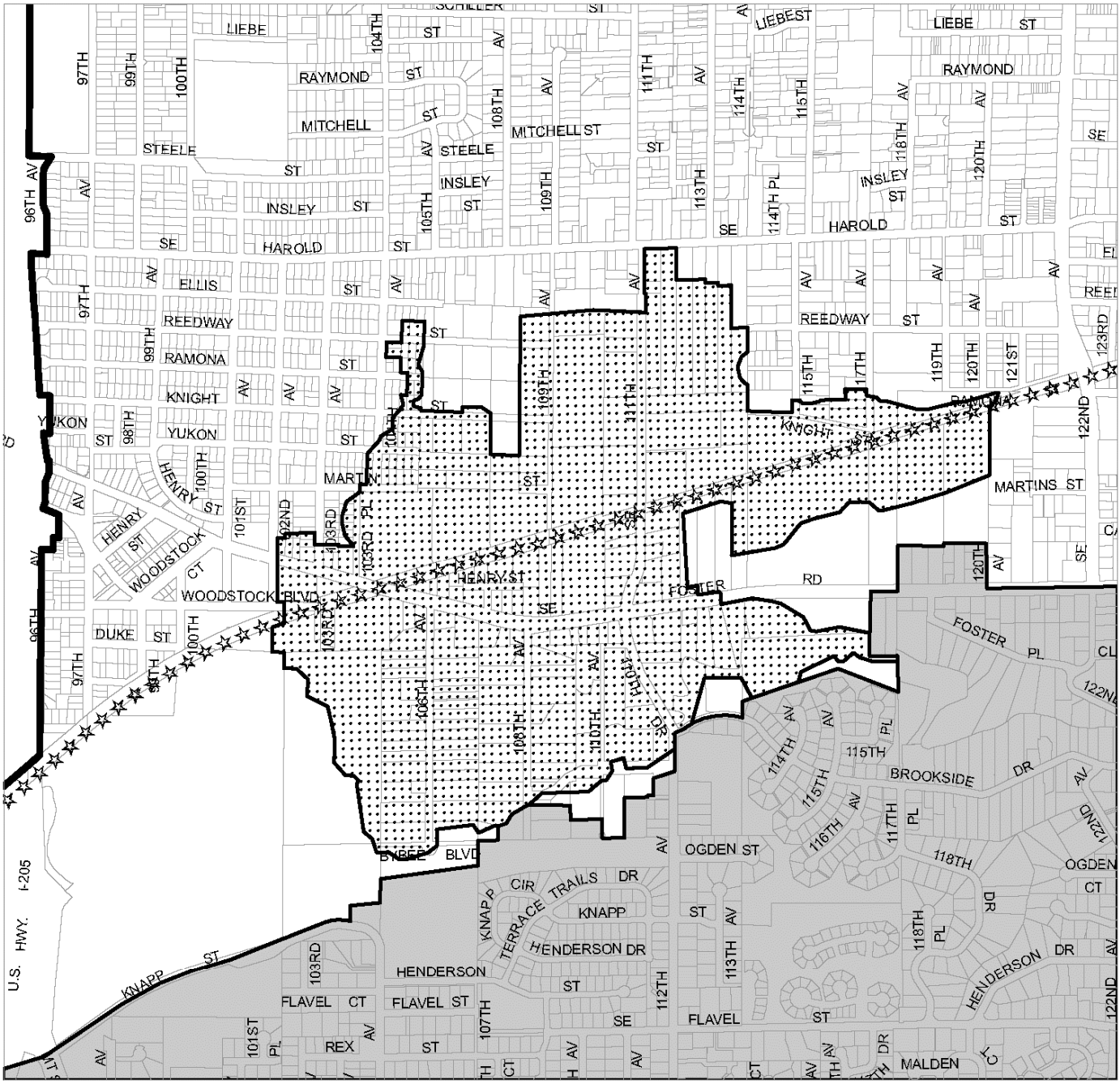
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Johnson Creek Basin Plan District

Map 537-1

Map Revised January 1, 2015



City Boundary

Plan District Boundary

South Subdistrict

Flood Risk Area

Recreation Trail

NORTH

0 750 1,500

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.538 Kenton Plan District

538

Sections:

General
- 33.538.010 Purpose
- 33.538.020 Where These Regulations Apply

Use Regulations
- 33.538.100 Prohibited Uses
- 33.538.110 Limited Uses

Development Standards
- 33.538.200 Drive-Through Facilities
- 33.538.210 Maximum Building Height
- 33.538.220 Floor Area Ratio
- 33.538.230 Required Building Lines
- 33.538.240 Active Use Areas
- 33.538.250 Parking Access Restricted Streets
- 33.538.260 Required Design Review

Map 538-1 Kenton Plan District

Map 538-2 Maximum Building Heights

Map 538-3 Floor Area Ratio

Map 538-4 Required Building Lines

Map 538-5 Active Building Use Areas

Map 538-6 Parking Access Restricted Streets

General

33.538.010 Purpose

The Kenton plan district use regulations foster a vital retail corridor along Denver Avenue. The Kenton plan district development standards ensure that the design of new buildings, and modifications to existing buildings, are compatible with the historic character of the area. These regulations also ensure a pleasant, safe and efficient environment for pedestrians along the Denver Avenue commercial corridor and near the light rail station. Together, these regulations:

- Enhance the commercial character along Denver Avenue by restricting industrial uses;
- Discourage auto-oriented uses and development; and
- Encourage retail uses in the historic storefront buildings along Denver Avenue.

33.538.020 Where These Regulations Apply

The regulations of this chapter apply in the Kenton plan district. The boundaries of the plan district are shown on Map 538-1 at the end of this chapter, and on the Official Zoning Maps.

Use Regulations

33.538.100 Prohibited Uses
The following uses are prohibited:

A. Wholesale Sales; and

B. Vehicle Repair.

33.538.110 Limited Uses

A. Individual Manufacturing and Production uses are limited to 3,000 square feet of net building area; and

B. Retail vehicle sales or leasing is limited to 3,000 square feet of net building area per site. Retail vehicle sales or leasing where the net buliding area is more than 3,000 square feet is prohibited.

Development Standards

33.538.200 Drive-Through Facilities
Drive-through facilities are prohibited.

33.538.210 Maximum Building Height
Maximum building heights are shown on Map 538-2.

33.538.220 Floor Area Ratios

A. **Purpose.** The minimum floor area ratio requirements ensure a level of development along Denver Avenue that is compatible with the existing buildings. The maximum floor area ratio requirements, which allow higher FARs, encourage increased intensity near the light rail station.

B. **Minimum and maximum FAR.** Minimum and maximum floor area ratios are shown on Map 538-3. The minimums and maximums apply to new development and additions of floor area to the site.

C. **FAR bonus.** The following FAR bonus options apply to sites that have a maximum FAR shown on Map 538-3. The regulations of this Subsection do not apply where Map 538-3 does not show a maximum FAR; on those sites, the base zone FAR regulations, including bonus regulations, apply. Adjustments to this Subsection, or to the amount of maximum floor area allowed through the bonuses in this Subsection, are prohibited:

1. Maximum increase in FAR. An increase in FAR through the use of bonuses of more than 1 to 1 is prohibited.

2. FAR bonus options:

   a. Mandatory inclusionary housing bonus option. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter

from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.

b. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:

(1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

(2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

33.538.230 Required Building Lines

A. Purpose. These regulations ensure a lively and attractive pedestrian environment with buildings that are compatible with the historic storefront buildings. They ensure that ground level uses are near the sidewalk.

B. Where these regulations apply. These regulations apply to site frontages shown on Map 538-4.

C. Building line standards. Exterior walls of buildings designed to meet these requirements must be at least 25 feet high.

1. Zero setback standard. On frontages designated for the zero setback standard, buildings must extend to the street lot line for the entire lot frontage except that up to 10 feet of the length of the building may be set back up to 10 feet from the street lot line to accommodate the main entrance.

2. Pedestrian amenities standard. On frontages designated for the pedestrian amenities standard, buildings must extend to the street lot line for at least 75 percent of the lot frontage. Up to 25 percent of the building may be set back up to 10 feet from the street lot line. The space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places."

33.538.240 Active Building Use Areas

A. **Purpose.** These regulations work with the Required Building Line standard to ensure a lively and attractive pedestrian environment with buildings that are compatible with the existing historic storefront buildings. These regulations ensure the continuity of active ground uses which reinforce the relationship of uses within a building and the sidewalk.

B. **Where these regulations apply.** These regulations apply to new development along frontages shown on Map 538-5.

C. **Active building use area required.** Buildings must be designed and constructed to accommodate active uses, such as lobbies, residential, retail, commercial, or office. This standard must be met along at least 50 percent of the ground floor of walls along the frontages shown on Map 538-5.

Areas designed to accommodate active building uses must meet the following standards:

1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
2. The area must be at least 25 feet deep, measured from the street-facing facade;
3. The area may be designed to accommodate a single tenant or multiple tenants;
4. The street-facing facade must include windows and doors; and
5. Parking is not allowed in the active building use areas.

33.538.250 Parking Access Restricted Frontages

A. Purpose. This regulation preserves on-street parking, while reducing the impact of automobiles. It creates a safer, more attractive environment for pedestrians. On Denver Avenue this regulation protects the existing historic pattern of no mid-block curb cuts.

B. Parking access restricted. Motor vehicle access to a vehicle area or structure is not allowed through a frontage shown on Map 538-6.

33.538.260 Required Design Review

A. **Purpose.** Design review ensures attractive, quality design and a pleasant pedestrian environment in the plan district. Design review also promotes a relationship between new development and the historic commercial buildings along Denver Avenue. Finally, design review ensures design quality and compatibility of character with the areas adjoining the commercial corridor.

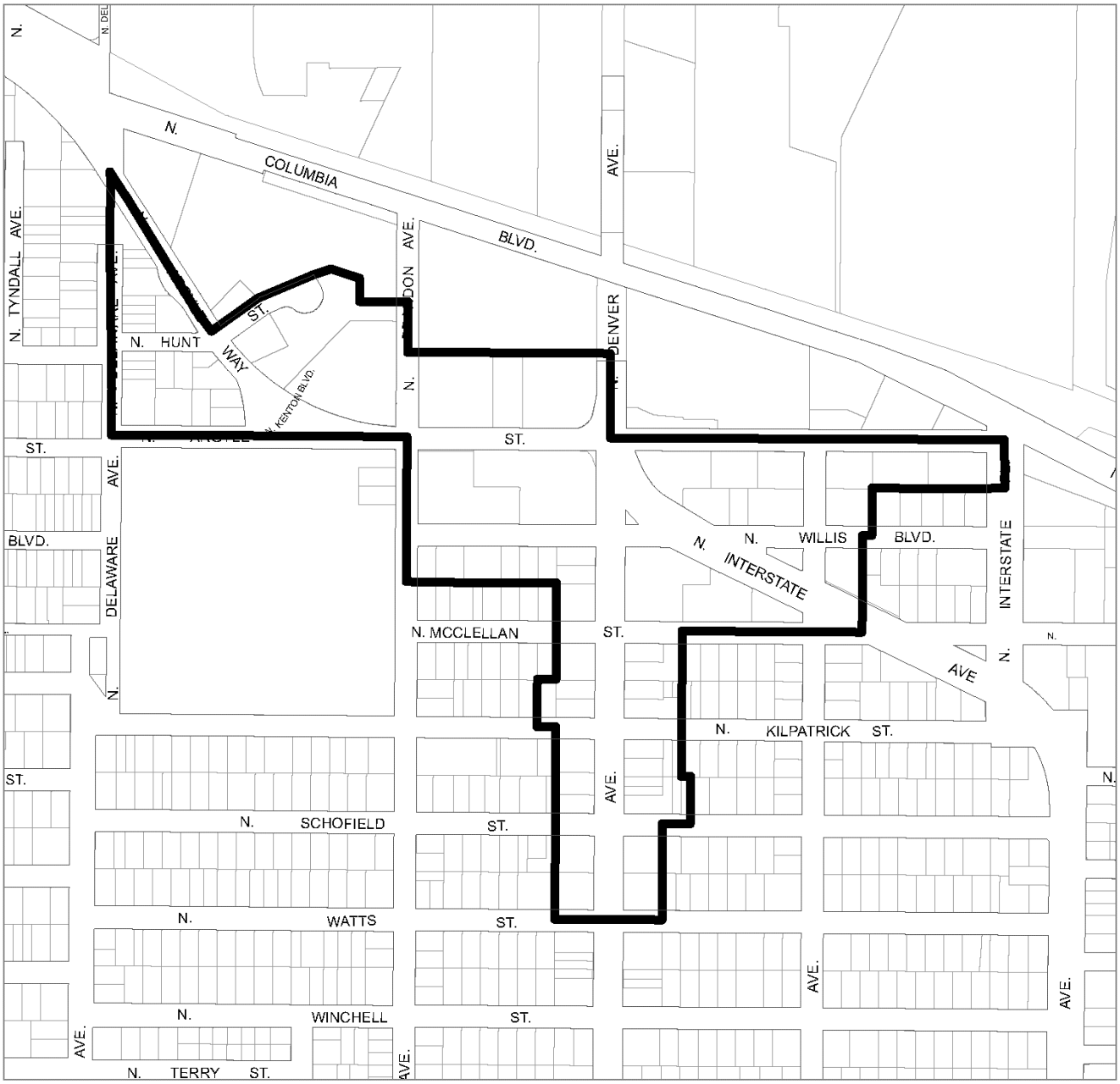
B. **Required Design Review.** The regulations of Chapter 33.420, Design Overlay Zones apply in all areas of the plan district that are within the Design Overly Zone.

(Added by Ord. No. 175210, effective 1/26/01. Amended by: Ord. No. 177422, effective 6/7/03; Ord. No. 178172, effective 3/5/04; Ord. No. 182429, effective 1/16/09; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

Kenton Plan District

Map 538-1

Map Revised July 24, 2015



Plan District Boundary

NORTH

0 300 600

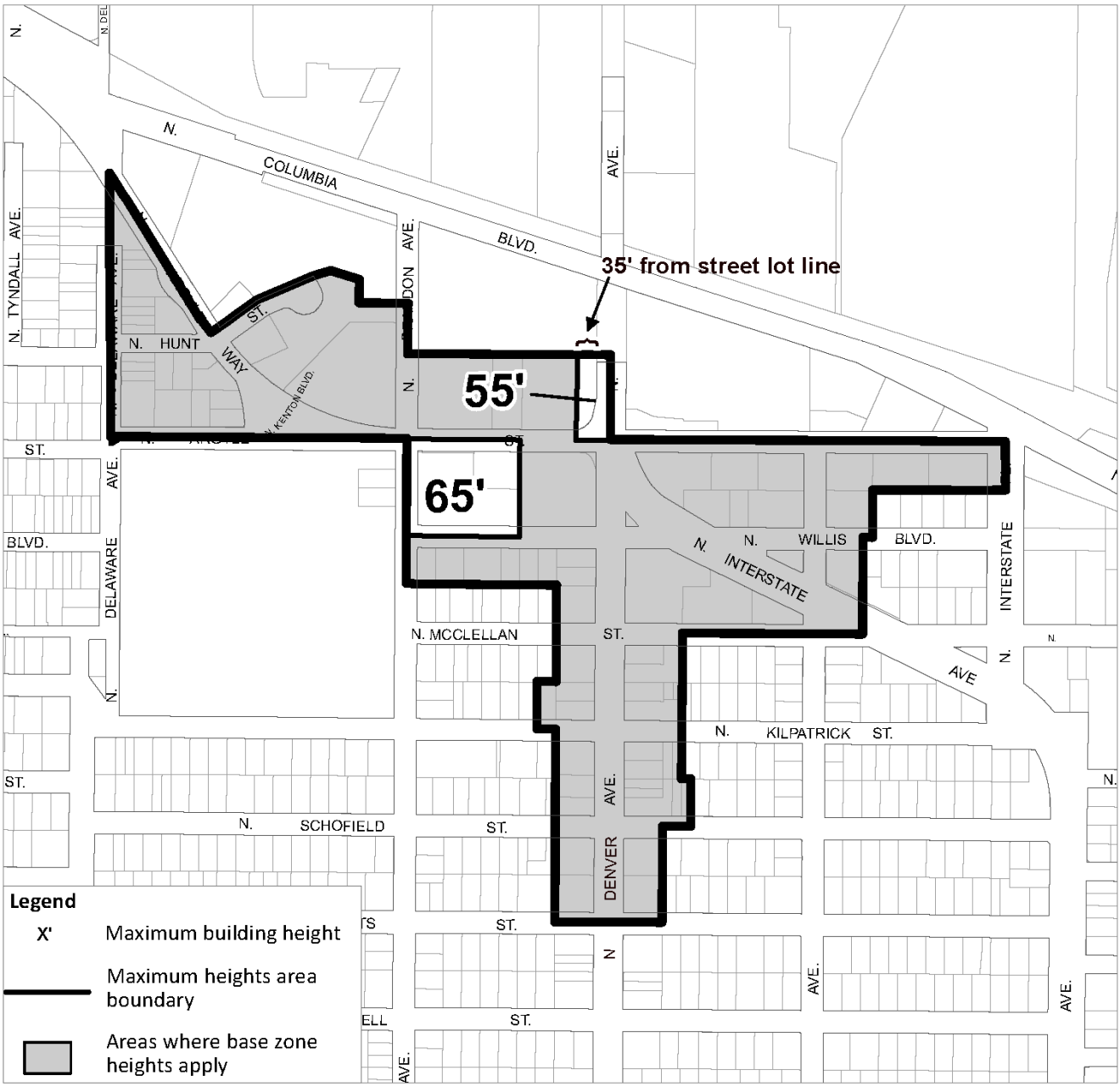
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Kenton Plan District
Maximum Heights

Map 538-2

Map Revised July 24, 2015



Plan District Boundary

NORTH

0 300 600

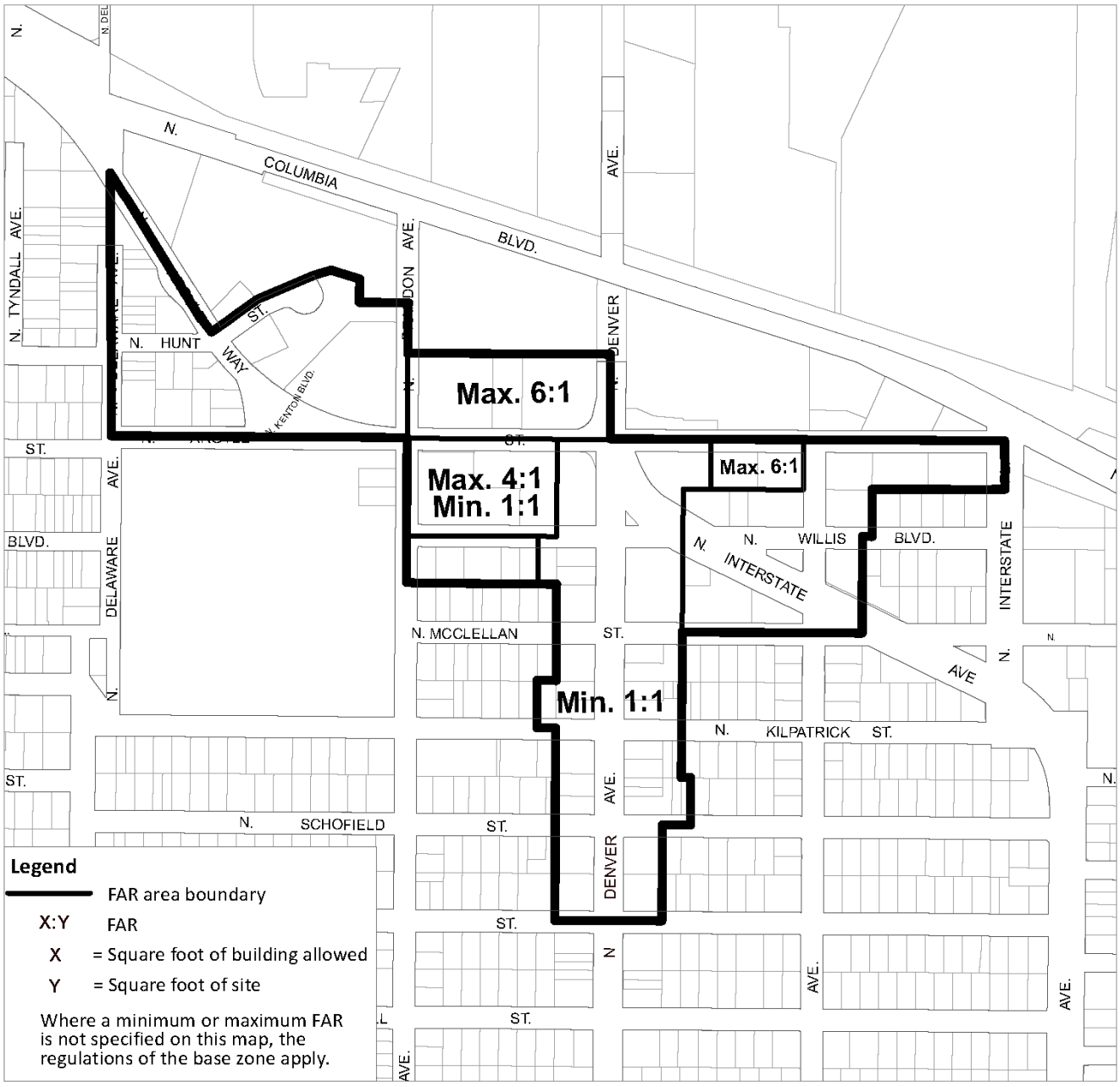
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Kenton Plan District
Floor Area Ratios

Map 538-3

Map Revised July 24, 2015



Plan District Boundary

NORTH

0 300 600

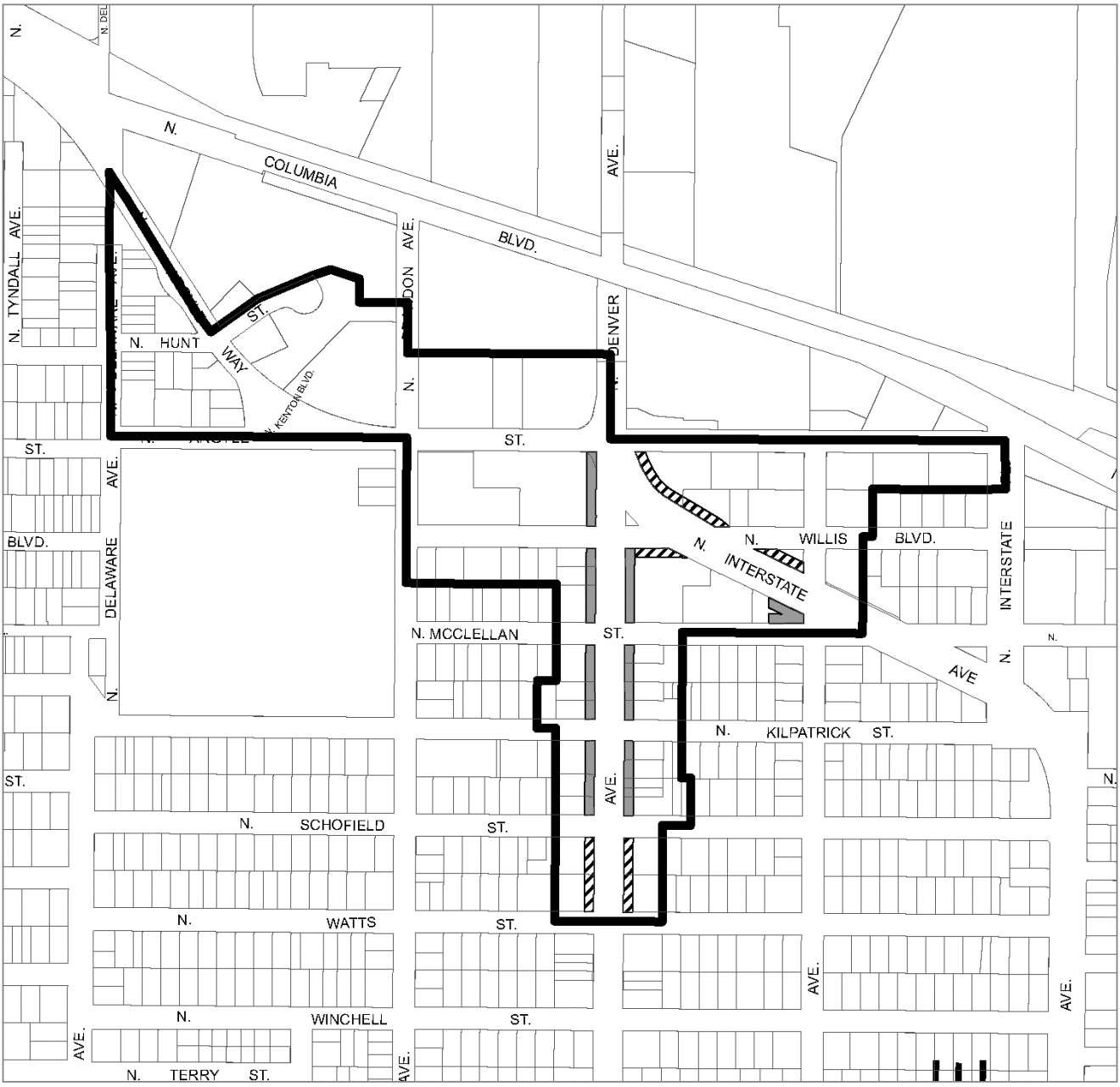
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Kenton Plan District
Required Building Lines

Map 538-4

Map Revised July 24, 2015



Plan District Boundary

Zero setback standard

Pedestrian amenities standard

NORTH

0 300 600

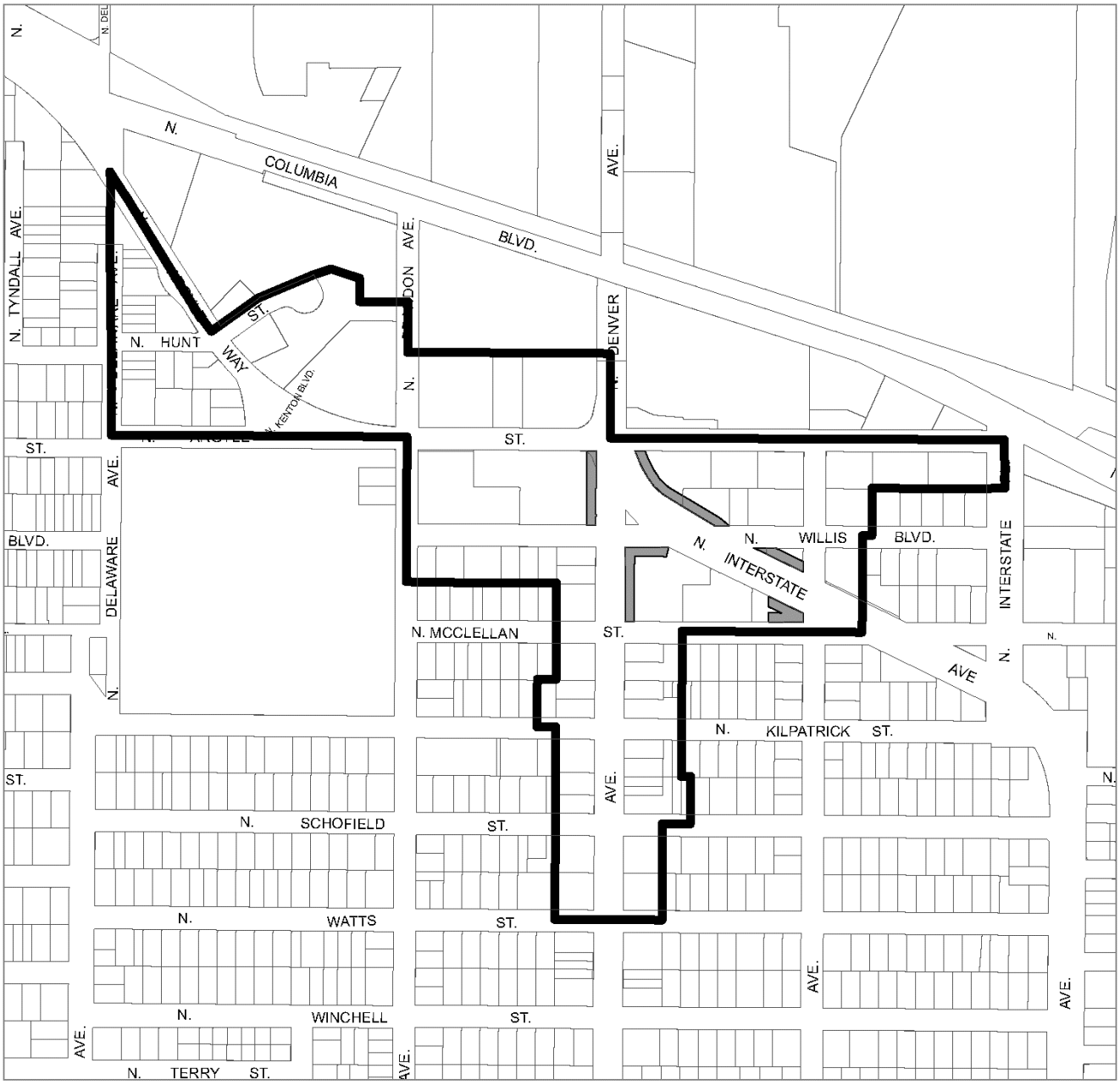
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Kenton Plan District
Active Building Use Areas

Map 538-5

Map Revised July 24, 2015



Plan District Boundary

Active building use

NORTH

0 300 600

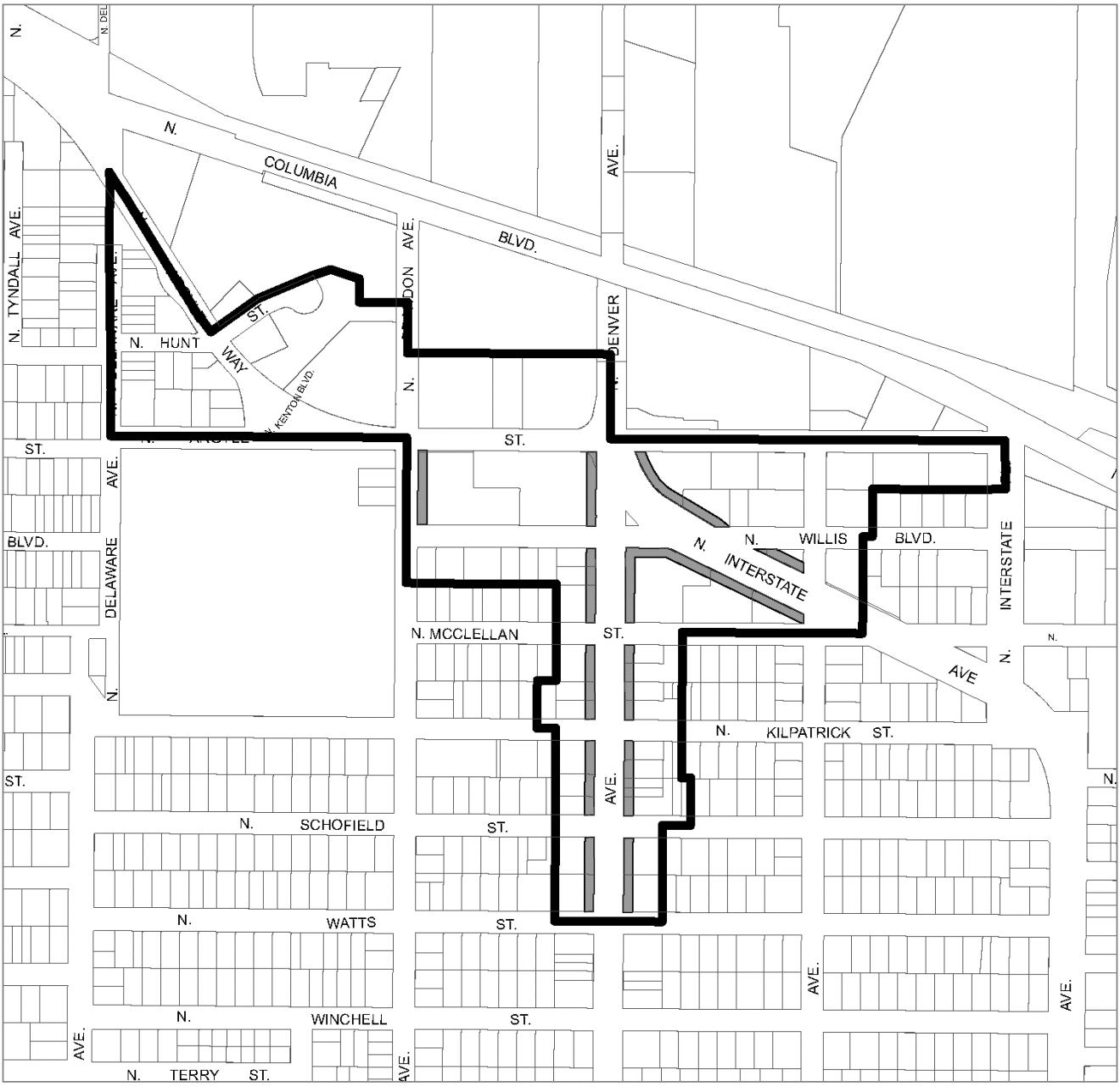
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Kenton Plan District
Frontages Where Parking Access is Restricted

Map 538-6

Map Revised July 24, 2015



Plan District Boundary

Parking access restricted streets

NORTH

0 300 600

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.540 Laurelhurst/Eastmoreland Plan District

540

Sections:

33.540.010 Purpose
33.540.020 Where the Regulations Apply
33.540.030 Required Building Setbacks
Map 540-1 Laurelhurst Plan District and Setbacks
Map 540-2 Eastmoreland Plan District and Setbacks

33.540.010 Purpose

The regulations of the Laurelhurst/Eastmoreland plan district enforce the special setback requirements of Ordinances 70343 and 70341. This plan district maintains the established character of the Laurelhurst and Eastmoreland areas, characterized by homes with larger than normal building setbacks from the street.

33.540.020 Where the Regulations Apply

The building setback requirements apply to the Laurelhurst/Eastmoreland Plan District as shown on the Maps 540-1 and 540-2 at the end of this chapter, and on the Official Zoning Maps.

33.540.030 Required Building Setbacks

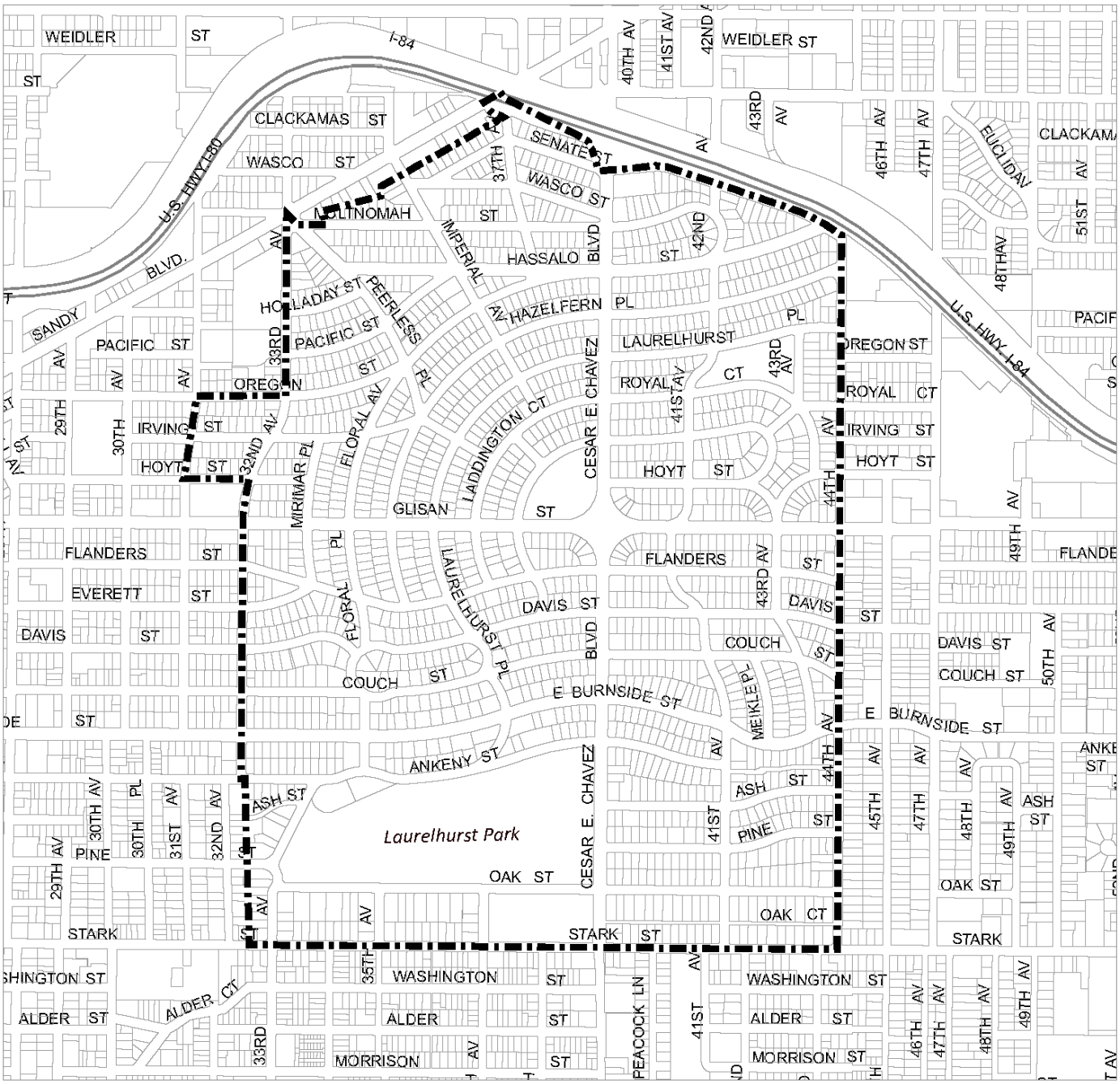
Required building setbacks are shown on the Special Building Setbacks maps available for review in the Development Services Center.

(Amended by: Ord. No. 167650, effective 6/10/94; Ord. No. 176469, effective 7/1/02; Ord. No. 182429, effective 1/16/09; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

Laurelhurst Plan District

Map 540-1

Map Revised May 24, 2018



Plan District Boundary

NORTH

0 750 1,500

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Eastmoreland Plan District

Map 540-2

Map Revised July 8, 2016

Plan District Boundary

NORTH

0 750 1,500

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.545 Lombard Street Plan District

545

Sections

General
33.545.010 Purpose
33. 545.020 Where These Regulations Apply
Development Standards
33.545.100 Standards for Community Corner
33.545.110 Additional Regulations in the CM1 Zone
33.545.120 Additional Standards in the RM2 Zone
Map 545-1 Lombard Street Plan District

General

33.545.010 Purpose

The Lombard Street Plan District implements the Lombard Street nodes and corridors elements of the St Johns/Lombard Plan by promoting development that fosters a pedestrian- and transit-oriented main street in key places, and supports enhanced design for multi-dwelling residential developments.

33.545.020 Where These Regulations Apply.

The regulations of this chapter apply to the Lombard Street plan district. The boundaries of the plan district are shown on Map 545-1 at the end of this chapter, and on the Official Zoning Maps.

Development Standards

33.545.100 Standards for Community Corners

A. Purpose. These standards create active use areas and community gathering places along major streets intersecting with North Lombard. These standards ensure that development at key intersections along North Lombard is oriented to enhance the pedestrian environment.

B. Where the standards apply. The following standards apply to Subdistrict B shown on Map 545-1.

C. Standards.

1. The ground level street-facing facades of primary structures must be within 10 feet of both street lot lines.
2. Surface parking areas are not allowed within 40 feet of the corner.

33.545.110 Additional Regulations in the CM1 Zone

A. Purpose. These regulations encourage residential mixed use development and housing, in addition to small scale commercial development along sections of North Lombard Street to foster a transit-oriented main street environment. Size of uses are specified to promote commercial uses along the main street that serve a local market area, while limiting their potential impacts on residential uses.

B. Where these regulations apply. The following regulations apply to sites in Subdistrict A shown on Map 545-1 that are zoned CM1.

C. Retail Sales And Service and Office uses. Each individual Retail Sales And Service and Office use is limited to 10,000 square feet of floor area.

D. Bonus height for housing. Proposals that providing housing receive bonus height. The maximum building height when a proposal includes housing is 45 feet.

E. Non-residential floor area. The maximum FAR allowed for a non-residential use is 1:1. Adjustments are prohibited.

33.545.120 Additional Standards in the RM2 Zone

A. Purpose. These standards ensure that development of sites with the potential for medium density development along or adjacent to the main street:

- contributes positively to established neighborhoods and the area's character;
- creates a strong physical and visual connection between the living area and the street, and the main entrance and the street; and
- improves the transition between development in the commercial and single-dwelling zone areas.

B. Where these standards apply. The following standards apply to duplexes, attached houses, and multi-dwelling structures on sites in Subdistrict A shown on Map 545-1 that are zoned RM2.

C. Standards. Adjustments may be requested to these standards; they may not be modified through design review.

1. Large building elevations divided into smaller areas. The front elevation of large structures must be divided into smaller areas or planes. When the front elevation of a structure is more than 750 square feet in area, the elevation must be divided into distinct planes of 500 square feet or less. For the purpose of this standard, areas of wall that are entirely separated from other wall areas by a projection, such as the porch or a roof over a porch, are also individual building wall planes. This division can be done by:

   a. A porch, a dormer that is at least 4 feet wide, or a balcony that is at least 2 feet deep and is accessible from an interior room;

   b. A bay window that extends at least 2 feet; or

   c. Recessing a section of the facade by at least 2 feet; the recessed section must be at least 6 feet long.

2. Location of main entrance. The main entrance of each primary structure must face the street lot line. The following are exceptions to this standard:

   a. On corner lots the main entrance may face either of the streets or be oriented to the corner.

   b. For buildings that have more than one main entrance, only one entrance must meet this requirement.

c. Entrances that face a shared landscaped courtyard, landscaped to at least the L1 General Landscaping standard, are exempt from this requirement.

3. Attached garages. When parking is provided in a garage attached to the primary structure and garage doors face a street the following standards must be met:

   a. The garage must not be more than 40 percent of the length of the building frontage or 12 feet long, whichever is greater;

   b. The front of the garage can be no closer to front lot line than the front facade of the house;

   c. Garage doors that are part of the street-facing elevations of a primary structure may be no more than 75 square feet in area; and

   d. There may be no more than one garage door per 16 feet of building frontage.

4. Exterior finish materials**.** Unless the building is approved through Design Review, all buildings must meet the foundation material standard of 33.218.110.I, and the exterior finish materials standards of 33.218.110.J. The standards must be met on all building facades.

5. Corner lots with alley access. If the site is a corner lot that is adjacent to an alley, access for motor vehicles must be from the alley.

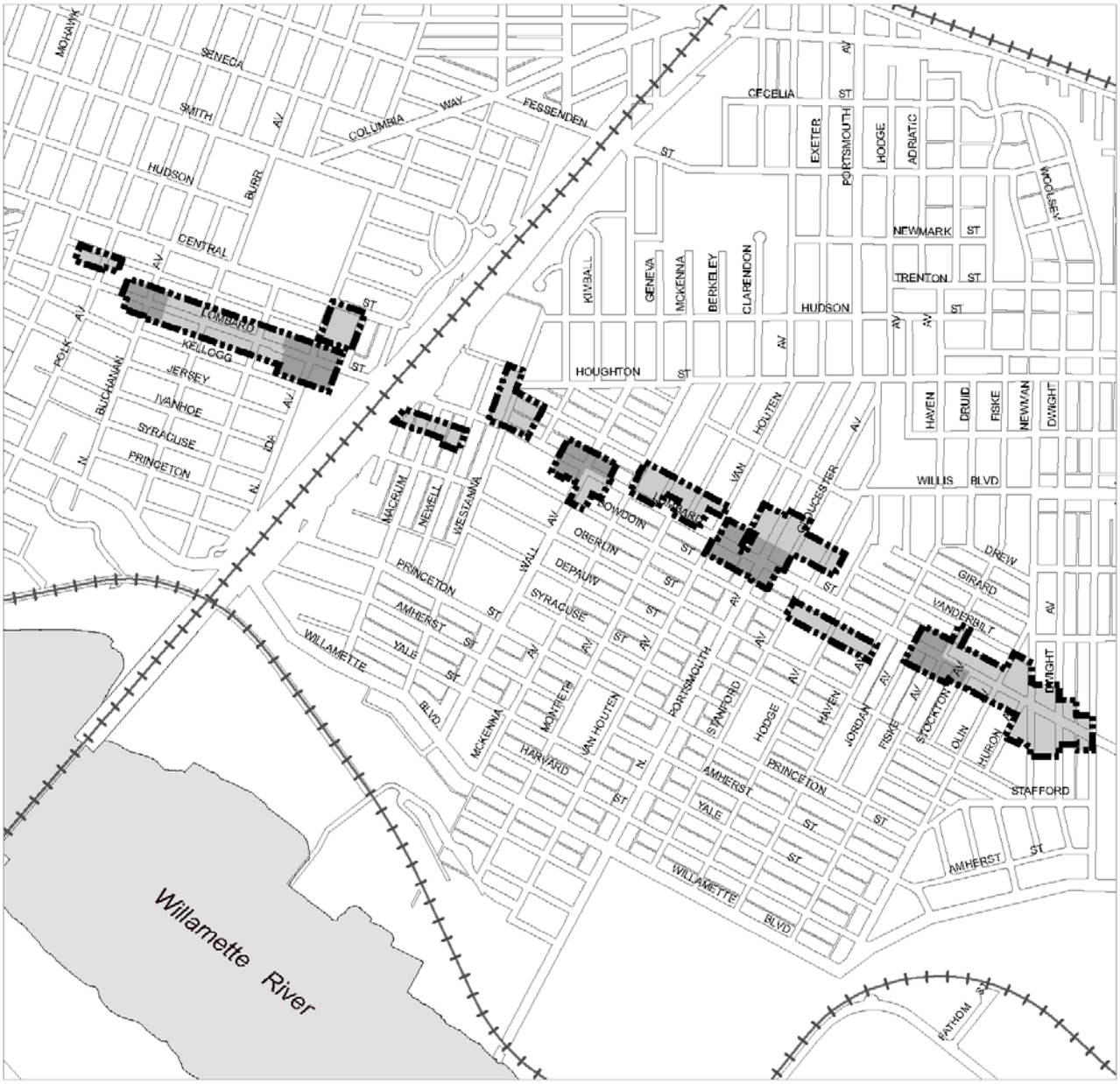
6. On lots less than 10,000 square feet in the RM2 zone, the minimum density is 1 unit per 2,250 square feet of site area. This standard does not apply on corner lots.

(Adopted by Ord. No. 188177, effective 5/24/18; Ord. No. 189805, effective 3/1/20.)

Lombard Street
Plan District and Subdistricts

Map 545-1

Map Revised May 24, 2018



Plan District boundary

Subdistrict A

Subdistrict B

NORTH

0 1,000 2,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.550 Macadam Plan District

550

Sections:

General
33.550.010 Purpose
33.550.020 Where the Regulations Apply
Use Regulations
33.550.100 Prohibited Uses
Development Standards
33.550.200 Floor Area Ratio
33.550.210 Building Height
33.550.220 Building Setbacks
33.550.230 Building Coverage
33.550.240 Building Length
33.550.250 View Corridors
33.550.260 Exterior Display and Storage
33.550.270 Drive-Through Facilities
33.550.280 Signs
33.550.290 Required Design Review
Map 550-1 Macadam Avenue Plan District

General

33.550.010 Purpose

The Macadam plan district implements the Macadam Corridor Study. The plan district contains a set of regulations designed to preserve and promote the unique character of the Macadam area. In addition to special development standards for the district, the regulations restrict auto-oriented uses and development, limit signs, allow for future light rail, and provide view corridors to the Willamette River.

33.550.020 Where the Regulations Apply

The regulations of this chapter apply to development within the Macadam plan district. The boundaries of the district are shown on Map 550-1 at the end of this chapter, and on the Official Zoning Maps.

Use Regulations

33.550.100 Prohibited Uses

The following use categories are prohibited in the Macadam plan district:

A. Quick Vehicle Servicing; and

B. Vehicle Repair, excluding boat repair which is allowed.

Development Standards

33.550.200 Floor Area Ratio

A. Maximum FAR. The maximum floor area ratio is 2 to 1 for all uses.

B. FAR bonus options. The following bonus options are allowed in the commercial/mixed use and residential zones. Adjustments to this Subsection, or to the amount of maximum floor area allowed through the bonuses in this Subsection, are prohibited:

1. Maximum increase in FAR. An increase in FAR through the use of bonuses of more than 0.5 to 1 is prohibited.

2. FAR bonus options:

   a. Mandatory inclusionary housing bonus option. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.

   b. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:

      (1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

      (2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

33.550.210 Building Height

Building heights may not exceed the maximum and average building heights shown on Map 550-1.

33.550.220 Building Setbacks

The setback standards require that buildings with greater bulk be set back further from lot lines, to be consistent with the plan district's campus-like character, to maintain views of the river, and to prevent a canyon effect along SW Macadam Ave.

A. Setbacks from lot lines. The minimum building setbacks from all lot lines are based on the area of the plane of the building wall and are stated in Table 550-1. These setbacks do not apply to nonstreet lot lines on sites of 15,000 square feet or less.

Table 550-1
Building Setbacks From Lot Lines

If the area of the plane of the building wall is: [1]	The required setback is:
1,000 sq. ft. or less	5 ft.
1,001 to 1,300 sq. ft.	6 ft.
1,301 to 1,600 sq. ft.	7 ft.
1,601 to 1,900 sq. ft.	8 ft.
1,901 to 2,200 sq. ft	9 ft.
2,201 to 2,500 sq. ft.	10 ft.
2,501 to 2,800 sq. ft.	11 ft.
2,801 to 3,100 sq. ft.	12 ft.
3,101 to 3,400 sq. ft.	13 ft.
3,401 or greater	14 ft.

Notes:
[1] Measurement of the area of the plane of the building wall is described in Chapter 33.930, Measurements.

B. Future light rail line setback. Buildings that abut the future light rail facility are subject to special setbacks. The setbacks are listed below. The future light rail alignment is shown on Map 550-1 at the end of this chapter.

1. Residential buildings. Residential buildings must be set back at least 40 feet from the centerline of the potential light rail line.
2. Commercial buildings. Commercial buildings must be set back at least 30 feet from the centerline of the potential light rail line.
3. Uninhabitable structures. Uninhabitable structures, such as a parking structure, must be set back at least 17 feet from the centerline of the potential light rail line. Commercial uses are not allowed on the ground floor.
4. Along lot lines. If the light rail line abuts a lot line, the more restrictive standard of Subsection A. or B. applies.

33.550.230 Building Coverage

The maximum building coverage is 75 percent of the site area.

33.550.240 Building Length

A. **Length.** The maximum length of any building facade is 200 feet.

B. **Uninterrupted wall.** An exterior wall of a building adjacent to a street may not continue along an uninterrupted plane for more than 100 feet. An uninterrupted plane is a wall which has no variation in exterior surface along its length. An offset of less than 3 feet in the plane of a building wall is considered an uninterrupted plane.

33.550.250 View Corridors

A. Ground level view corridors must be maintained along the rights-of-way of SW Miles, SW Nevada, SW California, SW Vermont, SW Nebraska, SW Pendleton, and SW Richardson Streets. These view corridors must be preserved by maintaining open space from SW Macadam Ave to the ordinary high water line of the Willamette river and are measured 30 feet from each side of the center line of these streets. Houses within the SW Miles Street view corridor are exempt from these regulations. A 60-foot wide view corridor at ground level must also be maintained at SW Carolina Street. This view corridor is directed northeasterly beginning at the intersection of SW Macadam Ave and SW Carolina Street and extending so that the extension of the northern edge of the view corridor meets the intersection of the mean low water line and the north property line of River Lot 6, Southern Portland Addition.

B. The view corridors are shown on Map 550-1 at the end of this chapter.

33.550.260 Exterior Display and Storage

Exterior display and storage, except of boats, is not allowed.

33.550.270 Drive-Through Facilities

Drive-through facilities are prohibited in the Macadam plan district.

33.550.280 Signs

The sign standards are stated in Title 32, Signs and Related Regulations.

33.550.290 Required Design Review

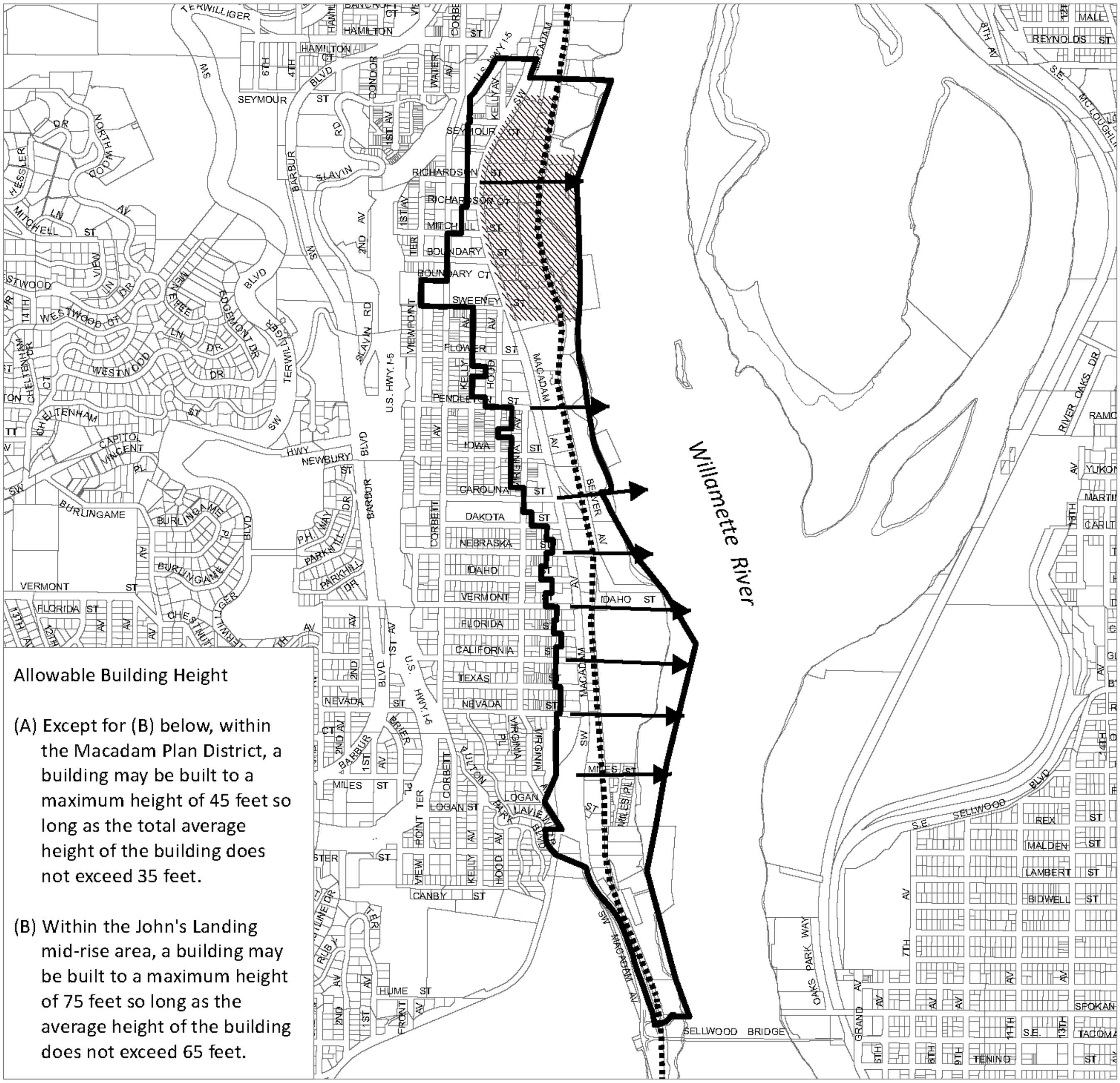
The regulations of Chapter 33.420, Design Overlay Zones apply in all areas of the plan district that are within the Design Overlay Zone.

(Amended by: Ord. No. 167650, effective 6/10/94; Ord.173528, effective 7/30/99; Ord. No. 175204, effective 3/1/01; Ord. No. 186639, effective 7/11/14; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

Macadam Avenue Plan District

Map 550-1

Map Revised July 8, 2016



Allowable Building Height

(A) Except for (B) below, within the Macadam Plan District, a building may be built to a maximum height of 45 feet so long as the total average height of the building does not exceed 35 feet.

(B) Within the John's Landing mid-rise area, a building may be built to a maximum height of 75 feet so long as the average height of the building does not exceed 65 feet.

Plan District Boundary

View Corridor

John's Landing Midrise area {65' average height limit; 75' maximum height limit}

Center Line for Potential Light Rail Facility

NORTH

0 1,200 2,400

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.555 Marquam Hill Plan District

555

Sections:

General
33.555.010 Purpose
33.555.020 Where These Regulations Apply
Use Regulations
33.555.100 Purpose
33.555.110 Additional Prohibited Uses
33.555.120 Additional Use Limitations in Subdistricts A through D
33.555.130 Additional Conditional Uses in Subdistricts A through D
33.555.140 Basic Utilities in the OS Zone
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33.555.220 Drive-Through Facilities
33.555.230 Maximum Height
33.555.240 Maximum Floor Area Ratio in Subdistricts A through D
33.555.250 Maximum Building Coverage
33.555.260 Formal Open Areas in Subdistricts A through D
33.555.270 Exterior Storage and Work Activities
33.555.280 Parking
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33.555.295 Existing Bicycle Parking
Design Review
33.555.300 Required Design Review
Map 555-1 Marquam Hill Plan District and Subdistricts
Map 555-2 Maximum Height

General

33.555.010 Purpose

The regulations of this chapter implement elements of the Marquam Hill Plan by supporting the preservation and enhancement of natural open space areas, existing scenic views, and neighborhood livability, while encouraging an intense level of institutional development including a dynamic mix of medical research, education, and patient care facilities that contribute to Marquam Hill's distinctive character. The plan district regulations enhance the character and features of the district through the implementation of development standards and design guidelines that preserve scenic resources and create a sense of place within the developed portions of the district through a network of plazas, courtyards, and formal open areas connected by a well-designed pedestrian circulation system. The regulations also encourage the development of additional patient care, medical research, and academic facilities and long-term traffic and parking management plans.

33.555.020 Where These Regulations Apply

The regulations of this chapter apply in the Marquam Hill plan district. The boundaries of the plan district are shown on Map 555-1 and on the Official Zoning Maps. The subdistricts of the Marquam Hill plan district are also shown on Map 555-1.

Use Regulations

33.555.100 Purpose

The use regulations foster development of institutional uses associated with medical centers and colleges. Limiting uses to those that are typically associated with institutional development, and limiting the total square footage of uses that support institutionally developed areas, will ensure that Marquam Hill remains a dynamic center for patient care, medical research institutions, and educational facilities. The regulations also help address constrained infrastructure conditions in and around the plan district area that impact traffic circulation and safety.

33.555.110 Additional Prohibited Uses

A. Plan district. The following uses are prohibited in the plan district:

1. Quick Vehicle Servicing;
2. Vehicle Repair;
3. Commercial Parking;
4. Self-Service Storage;
5. Commercial Outdoor Recreation;
6. Major Event Entertainment;
7. Warehouse And Freight Movement;
8. Aviation And Surface Passenger Terminals; and
9. Detention Facilities.

B. Subdistrict E. The following uses are prohibited in Subdistrict E:

1. Retail Sales And Service;
2. Office;
3. Manufacturing And Production;
4. Wholesale Sales; and
5. Industrial Service.

33.555.120 Additional Use Limitations in Subdistricts A through D

The following use limitations apply in Subdistricts A, B, C, and D:

A. Retail Sales And Service uses. There may be no more than 25,000 square feet of net building area in Retail Sales And Service use in each subdistrict.

B. **Industrial uses.** There may be no more than 30,000 square feet of net building area in Manufacturing And Production, Industrial Service, or Wholesale Sales uses in each subdistrict. This limitation applies to the net building area of the three use categories added together.

33.555.130 Additional Conditional Uses in Subdistricts A through D

The following are conditional uses in Subdistricts A, B, C, and D:

A. **Household Living.** Household Living in multi-dwelling structures is a conditional use. The approval criteria are 33.815.130.B, C, and E. Household Living in other structure types is prohibited.

B. **Rail Lines And Utility Corridors.** Rail Lines And Utility Corridors are a conditional use.

33.555.140 Basic Utilities in the OS Zone

Suspended cable transportation systems are allowed in the OS zone. All other Basic Utilities are regulated by the base zone.

33.555.150 Impacts of a Suspended Cable Transportation System in the OS Zone

In those portions of the plan district within the OS Zone, a suspended cable transportation system is subject to Section 33.262.050, Noise; Section 33.262.060, Vibration; and Section 33.262.080, Glare. These regulations must be met only within those portions of the plan district within the OS Zone.

33.555.160 Temporary Activities in the OS Zone

Staging areas for institutional development are allowed in the OS Zone subject to the requirements stated in 33.296.030.F.4.c.

Development Standards

33.555.200 Purpose

The development standards of this chapter foster a dense urban institutional campus with an emphasis on attractive, well-designed buildings, and a positive and well-designed pedestrian environment. The standards also help establish an attractive transition between institutional development and adjacent residential development, Terwilliger Parkway, and undeveloped open areas.

33.555.210 Relationship to Base Zone Regulations.

If not addressed by the development standards of this plan district, the development standards of the base zone apply; however, in Subdistricts A, B, C, D, and E, development is exempt from the following standards:

A. Paragraph 33.140.215.C.1, Building setbacks on a transit street or in a pedestrian district;

B. Section 33.140.230, Ground Floor Windows in the EX Zone;

C. Section 33.140.240, Pedestrian Standards;

D. Section 33.140.242, Transit Street Main Entrances;

E. Section 33.266.100.C, Calculations of Amounts of Required and Allowed Parking;

F. Section 33.266.115, Maximum Allowed Parking Spaces;

G. Section 33.266.130.C, On-site Locations of Vehicle Areas; and

H. Sections 33.266.300 through 33.266.310, Loading.

33.555.220 Drive-Through Facilities

A. **Purpose.** Drive-through facilities are not allowed within the plan district as such facilities and the uses they serve are not consistent with those uses typically associated with institutional uses, with the exception of facilities that support the purposes of a medical institutions, such as a drive-through facility associated with a pharmacy.

B. **Standard.** Drive-through facilities are not allowed.

33.555.230 Maximum Height

A. **Purpose.** The height limits in the plan district protect views and create a "step-down" effect towards adjacent areas to the east, south, and west.

B. **Height regulations in Subdistricts A through D.** The regulations of this subsection apply in Subdistricts A, B, C, and D.

1. Standard. The maximum heights allowed are shown on Map 555-2. Except as allowed by Subparagraph B.2.c, heights greater than those shown on Map 555-2 are prohibited.

2. Measurement. Height is measured as follows:

   a. Height is measured from sea level, not grade.

   b. Height is measured to the top of the highest element of a structure, including rooftop equipment, mechanical equipment, mechanical penthouses, and helicopter landing facilities, other than those listed in Subparagraph B.2.c.

   c. Antennas, utility power poles, and public safety facilities are exempt from the height limits of this section.

   d. The provisions of 33.930.050, Measuring Height, do not apply in subdistricts A, B, C, and D.

3. Supplemental application requirements. Applications for land use reviews and building permits for new buildings and additions of square footage must include the following information. Applications for land use reviews and building permits for other development that may affect the height of a structure also must include the following information. Additional information may also be requested through the review process. Site plans must show the following:

   a. Boundary lines between areas with different height requirements;

   b. Topography shown by contour lines at five foot vertical contours measured in feet above sea level;

   c. Elevations at the corners of proposed structures or structures being altered, measured in feet above sea level; and

d. Elevation of the highest point of the structure, including rooftop equipment, mechanical equipment, mechanical penthouses, and helicopter landing facilities, other than those listed in Subparagraph B.2.c, measured in feet above sea level.

33.555.240 Maximum Floor Area Ratio in Subdistricts A through D.
The regulations of this section apply to sites in Subdistricts A, B, C, and D.

A. Purpose. The floor area ratios (FARs) regulate the amount, or intensity, of use allowed in each subdistrict. The FARs provide a means to match the potential amount of uses with the desired character of the area. FARs also work with the height and building coverage standards to control the overall bulk of development.

B. Calculations. In Subdistricts A, B, C, and D, FAR is calculated as the amount of floor area in relation to the amount of area in each subdistrict, expressed in square feet.

C. Standards. The maximum FAR allowed in Subdistricts A, B, and D is 3:1. The maximum FAR allowed in Subdistrict C is 2:1. Adjustments to these maximums are prohibited.

33.555.250 Maximum Building Coverage

A. Purpose. The building coverage standards work with the FAR and height standards to control the overall scale of development and promote development consistent with the desired character of the plan district. The standards also limit the total area of each subdistrict that will be developed with buildings to limit the amount of impervious surfaces created by buildings.

B. Calculations. Except for in Subdistrict F, building coverage is calculated in relation to the amount of area in each subdistrict. Within Subdistrict F, building coverage is calculated in relation to the amount of site area.

C. Standards.

1. Subdistrict E. The maximum building coverage allowed in the EX zone in Subdistricts E is 15 percent.

2. Subdistricts A through D. In Subdistricts A, B, C, and D, there is no limitation on building coverage in each subdistrict; however, the maximum building coverage allowed in the four subdistricts together is 65 percent. Adjustments to this standard are prohibited.

33.555.260 Formal Open Areas in Subdistricts A through D.

A. Purpose. The requirements of this section ensure that the institutionally-developed portions of the plan district contain an adequate amount of formal open area, such as plazas, courtyards, and similar features, that enhance the character of the area; provide opportunities for passive recreation and both formal and informal gatherings; and result in a network of attractive and integrated exterior spaces and pedestrian corridors that link buildings and various activities within the plan district.

These formal open areas are medium to large spaces that are open to the public and are typically located along primary pedestrian routes. Small gardens and courtyards that are not generally accessible to the public and are developed primarily to serve as retreats for

patients and their visitors, such as healing gardens or play areas for young patients or their visitors, are not formal open space areas.

B. When formal open area is required. In Subdistricts A, B, C, and D, when more than 10,000 square feet of gross floor area is proposed in a subdistrict, formal open area must be developed within that subdistrict as part of the proposal, until the minimum square footage of formal open area required in the subdistrict is met. Existing plazas and other open areas may be used to meet this requirement, but will be reviewed as if they are being created as part of the project. Additional improvements may be required.

C. Minimum square footage required. The minimum square footage of formal open area required in Subdistrict A is 20,000 square feet. The minimum square footage of formal open area required in Subdistricts B and D is 25,000 square feet in each subdistrict. The minimum square footage of formal open area required in Subdistrict C is 40,000 square feet.

D. Standards. Formal open area used to meet the requirement of Subsection B must meet the following standards:

1. Amount of area required. At least one square foot of formal open area must be developed for each 50 square feet of floor area, up to the minimum required square footage of formal open area for the subdistrict;

2. Minimum size. Each formal open area must be at least 2,000 square feet in area, and be of such shape to allow a square 40 feet on a side to fit entirely in the area.

3. Use of area. Formal open areas may not also be used for parking, exterior storage, or exterior work areas.

4. Adjustments prohibited. Adjustments to the regulations of this subsection are prohibited. However, modifications may be requested as part of the design review process, as allowed by Chapter 33.825, Design Review.

33.555.270 Exterior Storage and Work Activities

A. Purpose. The standards of this section ensure that exterior storage and work activities:

- Will be consistent with the desired character of the area;
- Will not be a detriment to the overall appearance of the subdistrict;
- Will not have adverse impacts on land uses and properties adjacent to the subdistrict, especially those zoned residential and open space; and
- Will not have an adverse impact on the environment.

B. Where these standards apply. The following standards apply in Subdistricts A, B, C, D, and E.

C. Location. Exterior storage and work activities are allowed in Subdistricts A, B, and C, and prohibited in Subdistricts D and E.

D. Maximum area allowed. The maximum area that may be used for exterior storage and exterior work activities combined is 10,000 square feet in Subdistrict A, 10,000 square feet in Subdistrict B, and 25,000 square feet in Subdistrict C.

E. Landscape and screening. Exterior storage areas and areas used for exterior work activities within 25 feet of the plan district boundary must meet one of the following two landscape standards. The portion of the exterior storage area or area used for exterior work activities within 25 feet of the plan district boundary must either:

1. Be surrounded by a 10-foot wide landscaped strip. The 10-foot strip must be landscaped to at least the L2 standard; however, a wall or berm may not be substituted for the required screen of shrubs. In addition, a fence meeting the F2 standard must be placed along the interior edge of the landscaped area; or

2. Be surrounded by a 5-foot wide landscaped strip. The 5-foot strip must be landscaped to at least the L4 standard.

F. Paving. Exterior storage and work activity areas must be paved.

33.555.280 Parking

A. Purpose. The regulations of this section encourage the use of transportation demand management techniques by limiting the supply of parking and creating maximums for single occupancy vehicle trips.

B. Where these standards apply. The following standards apply in Subdistricts A, B, C, D, and E.

C. Creation of parking.

1. Net building area. Parking may be created only in conjunction with additions of net building area to the site, including that added as part of new development or by adding net building area to existing development;

2. Maximum ratios. Parking is limited to a maximum ratio of 1 space per 600 square feet of net building area being added.

3. Location. Parking may be in a different subdistrict than the net building area it is created in conjunction with.

4. Exception for Subdistrict B. In Subdistrict B, a proposal to create parking not in conjunction with additional floor area may be approved through a Marquam Hill Parking Review, as follows:

   a. The application for the Marquam Hill Parking Review must be received by the City by December 31, 2010;

   b. The proposed parking is exempt from the requirements of B.1 and 2, but is subject to the other regulations of this section; and

   c. Only one proposal may be approved under the provisions of this Paragraph.

   d. Adjustments to these standards are prohibited.

D. Existing parking.

1. Existing parking in Subdistricts A and B. Existing parking in Subdistricts A and B that is reconfigured or demolished and replaced within either of these subdistricts is exempt

from the requirements of Subsections 33.555.280.B and E if no additional parking spaces are created.

2. Existing parking in Subdistricts C and D. Existing parking in Subdistricts C and D that is reconfigured or demolished within the same subdistrict is exempt from the requirements of Subsections 33.555.280.B and E if no additional parking spaces are created.

E. Maximum parking allowed in Subdistricts A through D.

1. The maximum number of parking spaces allowed is:

   a. Subdistrict A and B combined: 4,429 spaces

   b. Subdistrict C: 710 spaces

   c. Subdistrict D: 1,258 spaces

   d. Subdistrict E: parking is prohibited.

2. Adjustments to the standards of the subsection are prohibited.

F. Marquam Hill Parking Review. There are two types of Marquam Hill Parking Review: Type A and Type B. Proposals that are subject to Type B Marquam Hill Parking Review are not also subject to Type A Marquam Hill Parking Review.

1. Type A Marquam Hill Parking Review is required for all proposals that include parking;

2. Type B Marquam Hill Parking Review is required for the following:

   a. Proposals to develop parking spaces above the maximum numbers stated in Paragraph D.1;

   b. Proposals to develop parking when the application for a building permit is submitted after August 1, 2012; or

   c. Proposals that are subject to Type A Marquam Hill Parking Review but do not meet the approval criteria for that review.

33.555.290 Signs

The sign standards are stated in Title 32, Signs and Related Regulations.

33.555.295 Existing Bicycle Parking

A. Purpose. These regulations allow existing uncovered long-term bicycle parking to continue without upgrading the nonconforming elements of the racks. The existing, attendant monitored, bicycle parking provides a convenient and secure long-term bicycle parking option that works in conjunction with the suspended cable transportation system that provides access to both the Marquam Hill plan district and South Waterfront subdistrict of the Central City plan district.

B. Where these standards apply. These standards provide an alternative to the long-term bicycle parking standards in 33.266 and apply to required long-term bicycle parking facilities in the Marquam Hill Plan District.

C. Existing Bicycle Parking. Existing long-term bicycle parking may be used to meet required long-term bicycle parking. The existing bicycle parking is not required to meet Subsections 33.266.210.C and D if the long-term bicycle parking meets the following:

1. The bicycle parking is located in the South Waterfront subdistrict of the Central City plan district as of March 1, 2020;
2. The bicycle parking area has an attendant present during the hours of 6:00 am to 7:30 pm from Monday to Friday to monitor the area and aid in parking bicycles;
3. The bicycle parking area does not exceed 500 spaces;
4. The bicycle parking must be within 100 feet of a suspended cable transportation system; and
5. The applicant must sign a covenant that ensures that the existing long-term bike parking will continue to meet the above standards until the bike parking is no longer required. The covenant must comply with the requirements of 33.700.060, Covenants with the City.

Design Review

33.555.300 Design Review

A. Purpose. Design review ensures that institutional development is physically and visually integrated within the plan district and with the surrounding neighborhoods, open space areas, Terwilliger Parkway, and the skyline associated with Marquam Hill. It also ensures that the pedestrian environment within the institutionally developed portions of Marquam Hill incorporates quality design providing an attractive and safe environment for pedestrian passage within and through the plan district and an integrated relationship between structures and the pedestrian environment. Design review also promotes the protection and enhancement of views within and to and from the plan district, as well as sustainable development, protection of environmentally sensitive resources, and the incorporation of site amenities within the pedestrian environment. Additionally, design review promotes an efficient and functional arrangement of institutional development within the plan district and improvements to vehicular access and circulation patterns.

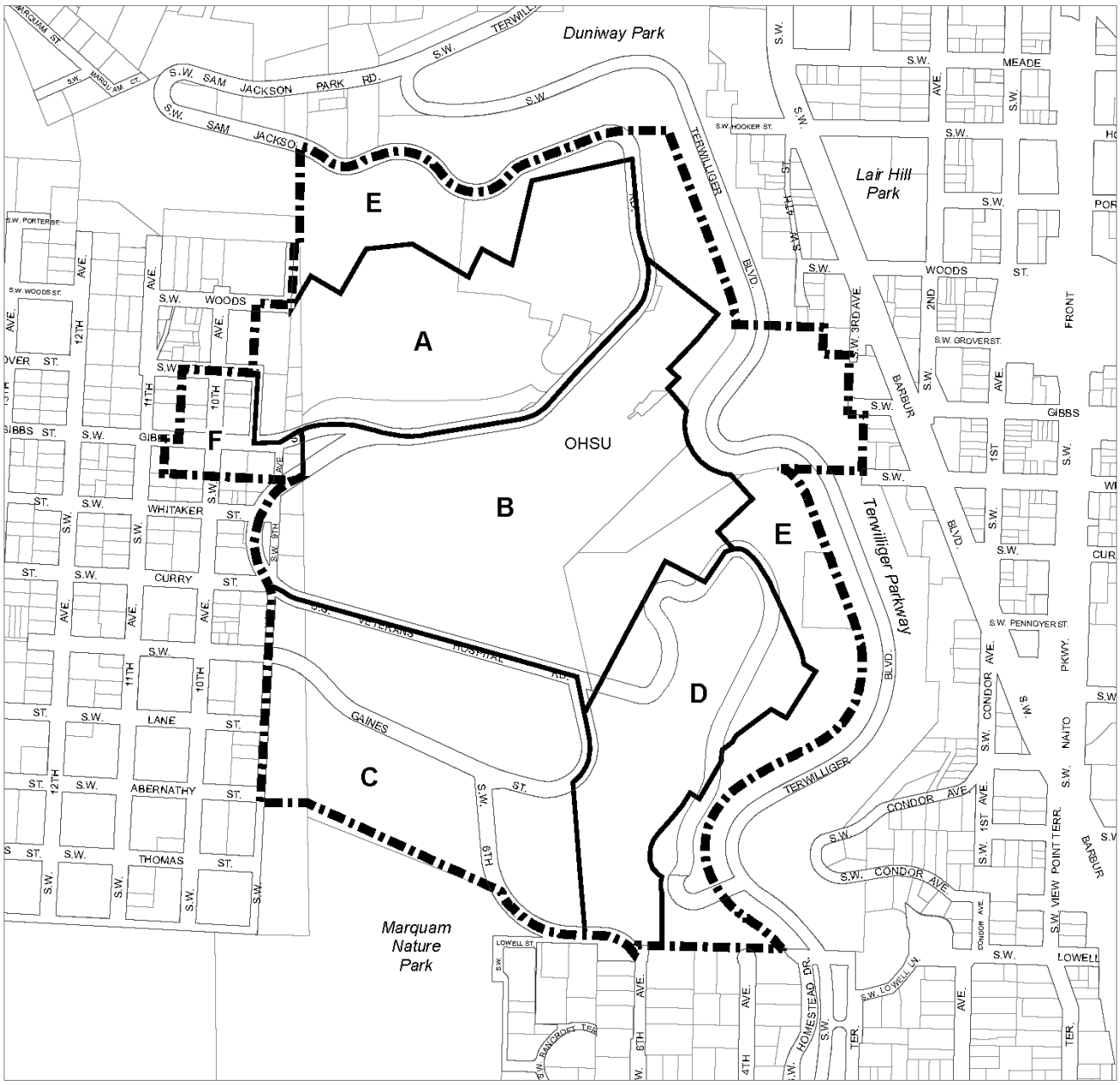
B. Required Design Review. The regulations of Chapter 33.420, Design Overlay Zones apply in all areas of the plan district that are within the Design Overlay Zone.

(Added by: Ord. No. 176742, effective 7/31/02. Amended by: Ord. No. 177422, effective 6/7/03; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189784, effective 3/1/20.)

Marquam Hill Plan District and Subdistricts

Map 555-1

Map Revised May 24, 2018



Plan District Boundary

Subdistrict Boundary

NORTH

0 450 900

Scale in Feet

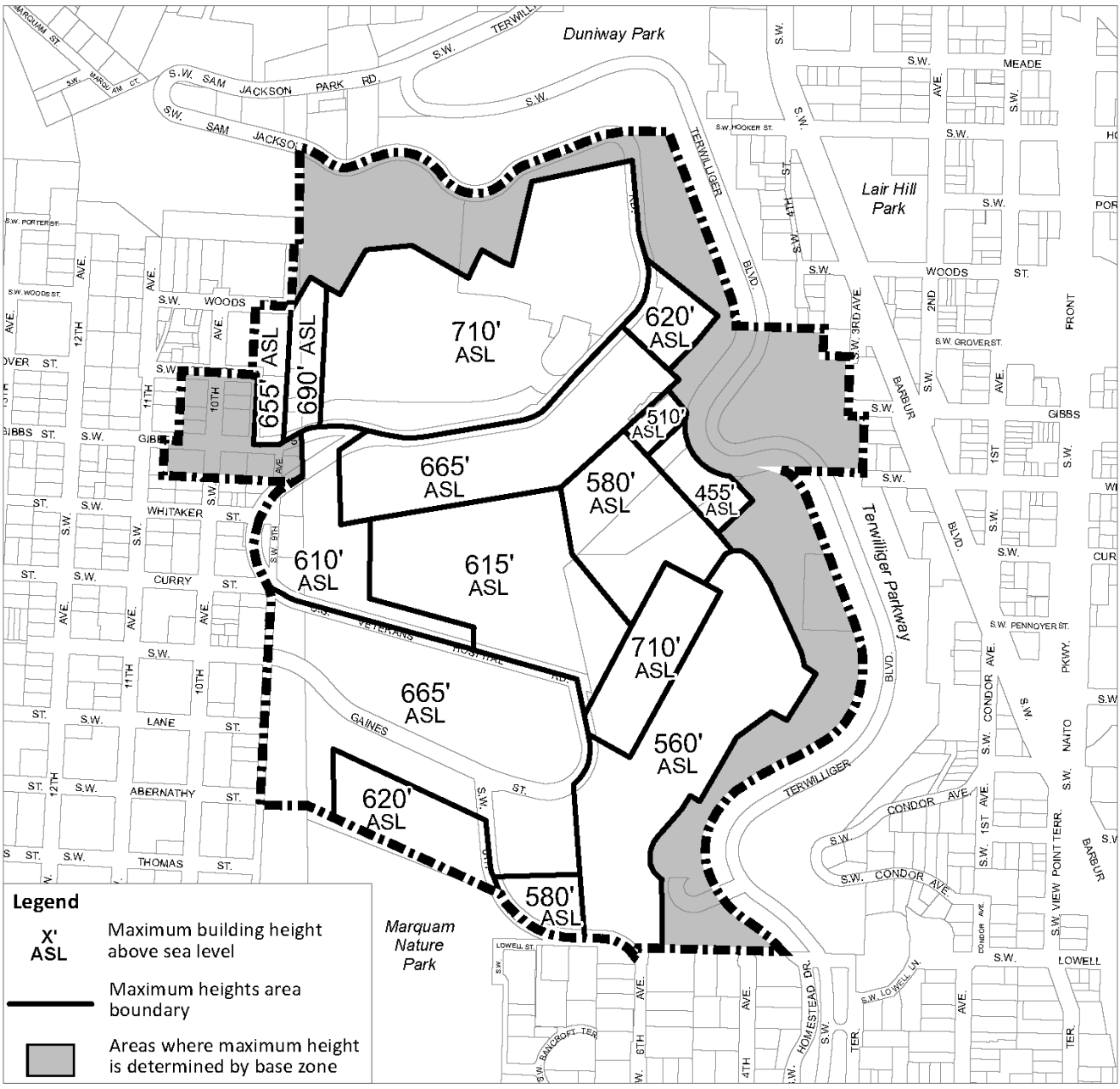
Bureau of Planning and Sustainability
Portland, Oregon

Marquam Hill Plan District
Maximum Heights

Measured Above Sea Level - ASL

Map 555-2

Map Revised May 24, 2018



Plan District Boundary

NORTH

0 450 900

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.560 North Cully Plan District

560

Sections:

33.560.010 Purpose
33.560.020 Where the Regulations Apply
33.560.030 Procedures
33.560.040 Submittal Requirements
33.560.050 Approval Criteria
33.560.060 Amendments to an Approved Development Plan
Map 560-1 North Cully Plan District

33.560.010 Purpose

The regulations of the North Cully Plan District are intended to ensure compatible redevelopment of certain large parcels as set forth in the Cully Neighborhood Plan. These parcels are developed with gravel pits, a number of smaller, older single family dwellings and trailer parks with redevelopment probable in the next two decades. Properties should be developed in a cohesive pattern in order to encourage compatible development with the neighborhood to the south. North Cully Development review is a master plan review which will ensure compatibility and cohesive design.

33.560.020 Where the Regulations Apply

The regulations for North Cully Development review apply to development within the North Cully Plan District. The boundaries are shown on Map 560-1 at the end of this chapter and on the official zoning map. New construction, building additions and land divisions within the Plan District are regulated by this chapter. Sites under 5 acres and improvements with a value less than $234,600 and modifications to existing single family dwellings and trailer park facilities are exempt from review.

33.560.030 Procedures

Requests for a North Cully Development review are processed through a Type III procedure.

33.560.040 Submittal Requirements

All North Cully Development review applications must comply with 33.730.060, Application Requirements, and the following:

A. **General statement.** Applications must include a narrative which describes the development plans for the duration of the development plan and an explanation of how the proposed plan meets the Cully Neighborhood Plan.

B. **Boundaries of the use.** All application submittals must show the current boundaries and possible future boundaries of the development for the duration of the development plan. The boundaries must show all the adjacent properties owned or under the control of the applicant.

C. **Uses and functions.** All applications must include a description of present and proposed uses.

D. **Site plan.** All applications must include a site plan, showing the existing and proposed temporary and permanent buildings and other structures, the pedestrian and vehicular circulation system, parking areas, open spaces, and other improvements required by the zoning regulations. All development plans must show the paved areas, landscaping, physical constraints including soil or geologic instability or anomalies. Conceptual plans for possible future uses will be included when possible, but will require an amendment to the approved plan if the location of facilities is changed or not included in the approval decision.

E. **Urban services.** All application submittals must show the location and size of urban services. Urban services include but are not limited to: water, stormwater, sewers, streets, fire hydrants and private utilities. Applicants should work with the affected service agency to resolve service concerns prior to application. Utilities should be underground wherever possible.

F. **Land divisions.** All application submittals must show how land divisions will not fragment the site or cause piecemeal development. A separate land division application will be required. Land divisions will not be approved prior to the North Cully Development review. A concurrent land division application is encouraged.

G. **Other reviews.** If other reviews are required, the North Cully Development review master plan must include information on any other discretionary reviews. If requested as part of the plan approval, all applicable criteria must be met.

H. **Area south of NE Killingsworth.** Excavation or mining and filling of sites located south of NE Killingsworth will terminate by December 2002. If excavation or filling activities are proposed to continue past this date, the site will be subject to North Cully Development review.

33.560.050 Approval Criteria

All North Cully Development review applications must meet the following approval criteria.

A. The applicable goals and objectives of the adopted neighborhood plan will be met.

B. The boundaries of the North Cully Development review application coincide with one of the subareas as shown in the adopted Cully Neighborhood Plan or adequate rationale is provided for any deviation.

C. The uses proposed are allowed in the base zone and overlay zones.

D. Public services for water supply, streets, police and fire protection are capable of serving the proposed development and sanitary waste disposal, stormwater disposal systems, streets and traffic circulation meet the requirements of Title 17.

E. The development plan shows a completely developed site which is compatible with the surrounding area. In a phased development, the code requirements will be met at each phase in development.

F. Any land division proposed as part of the application must facilitate the goals and objectives of the adopted Cully Neighborhood Plan and must not cause piecemeal or fragmented development.

G. The proposal must not adversely impact the livability of nearby residential zoned land due to noise, glare from lights, late-night operations, odors and litter.

H. In addition to the approval criteria listed above, development south of NE Killingsworth will meet the following approval criteria:

1. Vehicular access will be prohibited from NE Alberta through the area. A buffer will be established along the southern portion of the area if commercial or industrial uses are proposed along the southern edge. Pedestrian access from NE Alberta will be provided.
2. Development of the eastern portion of the area will support park acquisition and expansion of Sacajawea Park with service and recreational facilities.
3. Development will include a mixture of uses.

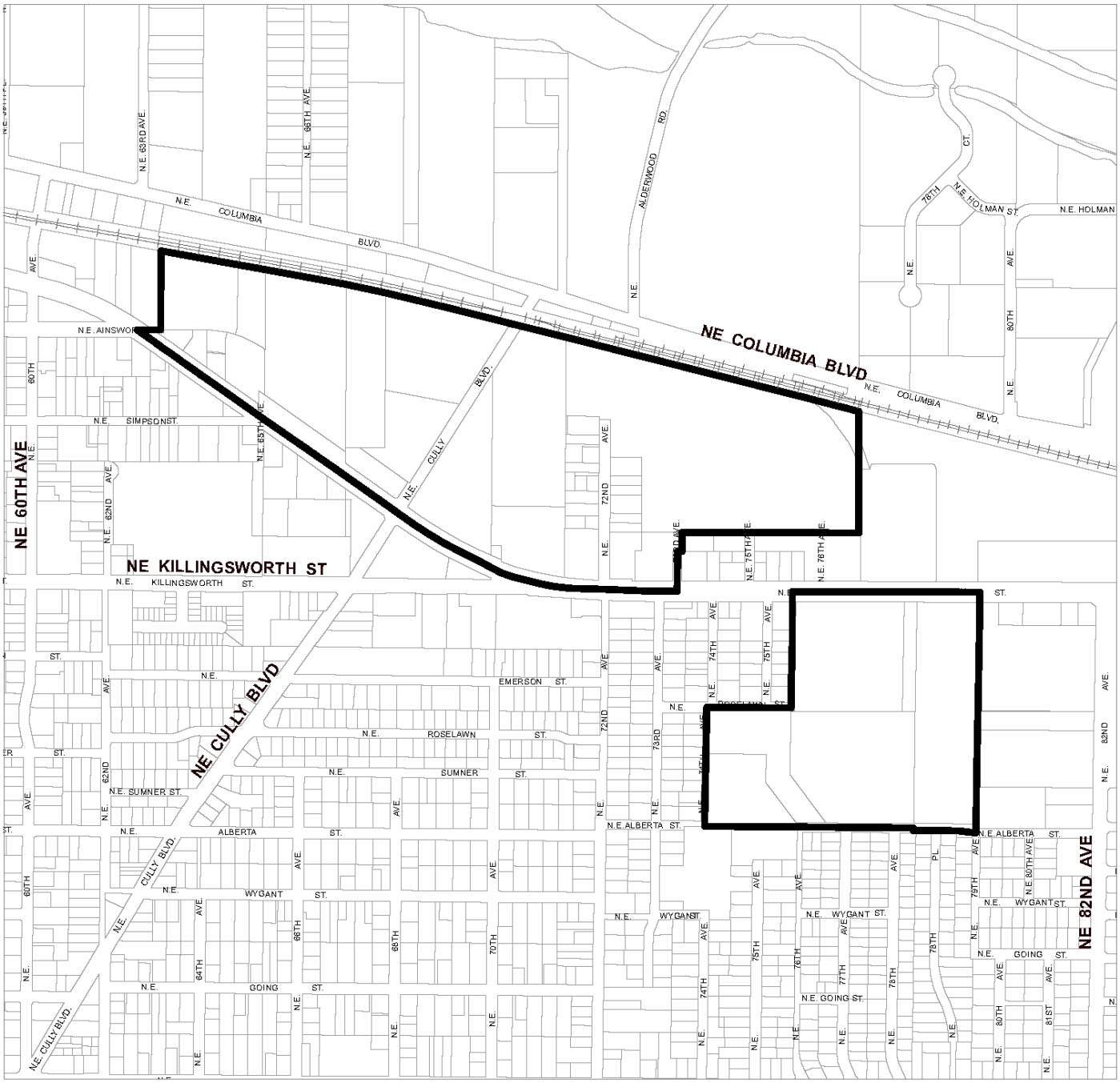
33.560.060 Amendments to an Approved Development Plan
Amendments to an approved North Cully Development plan are processed as a Type II procedure superseding section 33.730.140, Requests for Change to Conditions of Approval.

(Added by Ord. No. 165190, effective 4/10/92. Amended by: Ord. No. 167650, effective 6/10/94; Ord. No. 181357, effective 11/9/07; Ord. No. 188177, effective 5/24/18.)

North Cully Plan District

Map 560-1

Map Revised March 1, 2015



Plan District Boundary

NORTH

0 600 1,200

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.561 North Interstate Plan District

561

Sections:

General
33.561.010 Purpose
33.561.020 Where These Regulations Apply
Development Standards
33.561.210 Maximum Building Height
33.561.220 Floor Area Ratios
33.561.230 Transition Between Zones
33.561.250 Exterior Display and Storage
33.561.260 Off-Site Impacts of Industrial Uses in the CM3 Zone
33.561.270 Required Building Lines
33.561.280 Active Building Use Areas
33.561.300 Motor Vehicle Access
33.561.310 Compatibility Standards in the R2.5 and R2 Zones
33.561.320 Required Design Review
Map 561-1 North Interstate Plan District
Map 561-2 North Interstate Plan District: Maximum Building Heights
Map 561-3 North Interstate Plan District: Floor Area Ratios
Map 561-4 North Interstate Plan District: Required Building Lines/Active Building Use Areas

33.561.010 Purpose

The North Interstate plan district provides for an urban level of mixed-use development to support the MAX line and the surrounding neighborhoods by encouraging development that increases neighborhood economic vitality, amenities, and services and successfully accommodates additional density. These standards:

- Implement urban design concepts of the North Interstate Corridor Plan;
- Help ease transitions between new high-density development and the existing, low-density neighborhoods; and
- Enhance the pedestrian experience.

33.561.020 Where These Regulations Apply

The regulations of this chapter apply in the North Interstate plan district. The boundaries of the plan district are shown on Map 561-1 at the end of this chapter, and on the Official Zoning Maps.

Development Standards

33.561.210 Maximum Building Height

A. Purpose. The maximum building height standards:

- Allow taller buildings to provide visual prominence and intense activity near station platforms and at identified focal points;

- Allow taller buildings along Interstate 5 to achieve a defined edge within the larger neighborhood context and allow buildings to take greater advantage of views to the east over the freeway; and
- Increase opportunities for creative design, encourage quality construction, and foster provision of neighborhood amenities such as underground parking and ground level open space by allowing additional height in special areas with additional design requirements.

B. Maximum building heights.

1. Generally. The maximum building heights are shown on Map 561-2, except as specified in Section 33.561.230. Adjustments to maximum heights are prohibited, but modifications through Design Review may be requested.

2. In the height opportunity areas shown on Map 561-2, buildings may be up to 125 feet high if:

   a. The applicant meets with the Design Commission to discuss the proposal before applying for Design Review. As specified in 33.730.050.F, the applicant must submit a design advice request to schedule this meeting; and

   b. The applicant requests discretionary Design review, rather than using the Community Design Standards.

33.561.220 Floor Area Ratios

A. Purpose. The floor area ratio standards work with the maximum building height standards to:

- Increase intensity near the light rail stations at the most intensive station areas: Lombard, Killingsworth, and Prescott; and
- Allow design flexibility for taller buildings that create opportunities for increased open space on the site and visually prominent architecture.

B. Where these regulations apply. These regulations apply to new development and additions of floor area to the site.

C. Regulation. Maximum floor area ratios are shown on Map 561-3.

D. FAR bonus. The following FAR bonus options apply to sites shown on Map 561-3 as having a maximum FAR of 4 to 1. The regulations of this Subsection do not apply where Map 521-3 indicates that maximum FAR for the site is the base zone maximum; on those sites, the base zone bonus regulations apply. Adjustments to this Subsection, or to the amount of maximum floor area allowed through the bonuses in this Subsection, are prohibited:

1. Maximum increase in FAR. An increase in FAR through the use of bonuses of more than 1 to 1 is prohibited.

2. FAR bonus options:

   a. Mandatory inclusionary housing bonus option. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that

triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.

b. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:

(1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

(2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

33.561.230 Transition Between Zones

A. Purpose. These regulations ensure that there is a transition in height when high intensity zones abut or are across the street from low and medium density residential zones.

B. Where these regulations apply. The regulations of this section apply to sites in RM3, RM4, CX, and CI2 zones that abut or are across a street from an RF through RM2 zone.

C. Maximum building height.

1. Sites abutting RF-RM2 zones. On sites abutting RF-RM2 zones, on the portion of the site within 25 feet of a site zoned RF-RM2, the maximum building height is the same as the abutting residential zone. See Figure 561-1.

2. Sites across a street from RF-RM2 zones. On sites across a street from RF-RM2 zones, on the portion of the site within 15 feet of the lot line across the street from a site zoned RF-RM2, the maximum building height is the same as the residential zone across the street. See Figure 561-2.

Figure 561-1
Height limits on sites abutting RF – RM2 zones

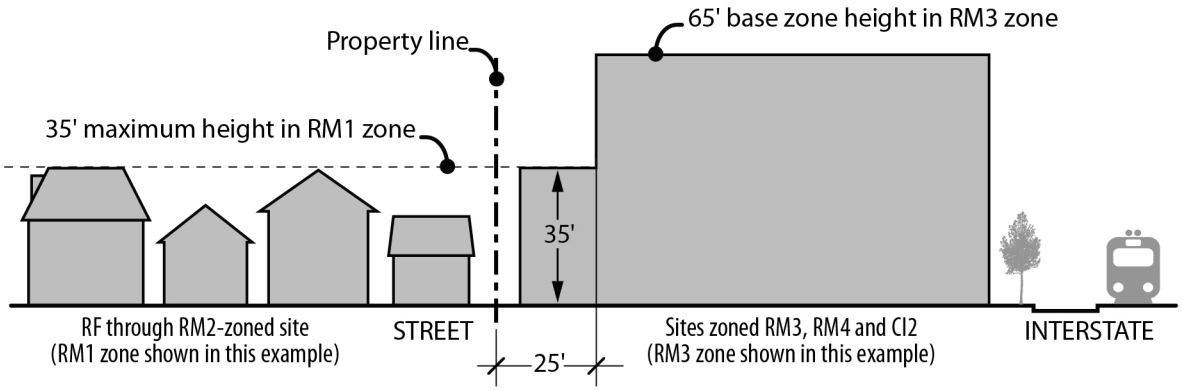
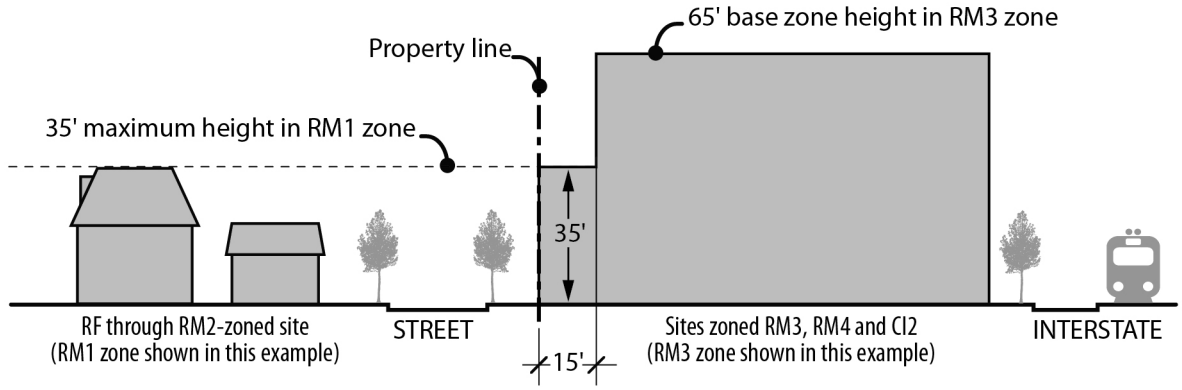


Figure 561-2
Height limits on sites across a street from RF – RM2 zones



33.561.250 Exterior Display and Storage

In the RM3, RM4, and CM3 zones, exterior display and storage are prohibited except for outdoor seating for restaurants and pedestrian-oriented accessory uses, including flower, food, or drink stands. Temporary open-air markets and carnivals are also allowed.

33.561.260 Off-Site Impacts of Industrial Uses in the CM3 Zone

A. **Purpose.** Because there are residential and commercial uses in, and adjacent to, areas zoned CM3, and there may be additional residential and commercial uses in the future, the off-site impacts of industrial uses must be limited. These limitations protect the economic viability and residential livability of the area.

B. **Industrial uses in the CM3 zone.** Industrial uses must meet the standards of Chapter 33.262, Off-Site Impacts. These standards must be met at the property line of the site.

33.561.270 Required Building Lines

A. **Purpose.** The Required Building line standard works together with the Active Building Use Areas, Ground Floor Windows, and Motor Vehicle Access standards to ensure a vibrant and

attractive pedestrian environment at the station platforms and along key east-west streets (Killingsworth and Lombard). They ensure that buildings are built near the sidewalk and the area between the building and the sidewalk includes pedestrian amenities.

B. **Where these regulations apply.** These regulations apply to new development on sites with frontage on the streets shown on Map 561-4. Alterations or exterior improvements to existing development are exempt from these regulations.

C. **Building line standards.** Exterior walls of buildings designed to meet these requirements must be at least 25 feet high.

1. The building must extend to the street lot line along at least 75 percent of the lot line; or
2. The building must extend to within 10 feet of the street lot line for 75 percent of the lot line and the space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as seating areas, sidewalk cafes or vendor's stands.

33.561.280 Active Building Use Areas

A. **Purpose.** The Active Building Uses standard works together with the Required Building Line, Ground Floor Windows, and Motor Vehicle Access standards to ensure a vibrant and attractive pedestrian environment at the station platforms and along key east-west streets (Killingsworth and Lombard). These regulations ensure the continuity of active ground uses which reinforce the relationship of uses within a building and the sidewalk. Active uses include but are not limited to lobbies, retail, residential, commercial, and office.

B. **Where these regulations apply.** These regulations apply to new development on sites with frontage on the streets shown on Map 561-4. Alterations or exterior improvements to existing development are exempt from these regulations.

C. **Active building use area required.** Buildings must be designed and constructed to accommodate active uses, such as lobbies, residential, retail, commercial, or office. This standard must be met along at least 50 percent of the ground floor of walls fronting the streets shown on Map 561-4.

Areas designed to accommodate active building uses must meet the following standards:

1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
2. The area must be at least 25 feet deep, measured from the street-facing façade;
3. The area may be designed to accommodate a single tenant or multiple tenants;
4. The street-facing façade must include windows and doors; and
5. Parking is not allowed in the active building use areas.

33.561.300 Motor Vehicle Access

A. Purpose. To encourage a transit-supportive, pedestrian-oriented environment with a continuous frontage of buildings and active uses along Interstate Avenue, motor vehicle access should be limited when possible.

B. Parking access restricted. Motor vehicle access to a vehicle area or structure is not allowed from Interstate Avenue unless the site has no other street frontage.

33.561.310 Compatibility Standards in the R2.5 and RM1 Zones

A. Purpose. These standards ensure that development of sites with the potential for medium density development:

- improves the transition between high density mixed-use development along Interstate and single-dwelling zone areas;
- contributes positively to established neighborhoods; and
- creates a strong physical and visual connection between the living area and the street.

B. Where these standards apply. The standards of this section apply to duplexes, attached houses, and multi-dwelling structures in the R2.5 and RM1 zones.

C. Standards.

1. Building setback. Primary buildings must not be set back from the front lot line more than 20 feet.

2. Main entrances.

   a. Covered area at main entrance. There must be a covered area at all main entrances that face the street. If the main entrance is to a single dwelling, the covered area must be at least 6 feet wide and 4 feet deep. If the main entrance is to more than one dwelling unit, the covered area must be at least 9 feet wide and 7 feet deep.

   b. Covered balcony. As an alternative to C.2.a, attached houses have the option of providing a covered balcony on the same façade as the main entrance. The covered area provided by the balcony must be at least 48 square feet, a minimum of 8 feet wide and no more than 15 feet above grade. The covered balcony must be accessible from the interior living space of the house.

3. Parking areas in the front setback. Parking areas are not allowed in the front setback.

4. Exterior finish materials. The standards of this subsection must be met on all building facades:

   a. Plain concrete block, plain concrete, corrugated metal, plywood, composite materials manufactured from wood or other products, and sheet pressboard may not be used as exterior finish material, except as secondary finishes if they cover no more than 10 percent of each facade.

b. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than 6 inches wide.

c. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.

d. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of 6 inches or less, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.

33.561.320 Required Design Review

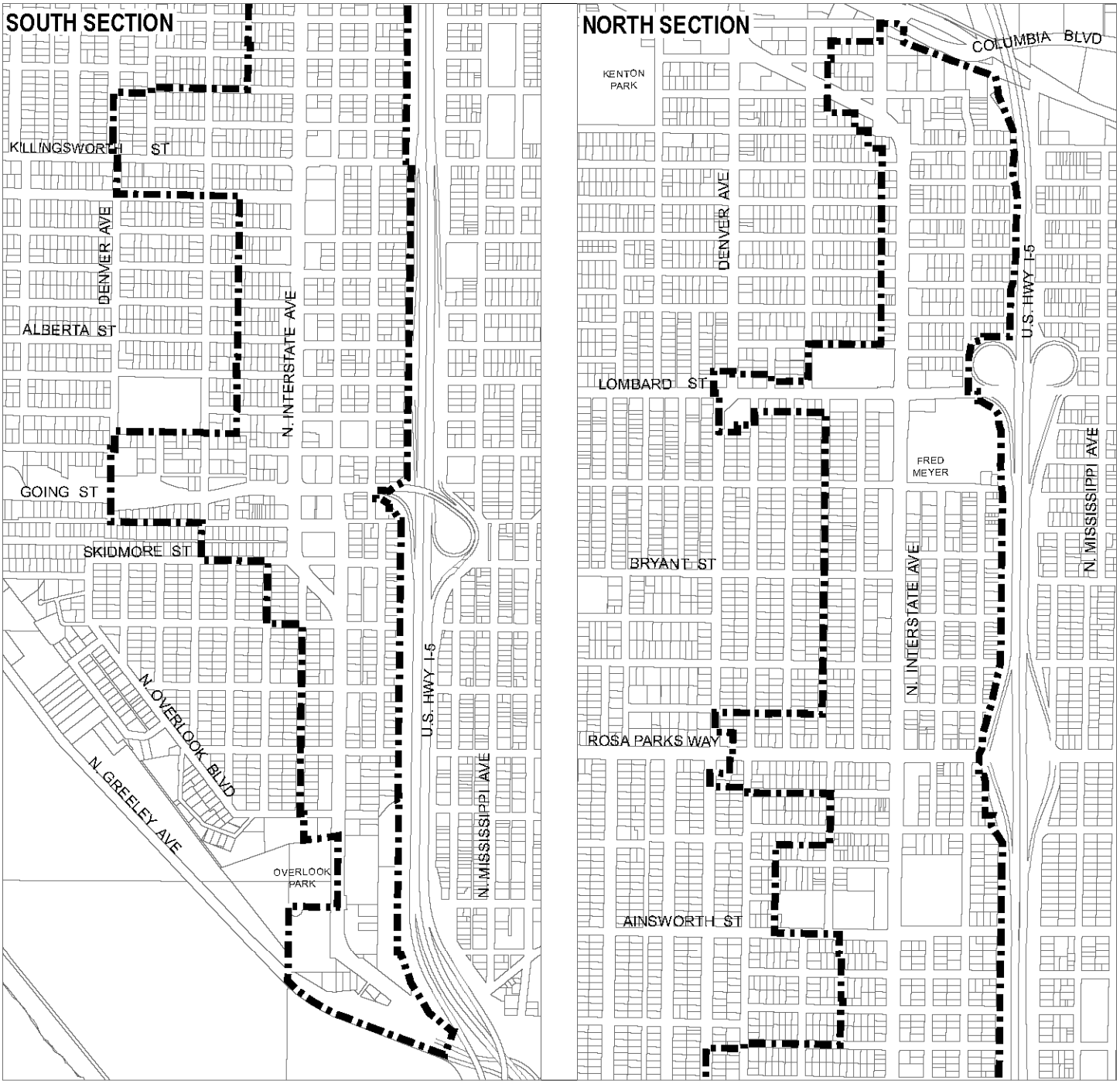
The regulations of Chapter 33.420, Design Overlay Zones apply in all areas of the plan district that are within the Design Overlay Zone.

(Added by: Ord. No. 182072, effective 8/22/08; Amended by: Ord. No. 186639, effective 7/11/14; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20.)

North Interstate Plan District

Map 561-1

Map Revised June 18, 2020



Plan District Boundary

NORTH

0 1,000 2,000

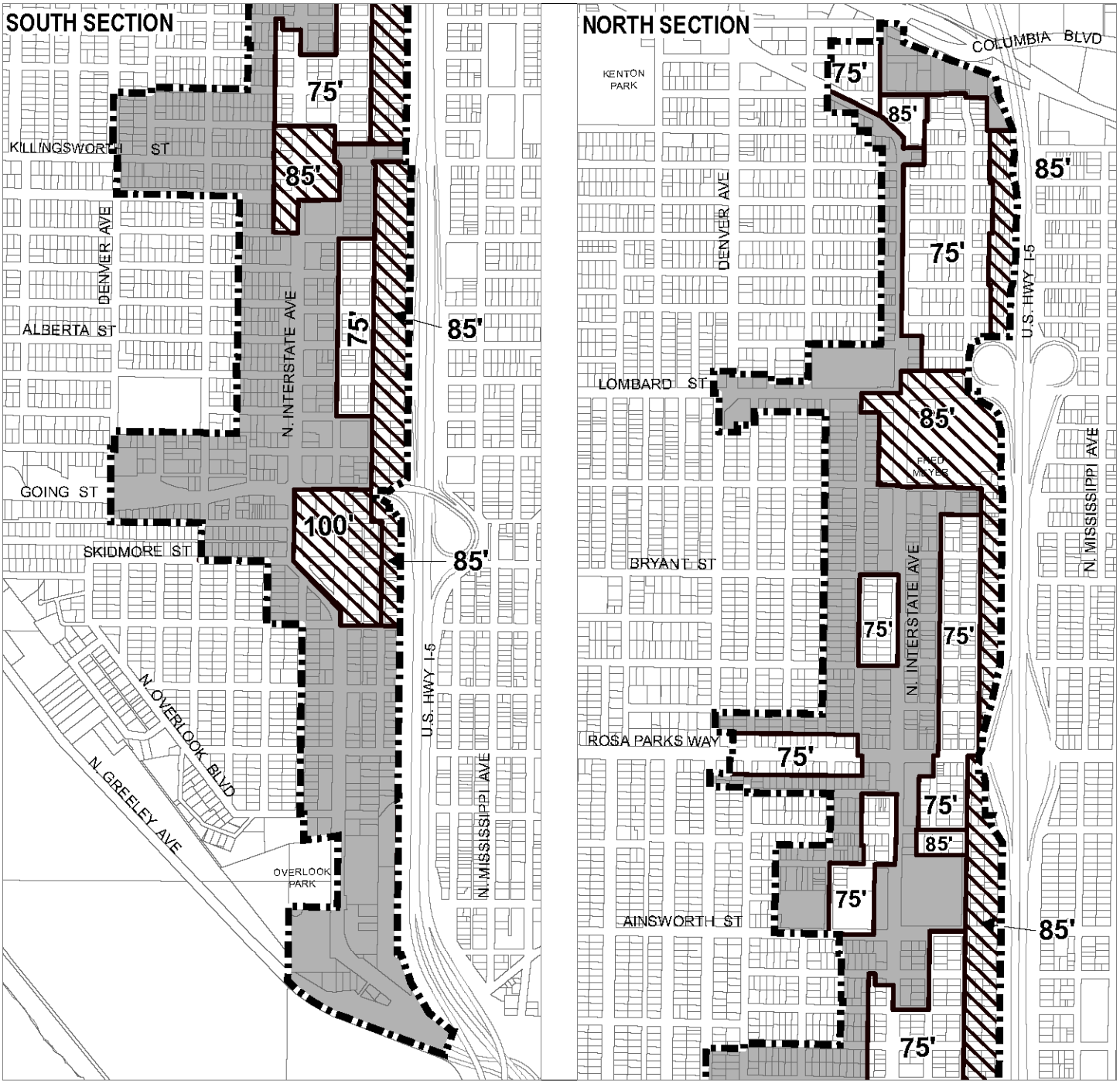
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

North Interstate Plan District
Maximum Building Height

Map 561-2

Map Revised June 18, 2020



Plan District Boundary

X' Maximum building height boundary

Area where maximum height is determined by base zone

Height opportunity area

NORTH

0 1,000 2,000

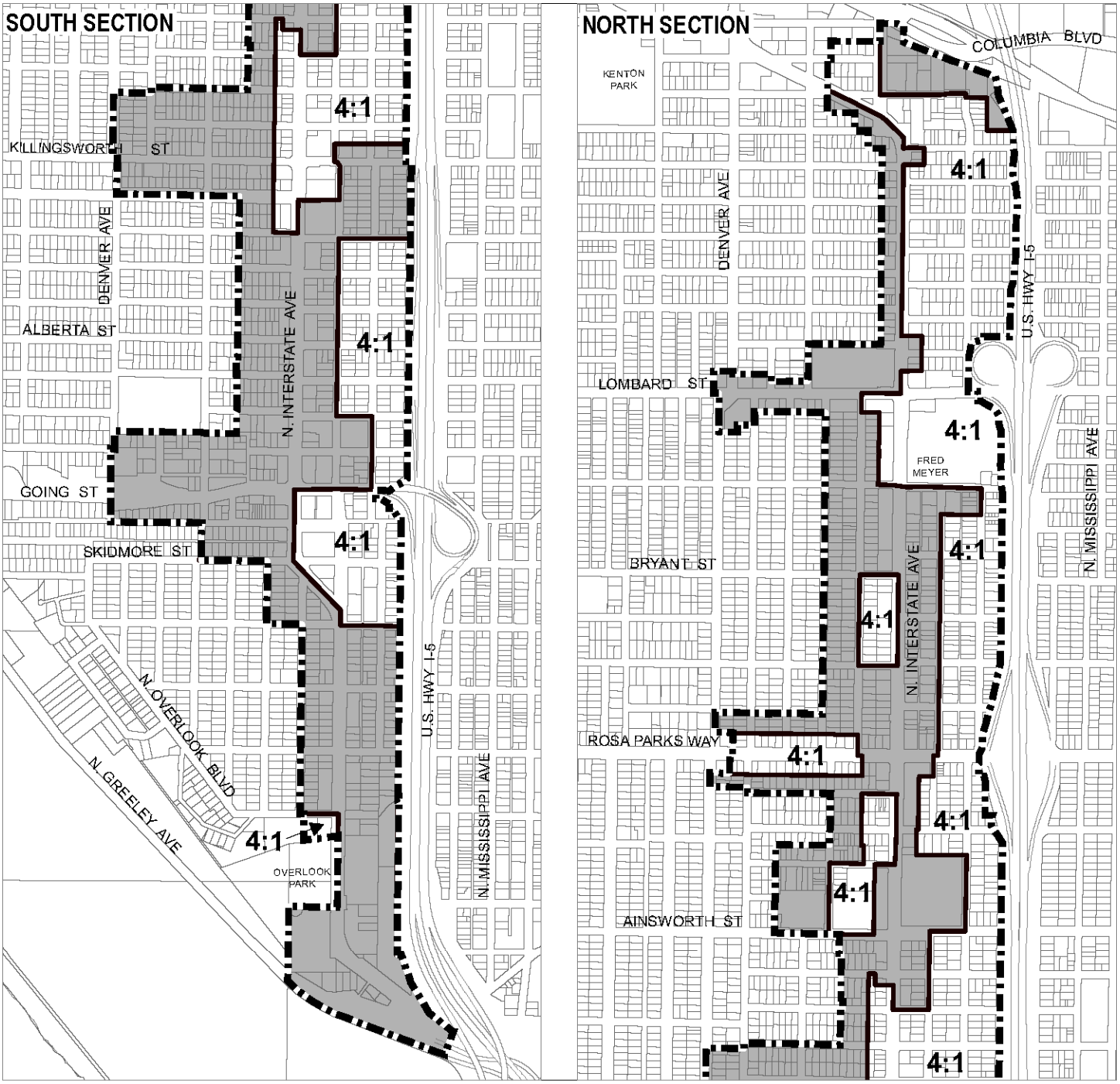
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

North Interstate Plan District
Floor Area Ratio

Map 561-3

Map Revised June 18, 2020



Plan District Boundary

FAR area boundary

Area where FAR determined by base zone

X:Y Maximum FAR

X = Gross square foot of building

Y = Square foot of site

NORTH

0 1,000 2,000

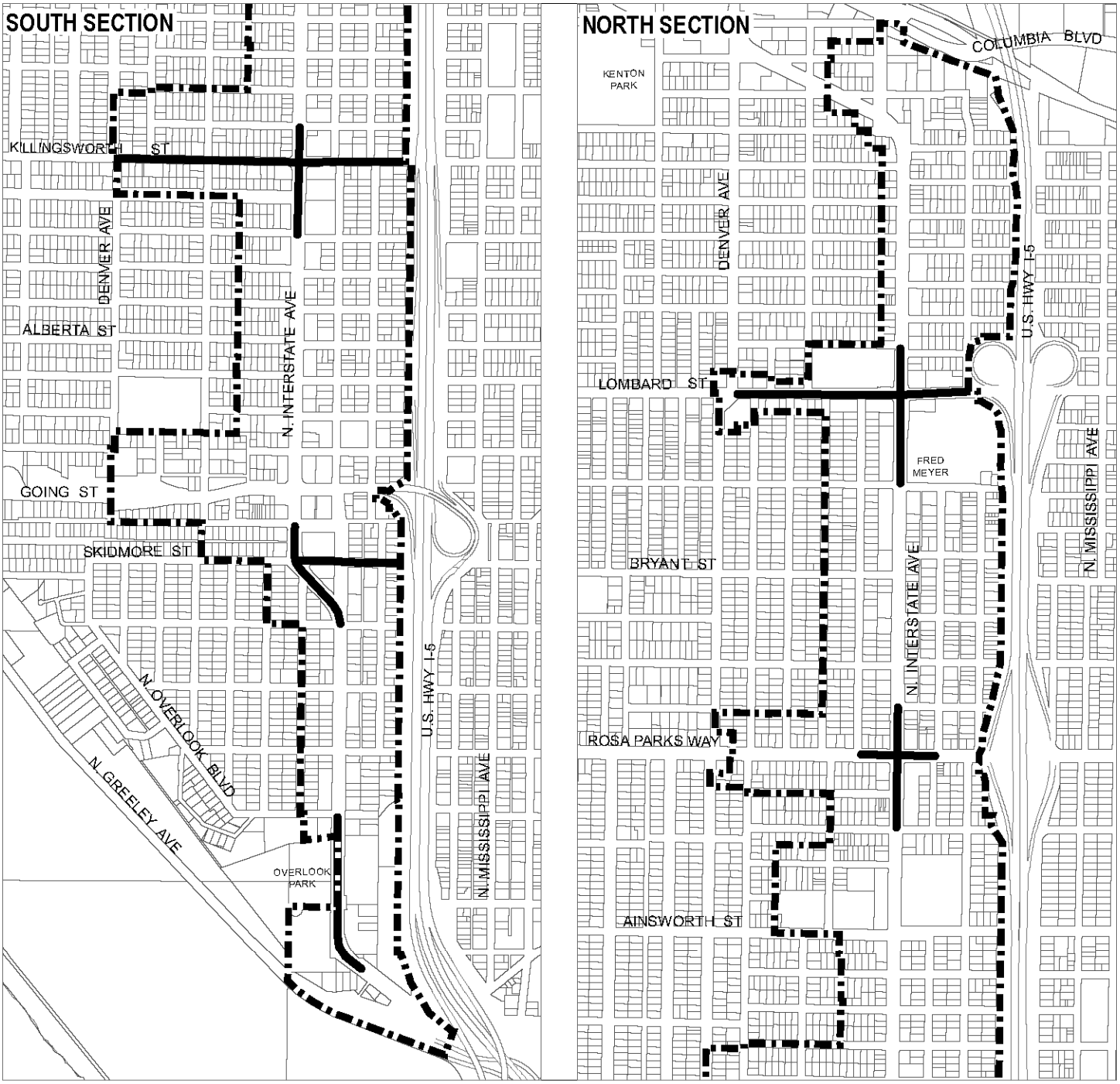
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

North Interstate Plan District
Required Building Lines Active Building Use Areas

Map 561-4

Map Revised June 18, 2020



Plan District Boundary

Required building lines/active building use areas

NORTH

0 1,000 2,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.562 Northwest Plan District

562

Sections:

General
33.562.010 Purpose
33.562.020 Where These Regulations Apply
Use Regulations
33.562.100 Residential Use Limitation
33.562.110 Retail Sales And Service Uses in the EG and CM3 Zones
33.562.130 Commercial Parking in Multi-Dwelling Zones
Development Standards
33.562.200 Purpose
33.562.210 Maximum Height
33.562.220 Floor Area Ratios
33.562.230 Bonus Options
33.562.240 Standards on Main Streets and the Streetcar Alignment
33.562.250 Drive-Through Facilities Prohibited
33.562.260 Mechanical Equipment in the CM3 Zone
33.562.270 Minimum Active Floor Area
33.562.280 Parking
33.562.290 Use of Accessory Parking for Commercial Parking
33.562.300 Northwest Master Plan
33.562.310 Required Design Review
Map 562-1 Northwest Plan District
Map 562-2 Limited Use Areas
Map 562-3 Commercial Parking in Multi-Dwelling Zones
Map 562-4 Maximum Heights
Map 562-5 Floor Area Ratios
Map 562-6 Bonus Areas
Map 562-7 Areas with Special Development Standards
Map 562-8 Sites where Accessory Parking May be Operated as Commercial Parking
Map 562-9 Northwest Master Plan Required

General

33.562.010 Purpose

The Northwest plan district implements the Northwest District Plan, providing for an urban level of mixed-use development including commercial, office, housing, and employment. Objectives of the plan district include strengthening the area's role as a commercial and residential center. The regulations of this chapter:

- Promote housing and mixed-use development;
- Address the area's parking scarcity while discouraging auto-oriented developments;
- Enhance the pedestrian experience;

- Encourage a mixed-use environment, with transit supportive levels of development and a concentration of commercial uses, along main streets and the streetcar alignment; and
- Minimize conflicts between the mixed-uses of the plan district and the industrial uses of the adjacent Guild's Lake Industrial Sanctuary.

33.562.020 Where These Regulations Apply

The regulations of this chapter apply in the Northwest plan district. The boundaries of the plan district are shown on Map 562-1 at the end of this chapter, and on the Official Zoning Maps.

Use Regulations

33.562.100 Residential Use Limitation

A. Purpose. Residential uses are limited in an area adjacent to the Guild's Lake Industrial Sanctuary plan district in order to minimize conflicts with industrial activities. This limitation minimizes the potential for residential traffic and differing environmental expectations that can result in conflicts with industrial operations, while providing opportunities for those who may desire residence in a primarily nonresidential building in a historically industrial area.

B. Limitation. On sites zoned CM3 in the area shown on Map 562-2, up to 20 percent of the net building area may be in Residential uses. More than 20 percent is prohibited.

33.562.110 Retail Sales And Service Uses in the EG and CM3 Zones

A. Purpose. These regulations limit the size of Retail Sales And Service uses to promote neighborhood-serving commercial development, help reduce traffic congestion associated with large-scale retailers, and to concentrate such uses along main streets and the streetcar alignment.

B. Where these regulations apply. These regulations apply in the EG and CM3 zones.

C. Limitations.

1. Except as specified in Paragraphs C.2 and C.3, Retail Sales And Service uses are allowed up to 20,000 square feet of net building area for each use.

2. On sites shown on Map 562-2, Retail Sales And Service uses are allowed up to 3,000 square feet of net building area for each use.

3. On sites where only a portion of the site is shown on Map 562-2, Retail Sales And Service uses are allowed up to 3,000 square feet of net building area for each use on the portion shown on Map 562-2, and up to 20,000 square feet of net building area for each use on the remainder of the site.

4. Where the regulations of this section conflict with the regulations of Section 33.562.220, Floor Area Ratios, the most restrictive applies.

33.562.130 Commercial Parking in Multi-Dwelling Zones

A. Purpose. These regulations allow a limited amount of Commercial Parking in Multi-Dwelling zones to address the scarcity of off-street parking in an area where busy commercial main streets are adjacent to high-density residential areas.

B. Where these regulations apply. The regulations of this Section apply to type A, B and C parking sites shown on Map 562-3.

1. Type A and B sites. Applicants for Commercial Parking on a Type A or Type B parking site may choose to meet the standards of Subsection E, or apply for a Conditional Use, as specified in Subsection F.

2. Type C sites. Applicants for Commercial Parking on a Type C site must apply for a Conditional Use as specified in Subsection F.

C. Maximum number of commercial parking spaces allowed under the provisions of this Section.

1. Accessory parking.

   a. Except as specified in C.1.b, the maximums of this subsection include any accessory parking on the site.

   b. Exception. If the Commercial Parking is approved through a Conditional Use, and the approval includes a parking management plan that specifies how all the parking on the site will be managed to comply with the requirements of this Chapter, then accessory parking on the site does not count towards these maximums.

2. The maximum number of parking spaces that may be allowed on Type A, B, and C parking sites combined is 650. Of that 650, no more than 450 spaces may be approved through a conditional use review.

3. Adjustments to this subsection are prohibited.

D. Setbacks. The minimum setbacks from side and rear lot lines of abutting lots for structures containing Commercial Parking are stated in Table 562-1. These minimums may not be increased as part of a land use review except as specified in Subsection F, but may be reduced through an adjustment or modification. The site numbers refer to numbers on Map 562-3.

Table 562-1
Parking Structure Setbacks From Lot Lines Abutting an R Zone

Site No.	Setback from the side lot line of an R-zoned lot	Setback from the rear lot line of an R-zoned lot
2, 3	Regulations of the RM3 and RM4 zones apply	
4	Regulations of the CM2 Zone apply; See Table 130-4	
5, 6, 1	None	None

E. Allowed use. Commercial Parking on Type A and B sites that meets the following standards is allowed. The entire site must meet the following standards including any portion of the site that is in a C zone. Adjustments to this subsection are prohibited.

1. All of the parking must be structured parking except as allowed by Sub-section G;

2. Maximum number of parking spaces allowed per site.

   a. Type A parking sites. A maximum of 75 parking spaces, including accessory parking, are allowed on each Type A parking site; and

   b. Type B parking sites. A maximum of 110 parking spaces, including accessory parking, are allowed on each Type B parking site;

3. Maximum height. On the portion of a site within an R zone, the maximum height allowed is 30 feet. On the portion of a site within a C zone, the maximum height allowed is 45 feet;

4. Minimum density requirements do not apply.

F. Conditional Use. Commercial Parking may be requested as a Conditional Use if all of the following standards are met. The entire site must meet the standards including any portion of the site that is in a C zone. Adjustments to paragraphs F.1 through F.4 are prohibited.

1. The site must be a type A, B, or C parking site;

2. All of the parking must be structured parking except as allowed in Subsection G;

3. Maximum height.

   a. Generally. On the portion of a site within an R zone, the maximum height allowed is 30 feet. On the portion of a site within a C zone, the maximum height is 45 feet;

   b. Exception. If at least 50 percent of the floor area of the structure containing the Commercial Parking is in residential use, then the maximum height allowed on the portion of the site in the RM3 and RM4 zones is 75 feet;

4. Minimum density requirements do not apply; and

5. Setbacks. The minimum setbacks from side and rear lot lines of abutting lots for structures containing Commercial Parking are stated in Table 562-1. These minimums may be changed as part of the land use review process.

G. Surface parking. All Commercial Parking must be in a structure except on sites 3 and 5 as shown on Map 562-3. Existing surface parking lots used for accessory parking may be converted to Commercial Parking. The conversion is allowed without a land use review. Landscaping must be in compliance with current regulations for perimeter landscaping. No new Commercial Parking spaces may be added to the surface lots. Additional Commercial Parking spaces may be added to these sites if the requirements of 562.130 are met.

H. Split zoned sites. When the zoning of a Type A, B, or C parking site is split between a Multi-Dwelling zone and the CS zone, the development standards of the CS zone apply to the whole site, except as specified in this chapter.

Development Standards

33.562.200 Purpose

These development standards foster a transit-supportive, mixed-use urban character with a high quality pedestrian environment, and an emphasis on good building design.

33.562.210 Maximum Height

The maximum building heights allowed are shown on Map 562-4. Heights greater than those shown on Map 562-4 are allowed under section 33.562.230, Bonus Options.

33.562.220 Floor Area Ratios

A. Purpose. The regulations of this section encourage a transit-supportive level of development along main streets and the streetcar alignment, prevent buildings that are out of scale with the surrounding neighborhood, encourage vehicle parking to be within buildings, and allow larger buildings as screening along raised freeways.

B. Minimum floor area ratio.

1. Where this regulation applies. The regulation of this subsection applies:

   a. In the CM2 zone; and

   b. In the CM3 zone, on the portion of a site within 200 feet of a main street or streetcar alignment. Main streets and the streetcar alignment are shown on Map 562-7.

2. Regulation. The minimum required floor area ratio is 1.5 to 1.

C. Maximum floor area ratios.

1. Maximum floor area ratios are shown on Map 562-5. Map 562-5 also shows areas where nonresidential uses are limited to an FAR of 1:1 within the total FAR allowed on a site. Additional floor area is allowed as specified in Section 33.562.230, Bonus Options.

2. Half the floor area used for accessory parking is not counted toward maximum floor area ratios.

33.562.230 Bonus Options

A. Purpose. Bonus options encourage certain uses and types of development that are desired within portions of the Northwest plan district and that implement the Northwest District Plan. The various bonus options encourage residential development, including housing affordable to a range of households; provide incentives for underground parking; and allow taller buildings to screen raised portions of the I-405 freeway.

B. General regulations.

1. More than one bonus allowed. More than one bonus option may be used.

2. Maximum bonus floor area allowed. The maximum bonus floor area increase that may be earned on a site through the bonus options is 3 to 1.

C. Floor area ratio bonus options for small site residential proposals. In bonus areas A, B and C shown on Map 562-6, residential developments on small sites receive floor area bonuses. To qualify for this bonus, the site must be 20,000 square feet or less and at least 50 percent of the gross building area must be in residential uses. Areas shared by residential and nonresidential uses are included in nonresidential floor area.

The amount of the bonus varies with the size of the site as follows:

1. Where the site is 10,000 square feet or less, the floor area ratio is increased by 2;

2. Where the site is larger than 10,000 square feet and up to 20,000 square feet, the floor area ratio is increased by 1.

D. Height and floor area ratio bonuses for affordable housing. The following FAR bonus options apply in bonus areas A, B, and C shown on Map 562-6. The regulations of this Subsection do not apply outside of areas A, B, and C; on those sites, the base zone bonus regulations apply. Adjustments to this Subsection, or to the amount of maximum floor area allowed through the bonuses in this Subsection, are prohibited. Development that takes advantage of one the following bonus options may be up to 120 feet in height:

1. Maximum increase in FAR. An increase in FAR through the use of bonuses of more than 1 to 1 is prohibited.

2. Bonus options:

   a. Mandatory inclusionary housing bonus option. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.

   b. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:

      (1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

      (2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is

required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

E. **Height and floor area bonuses for underground parking.** In bonus area C shown on Map 562-6, development that includes underground parking receives floor area and height bonuses. Where at least 50 percent of the accessory parking for a building is entirely underground, the building may be up to 120 feet in height and receives three additional square feet of floor area for each square foot of parking area where the finished ceiling height is underground.

F. **Northwest Transportation Fund bonus option.** Within the area north of NW Pettygrove Street, on sites zoned CM3, contributors to the Northwest Transportation Fund (NWTF) receive nonresidential floor area bonuses. For each contribution to the NWTF, a bonus of one square foot of additional floor area that may be in nonresidential use is earned, up to a maximum of the total floor area that is allowed on the site. The total floor area allowed on the site is regulated by Section 33.562.220, Floor Area Ratios, and Subsections A through F of this section. The amount of the contribution required for each square foot of additional floor area is in Chapter 17.19, Northwest Transportation Fund.

This bonus allows additional floor area to be in nonresidential uses; it does not increase the total amount of floor area in any use that is allowed on the site, and does not count towards the maximum specified in B.2, above.

The NWTF is to be collected and administered by the Portland Office of Transportation. The funds collected may be used only to make transportation improvements in the area that will be most affected by the bonus, which is generally bounded by NW Pettygrove Street, NW Nicolai Street, I-405, and NW 27th Avenue.

33.562.240 Standards on Main Streets and the Streetcar Alignment

A. **Purpose.** These regulations reinforce the continuity of the pedestrian-oriented environment, limit the visual impact of parking facilities, and foster development with transit-supportive levels of activity along main streets and the streetcar alignment. The standards also help to maintain a healthy urban district with architectural elements and active ground-floor uses that provide visual interest and interrelate with the pedestrian environment.

B. **Where these regulations apply.** These regulations apply to sites with frontage on any of the main streets or the streetcar alignment shown on Map 562-7.

C. **Required windows above the ground floor.** On the portion of a site within 200 feet of a main street or the streetcar alignment, windows must cover at least 15 percent of the area of the street-facing façade above the ground floor wall area. This requirement is in addition to any required ground floor windows. Ground floor wall areas include all exterior wall areas up to 9 feet above grade.

D. **Ground floor active use standard.** In order to accommodate active uses, such as residential, retail, or office, the ground floor of buildings must be designed and constructed as follows. This standard must be met along at least 50 percent of the ground floor of walls that front onto a main street or streetcar alignment.

Areas designed to accommodate active uses must meet the following standards:

1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
2. The area must be at least 25 feet deep, measured from the street-facing façade;
3. At least 25 percent of the area of the street-facing façade of the portion of the building designed to meet the requirements of this subsection must be windows and doors; and
4. Parking is not allowed in the areas designed to meet the standards of this subsection.

E. Location of parking. To encourage a transit-supportive, pedestrian-oriented environment with a continuous frontage of buildings and active uses along main streets and the streetcar alignment, parking is allowed only as follows. Sites of 10,000 square feet or less in area are exempt from this subsection.

1. Surface parking is allowed only when separated from main street and streetcar alignment frontages by buildings that meet the ground floor active use standard of Subsection D, above. See figure 562-1.
2. Structured parking is allowed only if:
   a. The finished ceiling is entirely underground;
   b. The lowest floor of the parking area is 9 feet or more above grade; or
   c. The parking area is at least 25 feet from the street-facing façade on main street and streetcar alignment frontages. See Figure 562-1.

F. Motor vehicle access. Motor vehicle access to a vehicle area or structure is not allowed from a main street or streetcar alignment except in the following situations:

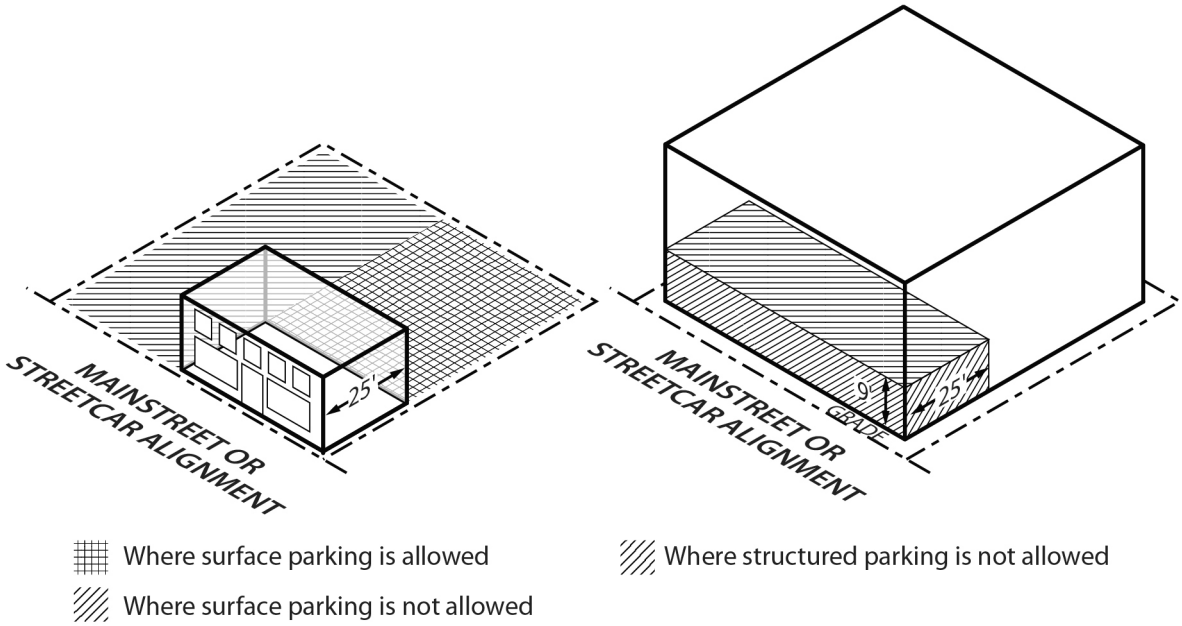
1. When the site has no other street frontage; or
2. For Commercial Parking, access may be approved from a main street or streetcar alignment as part of a Conditional Use approved under Section 33.815.308.

33.562.250 Drive-Through Facilities Prohibited

A. Purpose. Drive-through facilities are prohibited in order to foster transit-supportive, pedestrian-friendly uses, and to help reduce and prevent traffic congestion near the streetcar alignment.

B. Drive-through facilities. Drive-through facilities are prohibited on the portion of a site within 200 feet of a streetcar alignment, shown on Map 562-7. This prohibition includes curb cuts and driveways used to approach and leave the drive-through facility, stacking areas for waiting vehicles, and the facility itself, such as a drive-up window or gas pump island.

Figure 562-1
Location of Parking



33.562.260 Mechanical Equipment in the CM3 Zone

A. Purpose. These regulations reduce the negative visual and noise impacts of mechanical equipment in areas that allow a mix of residential, commercial, and industrial uses to protect the residential livability, economic vitality, and appearance of these areas. They also minimize the impact of ground-level mechanical equipment along streets and other public areas.

B. Where these regulations apply. The regulations of this section apply to all sites in the CM3 Zone.

C. Screening and enclosure.

1. If any portion of mechanical equipment is within nine feet of the grade of the adjacent sidewalk, it must be screened or enclosed as follows. See Figure 562-2:

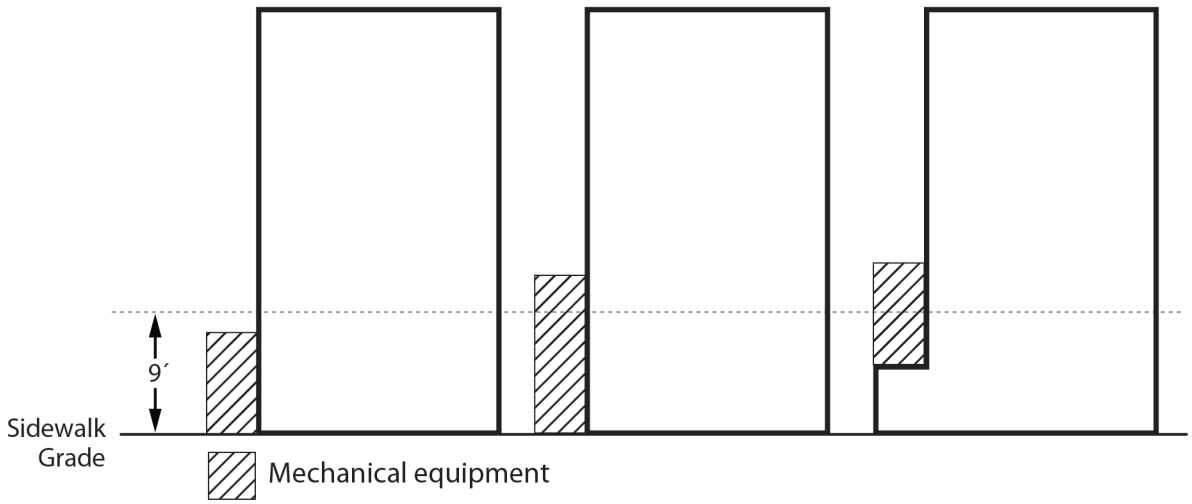
   a. If the area occupied by the mechanical equipment is less than 500 square feet, the equipment must be completely screened from the sidewalk by walls, fences, or landscaping;

   b. If the area occupied by the mechanical equipment is less than 3 percent of the site area, but it is not larger than 1,000 square feet, the equipment must be completely screened from the sidewalk by walls, fences, or landscaping; or

   c. All other mechanical equipment must be within a building that is completely enclosed on all sides;

2. If mechanical equipment is more than nine feet above the grade of the adjacent sidewalk, the equipment must be completely screened from the sidewalk by walls, fences, or landscaping.

Figure 562-2
Mechanical Equipment Within 9 Feet of Sidewalk Grade



33.562.270 Minimum Active Floor Area

A. **Purpose.** Requiring a transit-supportive level of activity and intensity near the streetcar alignment helps to decrease reliance on automobile travel and increases opportunities for housing and employment.

B. **Where this regulation applies.** Sites subject to minimum active floor area standards are shown on Map 562-7.

C. **Standard.** On the portion of a site within 200 feet of a streetcar alignment, at least 50 percent of floor area in each building must be in one or more of the active uses listed below, where allowed by the base zone. Parking areas, both accessory and commercial, are not included in active floor area. Areas shared among the active uses listed below are included in active floor area. Areas shared by a use not listed below are not included in active floor area. The active uses are:

1. Household or Group Living;
2. Retail Sales And Service;
3. Office;
4. Manufacturing And Production;
5. Industrial Service;
6. Community Service;
7. Schools;

8. Colleges;
9. Medical Centers;
10. Religious Institutions; and
11. Daycare.

33.562.280 Parking

A. Purpose. These regulations foster development that contributes to the desired pedestrian- and transit-oriented character of the plan district, promote alternatives to the automobile, and encourage efficient use of urban land.

B. Minimum parking. There are no minimum parking requirements.

C. Maximum surface parking area. No more than 20,000 square feet of surface parking is allowed on a site.

33.562.290 Use of Accessory Parking for Commercial Parking

A. Purpose. This section encourages efficient use of accessory parking by allowing greater flexibility for use during times when accessory parking is typically underutilized. This section includes limitations to minimize negative impacts on nearby residents.

B. Where these regulations apply. These regulations apply to accessory parking in the Northwest plan district as follows:

1. On sites in an R or CM3 zone, the regulations of this section apply to the entire site;
2. On sites that are in both an R or CM3 zone and a commercial/mixed use zone, if any of the accessory parking is in the R or CM3 zone, the regulations of this section apply to the entire site;
3. On sites that are in both an R or CM3 zone and a CM2 zone, if all of the accessory parking is in the CM2 zone, and none is in the R or CM3 zone, the regulations of this section do not apply to the site. The parking is subject to the regulations of the base zone;
4. On sites that are in the CM2 zone, the regulations of this section do not apply. The parking is subject to the regulations of the base zone.

C. Regulations.

1. Required or non-required accessory parking may be operated as Commercial Parking when permitted and monitored by the Portland Bureau of Transportation (PBOT) in consultation with the Northwest Parking Management Plan Stakeholder Advisory Committee (NWPMP-SAC), or an advisory body recognized by PBOT, as provided in administrative rules adopted by the Director of PBOT. If this advisory body is no longer active or able to fulfill this role, then PBOT will be the sole permitting and monitoring body. The commercial parking must comply with the requirements of Paragraphs C.2 and C.3, below.

2. Accessory parking operated as Commercial Parking. Commercial parking on sites with at least 5 eligible parking spaces is allowed, including short term and monthly rental arrangements.

3. Commercial parking approval. The applicant must submit a NW Plan District Commercial Parking Approval Letter to the Director of the Bureau of Development Services from PBOT that includes the following information:

   a. Identification of the site;

   b. The number of spaces that PBOT has approved for use under the program;

   c. The hours of the day that the accessory parking will be used as Commercial Parking;

   d. Any conditions PBOT imposed as part of the NW Plan District Commercial Parking Approval Letter; and

   e. A statement that the owner or owners of the site have agreed to manage the parking approved under the program so that adequate parking for the primary use as served by the accessory parking is maintained.

4. Administrative Rules. The Director of PBOT shall adopt administrative rules to implement the process for permitting and monitoring accessory parking for commercial parking as allowed by this Section.

33.562.300 Northwest Master Plan

A. Purpose. The Northwest Master Plan allows flexibility in design and development of a site in a manner that evokes an urban development pattern, and does not overwhelm public services.

The provisions of this section accommodate the needs of property owners to begin long-range planning for their property in advance of adoption of the Northwest District Plan. The Northwest District Plan may modify or delete this section of the code. It is likely that there will be significant overlap in both timelines and issues addressed by the private and public planning efforts; the two efforts should inform and improve each other throughout their processes.

A Northwest Master Plan will ensure:

- Pedestrian-oriented, transit-supportive development;
- Development that includes a variety of uses, but retains the EX zone focus on employment uses that need a central location;
- High quality design appropriate to an urban setting;
- Active uses on the ground floor of buildings along designated transit streets and pedestrian routes;
- A street pattern that provides for frequent, convenient pedestrian and vehicle connections and emulates levels of connectivity similar to the adjacent block pattern;
- Transportation and parking demand management strategies that decrease reliance on the automobile;

- Development that is integrated into the broader urban fabric;
- Transitions to adjacent areas with different uses and intensities through use, height, and massing of new development, considering historic resources, and the character of the area anticipated through the Northwest District Plan process; and
- Consideration of opportunities to provide a park, plaza, or other open space that can be used by those working and living in the neighborhood; and efficient use of land.

B. Where these regulations apply. The regulations of this section apply to sites shown on Map 562-9 at the end of this chapter. The regulations may also apply to areas that are not shown on the map, but are contiguous to or across a right-of-way from that area and under the same ownership, if the applicant voluntarily includes them in the Northwest Master Plan boundaries.

C. When a Northwest Master Plan is required.

1. Required. A Northwest Master Plan is required for sites shown on Map 562-9 where the applicant proposes:
   a. Expansions of floor area or exterior improvements area greater than 1,500 square feet on the site; or
   b. A change from one use category to another.
2. Voluntary. An applicant may voluntarily submit a Northwest Master Plan for any site not shown on Map 562-9 if the site is contiguous to or across a right-of-way from the area shown on the map and under the same ownership.
3. Exempt. The following are allowed without a Northwest Master Plan:
   a. Normal maintenance and repair;
   b. Changing up to 5,000 square feet of floor area from an accessory to a primary use, where no change of occupancy is required. An example would be changing an employees-only restaurant to a public restaurant; and
   c. Development where all of the floor area and exterior improvement area is in residential use; and
   d. Fences, handicap access ramps, and on-site pedestrian systems.

D. Components of a Northwest Master Plan. The applicant must submit a Northwest Master Plan with all of the following components:

1. Boundaries. The boundaries of the area to be included in the Northwest Master Plan. The area must include all contiguous lots within the area shown on Map 562-9 that are owned by the same person, partnership, association, or corporation. This also includes lots that are in common ownership but are separated by a shared right-of-way.
2. Overall scheme. An overall scheme, including both written and graphic elements, that describes and ties together existing, proposed, and possible development and uses, height and massing of development, phasing of development, review procedures for

each development or phase, and what standards, guidelines, and approval criteria will be used to evaluate each development or phase.

3. Uses and activities. A description of present uses, affiliated uses, proposed uses, interim uses, and possible future uses. The description must include information as to the general amount and type of all uses such as office, warehousing, retail, residential, and parking; number of employees, and number of dwelling units.

4. Site plan. A site plan, showing the location, size, and dimensions of existing and proposed structures, the pedestrian, bicycle, and vehicle circulation system, rights-of-way proposed for dedication or vacation, vehicle and bicycle parking areas, open areas, infrastructure improvements, landscaping, and any proposed temporary uses during construction and phasing of development.

5. Development and design standards and criteria. The Northwest Master Plan must set out how specific development and use proposals will be reviewed, and the standards, guidelines, and approval criteria used to evaluate each proposal. The Northwest Master Plan may include standards that are in addition to or instead of standards in other sections of the Zoning Code. The Northwest Master Plan must address such things as height limits, setbacks, FAR limits, landscaping requirements, parking requirements, entrances, sign programs, view corridors and facade treatments. Because the Northwest Master Plan is used in the EX zone, design review is required. The Northwest Master Plan must describe how design review will be implemented in the plan area. Generally, the Community Design Guidelines and Community Design Standards will apply; however, the Northwest Master Plan may augment those standards and guidelines for the area covered by the Northwest Master Plan.

6. Transportation. For each phase of Northwest Master Plan development the following must be addressed:

   a. The location and amount of motor vehicle and bicycle parking;

   b. Strategies to reduce the number of motor vehicle miles traveled by those regularly traveling to and from the Northwest Master Plan area, including:

      (1) Measures to encourage those traveling to and from the Northwest Master Plan area to use alternatives to single-occupant auto trips (walking, bicycling and public transit);

      (2) Car or van pool programs;

      (3) Incentives to be offered to employees to use public transit for travel to and from the Northwest Master Plan area;

      (4) Incentives to be offered to employees to travel on foot or by bicycle to and from the Northwest Master Plan area. This may include incentives for employees to live within walking distance of the area;

   c. Planned improvements to the routes used by transit patrons between transit stops and buildings in the Northwest Master Plan area;

d. A street plan for the Northwest Master Plan area that provides multimodal street connections to match the surrounding street grid pattern where feasible;

e. A multi-modal transportation impact study. The study must follow the guidelines of the Portland Bureau of Transportation; and

f. Traffic impacts on the streets surrounding the Northwest Master Plan area, and mitigating measures to ensure that the surrounding streets will function consistent with their designations as found in the Comprehensive Plan Transportation Element.

7. Phasing of development. The Northwest Master Plan must include the proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development. In addition the plan should address any proposed temporary uses or locations of uses during construction periods.

8. Process. The Northwest Master Plan must include:

a. A proposed process and procedure for design review of development, including any development specifically called for in the Northwest Master Plan, if different than procedures for conventional design review; and

b. A proposed process and procedure for amendments to an adopted Northwest Master Plan, if different than in 33.562.300.F.

9. Written statement. A written statement, describing how all approval criteria for the Northwest Master Plan are met.

E. Review Procedure. A Northwest Master Plan is processed through a Type III procedure, reviewed by the Land Use Hearings Officer. The Design Commission also reviews Northwest Master Plans, and makes a recommendation to the Hearings Officer on the approval criteria in Paragraph G.2, below. The Hearings Officer may approve, deny, or apply conditions of approval to the Northwest Master Plan.

Applicants are encouraged to work with surrounding property owners, residents, recognized organizations, and City bureaus during the formulation of a Northwest Master Plan.

F. Amendments to a Northwest Master Plan.

1. Amendment required. An amendment to an approved Northwest Master Plan is required for the following changes, unless they are specifically addressed by the Northwest Master Plan:

a. A change in use category involving more than 1,500 square feet;

b. Increases in floor area or exterior improvements area of more than 1,500 square feet. Fences, handicap access ramps, and on-site pedestrian circulation systems are exempt from this limitation;

c. Increases or decreases in the amount of parking;

d. Changes to the Northwest Master Plan boundary, or the text of the Northwest Master Plan; and

e. Any other development, operations, or activities which are not in conformance with the Northwest Master Plan.

2. Review procedures. Amendments to an approved Northwest Master Plan are reviewed through a Type III procedure.

3. Approval criteria. The approval criteria for an amendment to the Northwest Master Plan are the same as the approval criteria for the approval of a new Northwest Master Plan.

G. Approval criteria for a Northwest Master Plan. A request for approval or amendment of a Northwest Master Plan will be approved if the review body finds that the applicant has shown that the following approval criteria are met:

1. Overall. The proposed Northwest Master Plan, and development allowed by it, will be consistent with the purpose of the plan district, and the purpose of this section, as well as other applicable zoning code provisions.

2. Design.

a. The urban design elements of the proposed overall scheme and site plan provide a framework for development that will result in an area with an urban development pattern that will be attractive, safe, and pleasant for pedestrians, and is integrated with historic resources, and the character of the nearby area anticipated through the Northwest District Plan process. The urban design elements of the proposed overall scheme and site plan must meet the design guidelines that are in effect for the site at the time of application.

b. The proposed design guidelines, standards, and review procedures specified in the Northwest Master Plan must ensure that:

(1) An environment will be created which is attractive, safe, and pleasant for pedestrians, including consideration of such elements as the location and orientation of buildings and main entrances, the design and use of the ground floor of structures, and the location, design and landscaping of parking lots and structures;

(2) Scale and massing of the development addresses the broader context of the area, including historic resources, and the uses and development anticipated through the Northwest District Plan process, specifically at the edges of the Northwest Master Plan area; and

(3) The approach to implementing design review, including the guidelines and standards, will ensure that the quality of design and public process is as good or better than that achieved through conventional design review. The guidelines and standards proposed, including existing guidelines and standards, must be appropriate for the Northwest Master Plan area and the type of development anticipated by the purpose statement of this section.

3. Transportation.

   a. The Northwest Master Plan must comply with the policies, street classifications, and street designations of the Transportation Element of the Portland Comprehensive Plan;

   b. The transportation system is capable of supporting the proposed development 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 as required by criterion G.3.c.;

   c. Measures proportional to the impacts of the proposed development 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;

   d. 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; and

   e. The proposed street plan must provide multi-modal street connections to match the surrounding street grid pattern where feasible.

4. Retail Sales And Service uses. Where the Northwest Master Plan proposes Retail Sales And Service uses that are larger than 10,000 square feet per use, the following approval criteria must be met:

   a. The proposed uses and development will primarily serve those who live and work in the immediate vicinity;

   b. The transportation system is capable of safely supporting the proposed uses and development;

   c. The proposed uses and development will not have significant adverse effects on the area;

   d. The scale and intensity of the proposed use and development is consistent with historic resources, and the character of the area anticipated as a result of the Northwest District Plan process; and

   e. A proposed Retail Sales And Service use or development of larger scale or intensity equally or better meets the purpose of this section.

H. Duration of the Northwest Master Plan. The Northwest Master Plan must include proposed uses and possible future uses that might be proposed for at least 3 years and up to 10 years. An approved Northwest Master Plan remains in effect for 10 years, unless the plan is amended or updated, with the exception of Northwest Master Plans approved prior to August 10, 2020, which remain in effect until January 1, 2024. When the Northwest Master Plan is amended or updated, the application for amendment or revision must include a discussion of when the next update will be required.

I. After approval of a Northwest Master Plan. After a Northwest Master Plan has been approved, all development except maintenance and repair must comply with the provisions of the Northwest Master Plan as well as all other applicable provisions of this code, unless exempted by the plan. If the Northwest Master Plan does not specify that a standard, approval criterion, or procedure in the Northwest Master Plan supersedes a similar regulation in the Portland City Code, the regulation in the Portland City Code applies.

33.562.310 Required Design Review

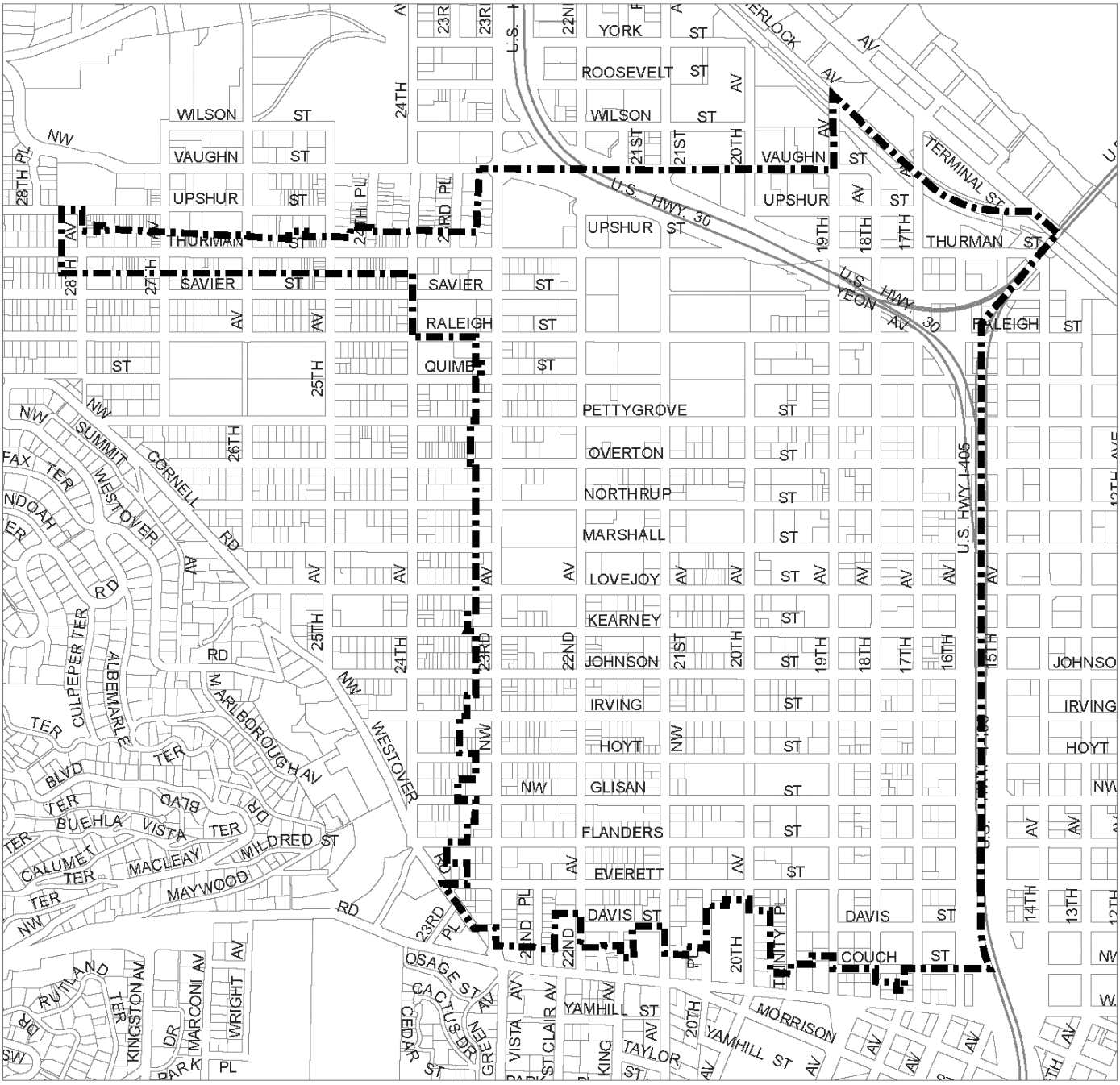
The regulations of Chapter 33.420, Design Overlay Zones apply in all areas of the plan district that are within the Design Overlay Zone.

(Added by: Ord. No. 175877, effective 9/21/01. Amended by: Ord. No. 177920, effective 11/8/03; Ord. No 178020, effective 12/20/03; Ord. No. 183269, effective 10/21/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183916, effective 7/17/10; Ord. No. 186639, effective 7/11/14; Ord. No. 187889, effective 8/12/16; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190076, effective 8/10/20.)

Northwest Plan District

Map 562-1

Map Revised August 12, 2016



Plan District Boundary

NORTH

0 700 1,400

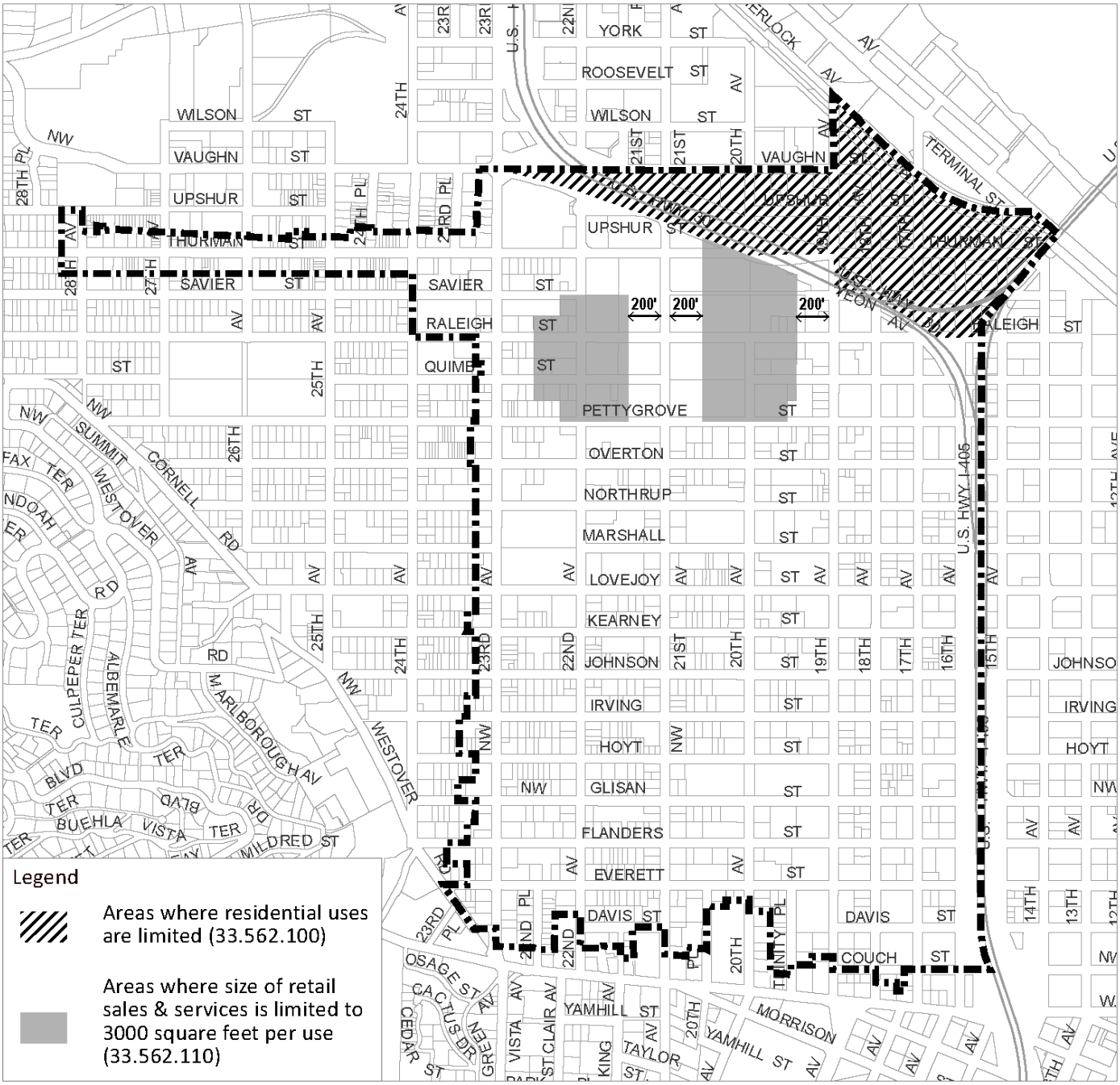
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Northwest Plan District
Limited Use Areas

Map 562-2

Map Revised August 12, 2016



Plan District Boundary

NORTH

0 700 1,400

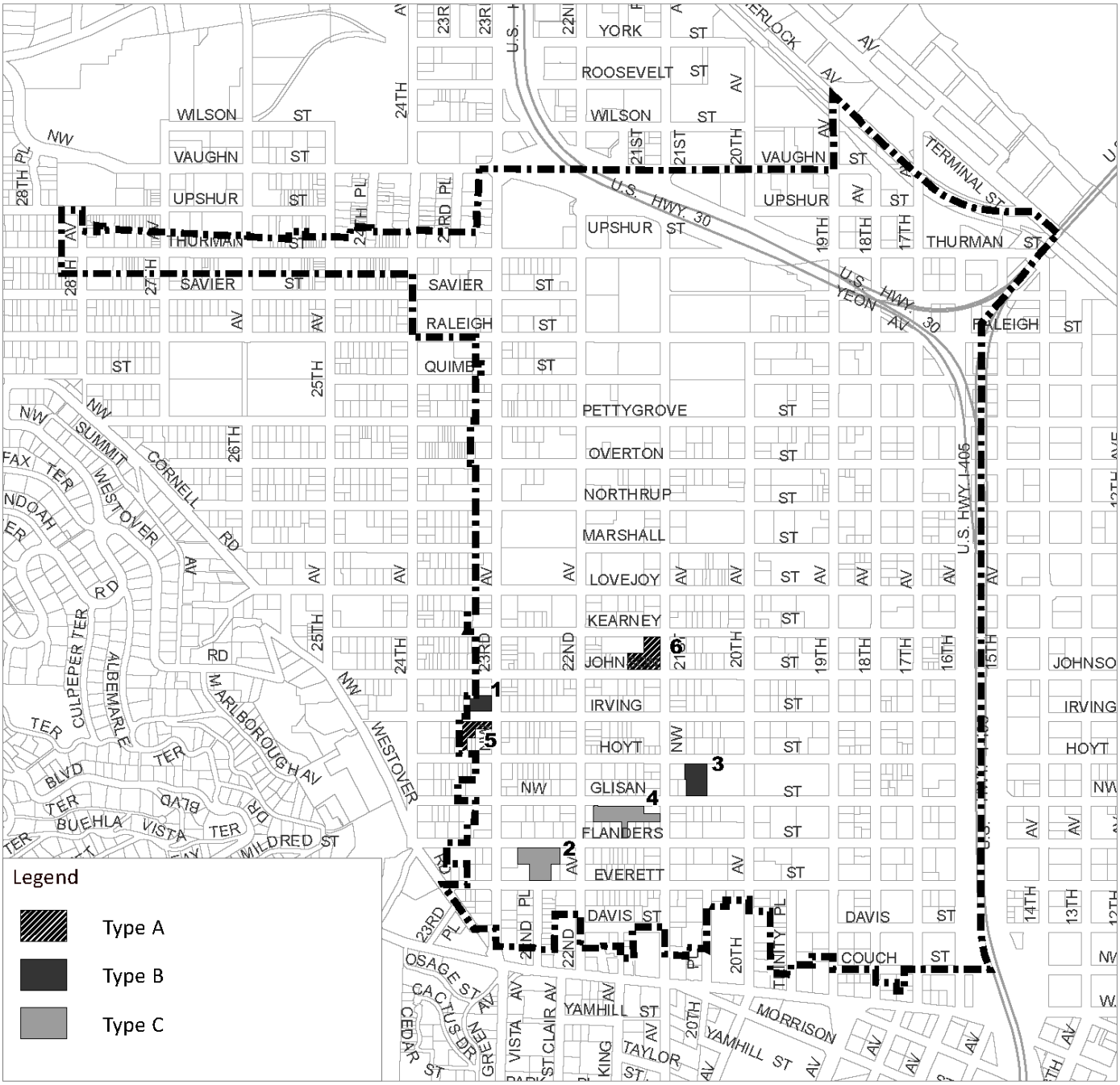
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Northwest Plan District
Commercial Parking in Multi-Dwelling Zones

Map 562-3

Map Revised August 12, 2016

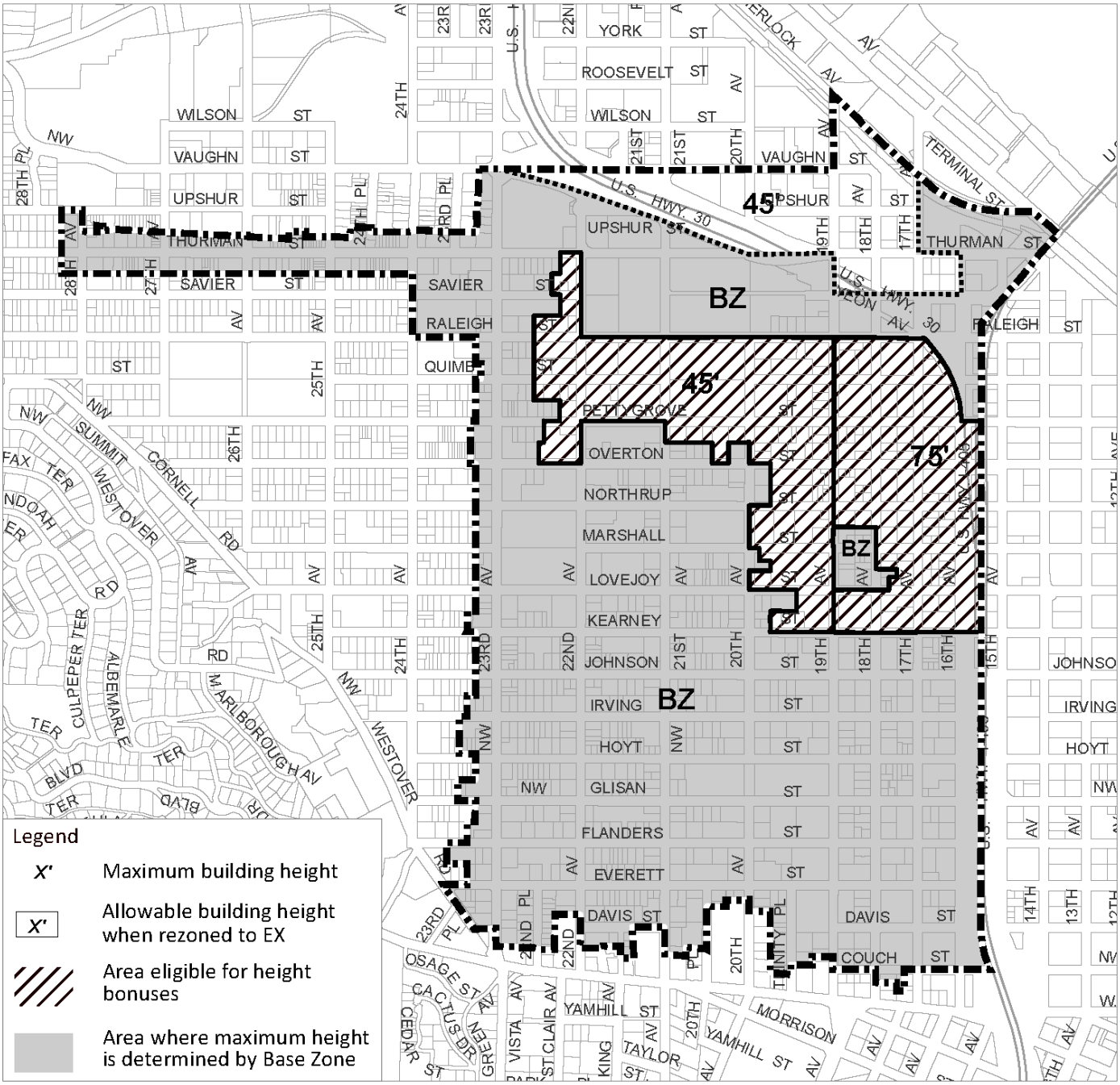


Bureau of Planning and Sustainability
Portland, Oregon

Northwest Plan District
Maximum Heights

Map 562-4

Map Revised August 12, 2016



Plan District Boundary

Maximum heights area

Boundary of area when building heights are tied to rezoning to EX

NORTH

0 700 1,400

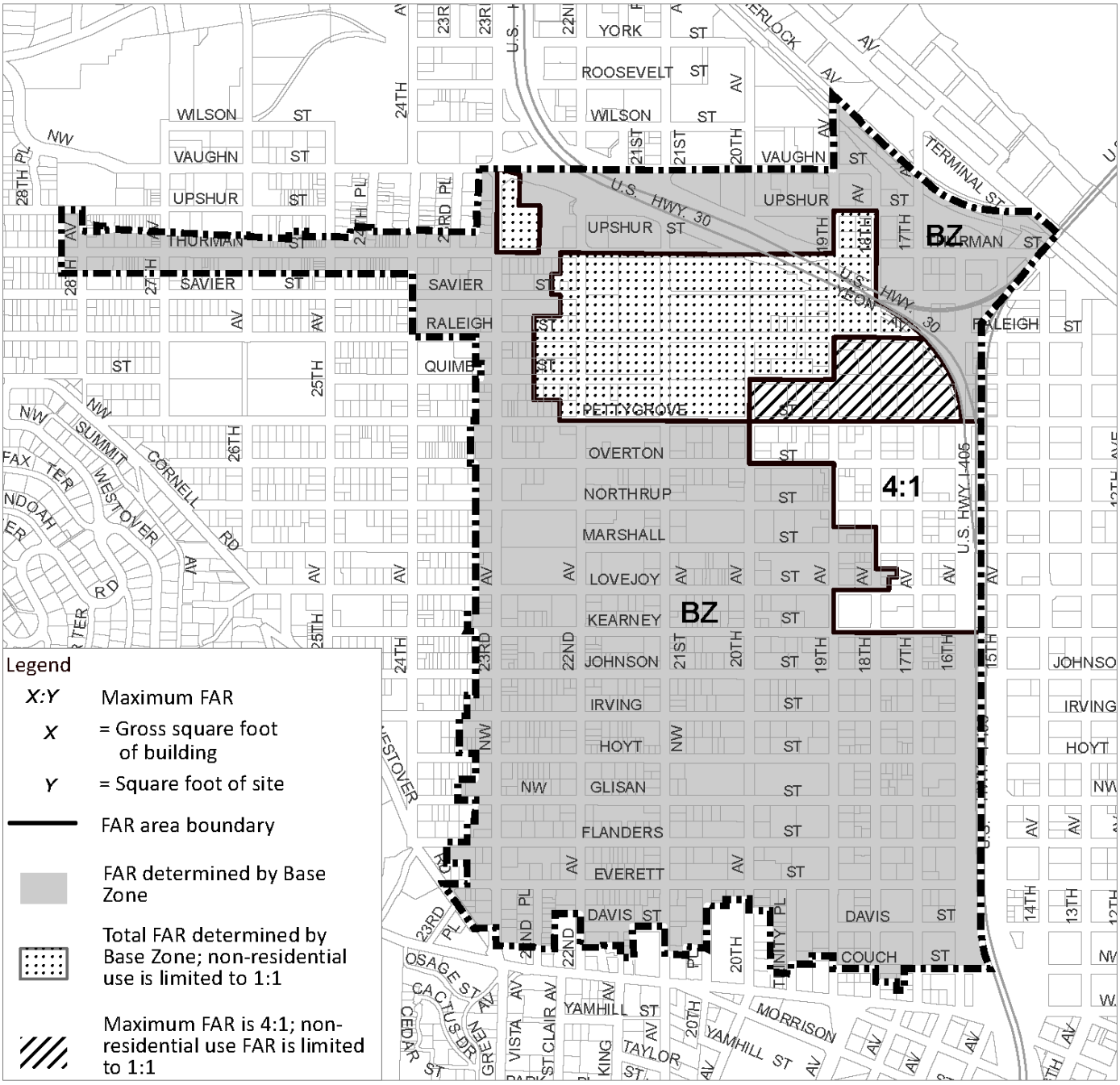
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Northwest Plan District
Floor Area Ratios (FAR)

Map 562-5

Map Revised August 12, 2016



Plan District Boundary

NORTH

0 700 1,400

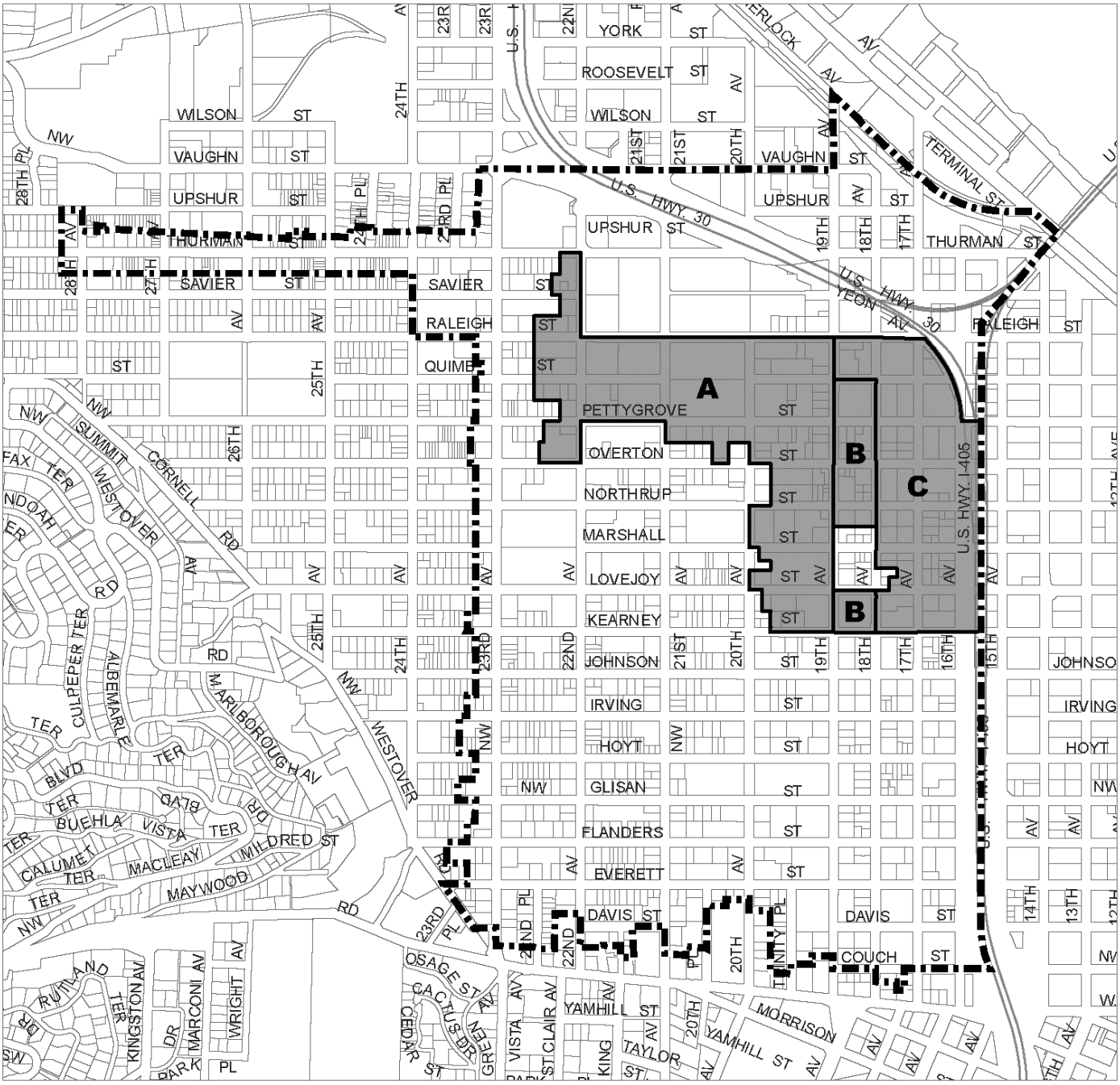
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Northwest Plan District
Bonus Areas

Map 562-6

Map Revised August 12, 2016



Plan District Boundary

Bonus Areas

NORTH

0 700 1,400

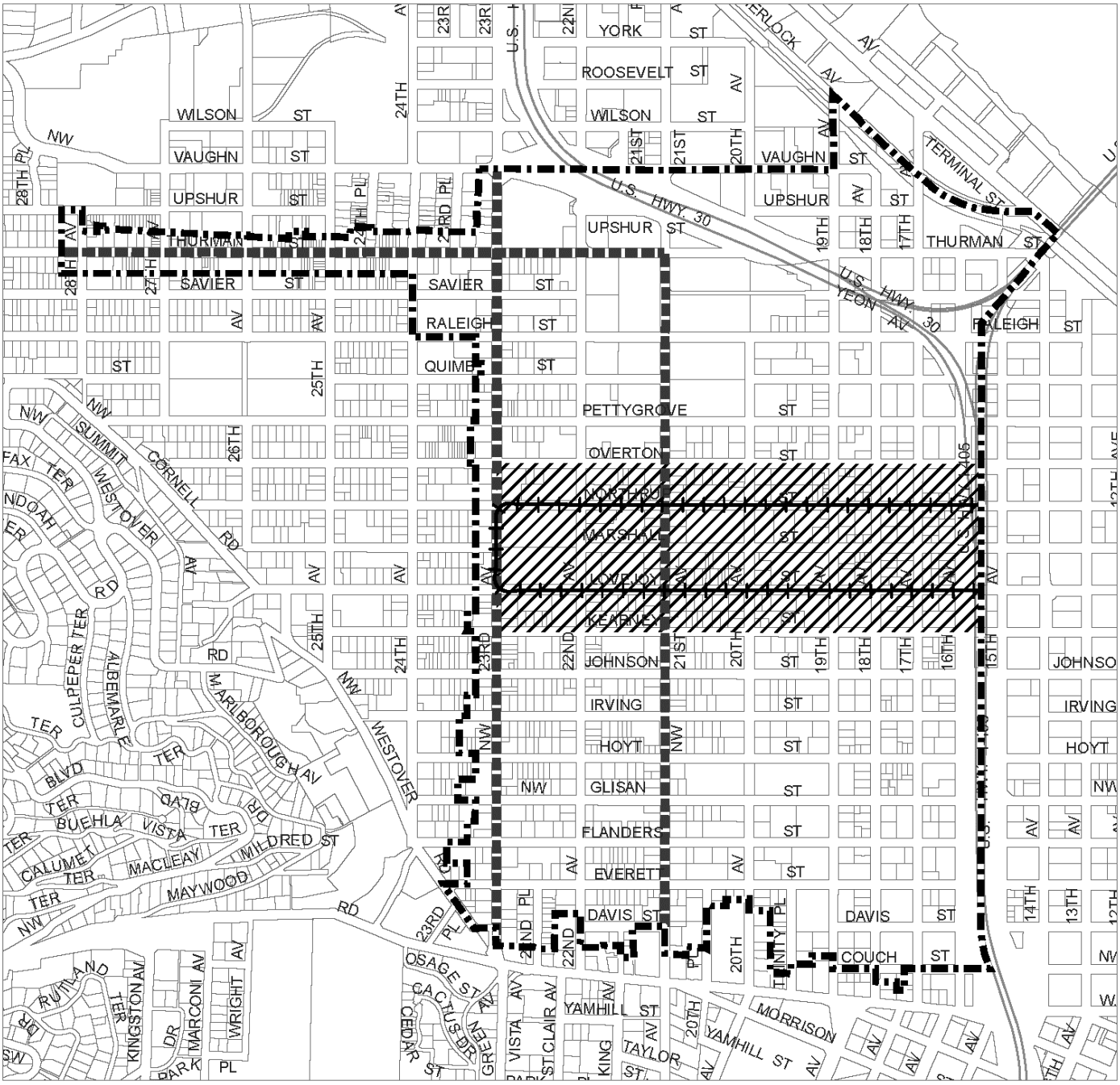
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Northwest Plan District
Areas with Special Development Standards

Map 562-7

Map Revised August 12, 2016



Plan District Boundary

Main Street

Streetcar Alignment

Minimum active floor area

NORTH

0 700 1,400

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

~~Northwest Plan District~~
~~Sites where Accessory Parking~~
~~may be operated as Commercial Parking~~

Map 562-8

Map Revised August 12, 2016

Map 562-8 Deleted

NORTH

0 700 1,400

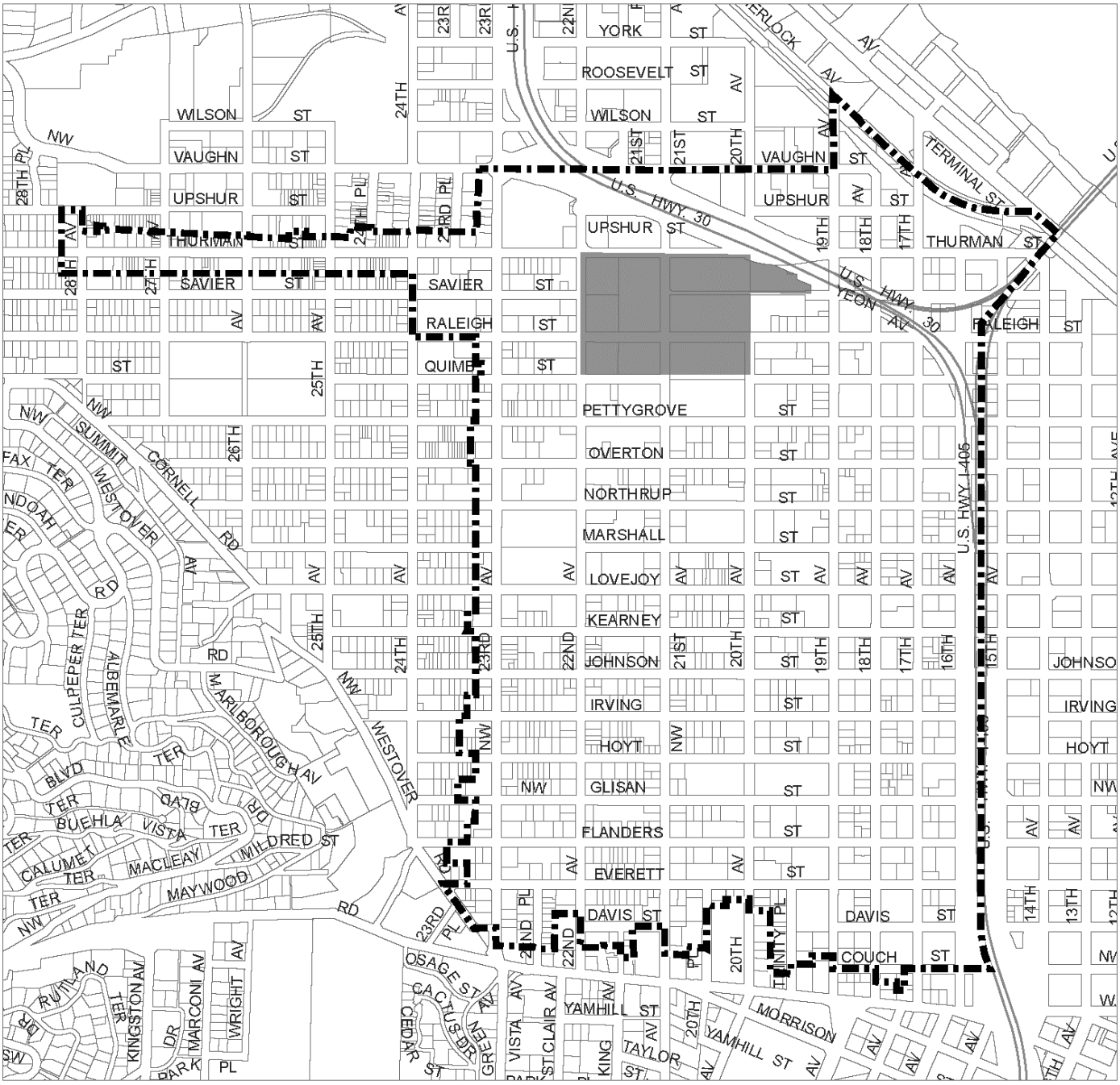
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Northwest Plan District
NW Master Plan Required

Map 562-9

Map Revised August 12, 2016



Plan District Boundary

Master Plan area

NORTH

0 700 1,400

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.563 Northwest Hills Plan District

563

Sections:

General
33.563.010 Purpose
33.563.020 Where the Regulations Apply
33.563.030 Transfer of Development Rights
Balch Creek Subdistrict
33.563.100 Prohibitions
33.563.110 Additional Development Standards
33.563.120 Additional Approval Criterion
Forest Park Subdistrict
33.563.200 Prohibition
33.563.210 Additional Approval Criteria
33.563.220 When Primary Structures Are Allowed in the Linnton Hillside Subarea
33.563.225 Duplexes and Attached Houses in the Linnton Hillside Subarea
Skyline Subdistrict
33.563.400 Zoning Map Amendments
33.563.410 Land Divisions and Planned Developments
Map 563-1 Northwest Hills Plan District

33.563.010 Purpose

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

33.563.020 Where the Regulations Apply

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

33.563.030 Transfer of Development Rights

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

A. **Sending sites.** Sites in the single-dwelling zones that are entirely within the Environmental Protection overlay zone may transfer development rights.

B. **Receiving sites.** Sites in the RF zone inside the Urban Growth Boundary may receive development rights from sending sites. Dwelling units resulting from the transfer may not be placed within an environmental zone.

C. **Maximum density.** The density of the receiving site may not exceed 0.75 units per acre, except that when the following standards are met, total density may be increased to 1 unit per acre:

1. For every unit transferred to the receiving site, there is one acre of land with slopes of less than 10 percent; and
2. Approval for on-site septic disposal has been granted by the Bureau of Development Services or sanitary sewer is available to all lots proposed as part of a land division.

D. **Procedure.** Transfer of development rights is allowed as follows:

1. Planned Development required. The receiving site must be approved for development as a Planned Development. The purpose of the Planned Development Review is to ensure that the extra density is developed appropriately on the receiving site according to the requirements and approval criteria in Chapter 33.638 Planned Development.
2. Sending site included. The sending site must be a part of the application for Planned Development Review on the receiving site. The purpose of this requirement is to allow the City to track the reduced development potential on sending sites.
3. Covenant required. The owner of the sending site must execute a covenant with the City that reflects the reduced development potential on the sending site. The covenant must meet the requirements of 33.700.060. The covenant must be recorded before approval of the Planned Development or if the Planned Development includes a land division, before the approval of the Final Plat.

E. **Adjustments prohibited.** Adjustments to the provisions of this section are prohibited.

Balch Creek Subdistrict

33.563.100 Prohibitions

The following items are prohibited in the Balch Creek Subdistrict:

A. Activities which expose soil to direct contact with stormwater between October 1 and April 30 are prohibited. An exception to this prohibition is planting of native plants with hand-held equipment and emergency repair of existing structures; and

B. In commercial zones with an environmental overlay zone, residential uses are prohibited.

33.563.110 Additional Development Standards

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

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

A. Stormwater runoff. Post-development stormwater flows from a site must not exceed pre-development stormwater flows from that site. Stormwater systems shall meet Bureau of Environmental Services and BDS design and construction standards.

B. Soil erosion.

1. All cleared areas which are not within a building footprint or a graveled entranceway must be covered with mulch, matting, or other effective erosion control features within 15 days of the initial clearing.
2. Temporary erosion control features must be removed by October 1 of the same year the development was begun; and
3. All permanent vegetation must be seeded or planted by October 1 of the same year the development was begun, and all soil not covered by buildings or other impervious surfaces must be completely vegetated by December 1 of the same year the development was begun.

C. Forest cover. Ninety percent of the portion of the site in the environmental zones must be retained or established in closed canopy forest with the following exceptions:

1. Sites less than 30,000 square feet in area may have up to 3,000 square feet of unforested area.
2. Parks and Open Areas and Agriculture uses are exempt from this standard.

D. Land divisions. All required closed canopy forest areas in land divisions and Planned Developments must be within an environmental resource tract.

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

Forest Park Subdistrict

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

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

A. Wildlife. The location, quantity, quality and structural characteristics of forest vegetation will be sufficient to provide habitat and maintain travel corridors for the following indicator

species: pileated woodpecker, sharp-shinned hawk, Roosevelt elk, white-footed vole, and red-legged frog. Standards to meet this criteria are in the applicable Habitat Evaluation Procedure developed by the United States Fish and Wildlife Service;

B. **Parks and Open Space.** Overall scenic, recreational, educational and open space values of Forest Park will not be diminished as a result of development activities; and

C. **Miller Creek Subarea.** Within the Miller Creek Subarea, shown on Map 563-1, development activities will not degrade natural water quality, quantity, and seasonal flow conditions, and will not increase water temperatures above 68°F. In addition, development activities will not decrease opportunities for fish and amphibian passage.

33.563.220 When Primary Structures Are Allowed in the Linnton Hillside Subarea

The regulations of Section 33.110.202 do not apply in the Linnton Hillside Subarea. In this subarea, primary structures are allowed in single-dwelling residential zones as specified in this section. Adjustments to the standards of this section are prohibited. Primary structures are prohibited on lot remnants that are not otherwise lots of record or are not combined with lots or lots of record. Primary structures are only allowed if one of the requirements in A. through E. are met:

A. The lots, lots of record, or combinations thereof:

1. Are at least 36 feet wide; and
2. Meet the minimum area standard of Subsection G;

B. The lots, lots of record, or combinations thereof:

1. Are at least 36 feet wide;
2. Meet the minimum area standard of Table 610-2 or Chapter 33.611, but do not meet the minimum area standard of Subsection G; and
3. Have not abutted any lot or lot of record owned by the same family or business on March 15, 2006, or any time since that date;

C. The lots, lots of record, or combinations thereof:

1. Do not meet the minimum area standard of Table 610-2 or Chapter 33.611; and
2. Have not abutted any lot or lot of record owned by the same family or business on July 26, 1979 or any time since that date;

D. On lots, lots of record, and combinations thereof that did meet the requirements of Subsections A, B, or C, above, in the past but were reduced below those requirements solely because of condemnation or required dedication by a public agency for right-of-way;

E. On lots created after May 26, 2006;

F. Additional regulations for property line adjustments.

1. The lots, lots of record, or combinations thereof described in Subsection A may not be reduced in area below the standards of Table 563-1;
2. The lots, lots of record, or combinations thereof described in Subsections B and C may not be reduced in area;

3. There are no minimum lot area or width standards for the lots, lots of record, or combinations thereof described in Subsection C;

G. Minimum area standards. The minimum area standards are in Table 563-1. These minimum area standards apply only as specified in Subsections A and B, above. New lots proposed through a land division are subject to the regulations of Chapters 33.610 and 33.611, not the regulations of this subsection.

Table 563-1
Minimum Area Standards

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

33.563.225 Duplexes and Attached Houses in the Linnton Hillside Subarea.

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

Skyline Subdistrict

33.563.400 Zoning Map Amendments

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

A. Zoning Map Amendments may only be requested in conjunction with a land division or Planned Development. Application and review of the Zoning Map Amendment and the land division or Planned Development may be concurrent; and

B. The entire site must be included in the request for a Zoning Map Amendment except when there is more than one Comprehensive Plan Map designation on the site.

33.563.410 Land Divisions and Planned Developments

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

A. Supplemental application requirements. The following supplemental application requirements apply to proposals for land divisions or Planned Developments on sites of 5 acres or larger:

1. Sites of 5 acres or larger. Applications for a land division or Planned Development on sites of 5 acres or larger must include a transportation analysis with the following information:

   a. The potential daily and peak hour traffic volumes that will be generated by the site;

   b. Distribution on the street system of the traffic that will be generated by the site;

   c. The extent to which ridesharing and transit incentive programs might reduce the vehicle trips generated by the site; and,

d. Current traffic volumes on the principal roadways relative to the site; and

2. Sites of more than 20 acres. Applications for a land division or Planned Development on sites of more than 20 acres must expand the transportation analysis required in Paragraph A.1, above, to include the projected traffic volumes on the principal roadways relative to the site should the proposed development and other approved, but undeveloped proposals, be fully developed.

B. Additional requirements for approval. In order to be approved, proposed land divisions and Planned Developments must meet the following requirements:

1. Public sewer and water service must be available to the site; and

2. The applicant must either:

a. Show that the existing public transportation is adequate; or

b. Participate in or subsidize a private transportation service.

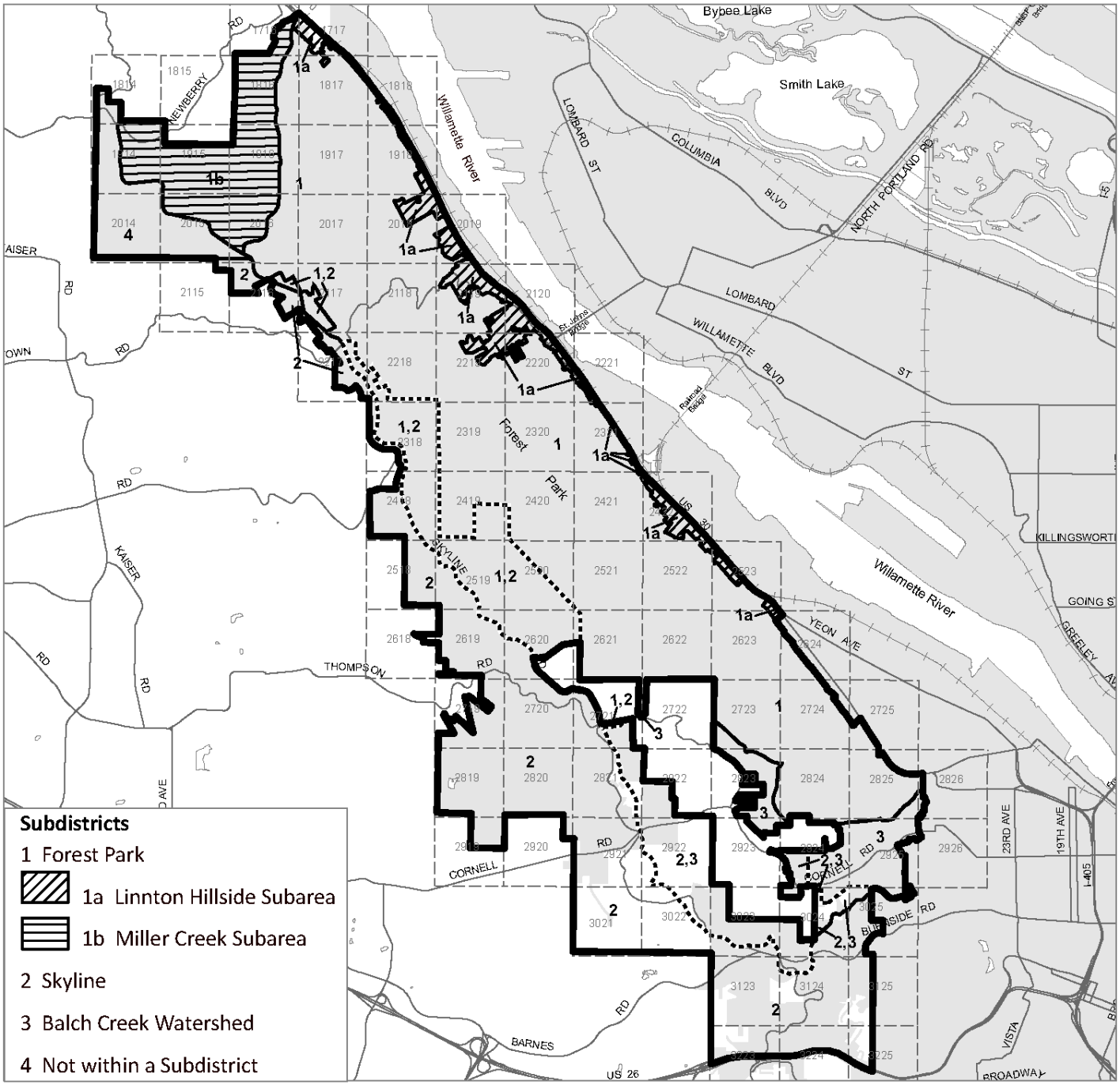
(Added by Ord. No. 164517, effective 7/31/91. Amended by: Ord. No. 168698, effective 4/17/95; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177422, effective 6/7/03; Ord. No. 180095, effective 5/26/06; Ord. No. 187216, effective 7/24/15; Ord. No. 190093, effective 9/11/20.)

Northwest Hills Plan District
Subdistricts and Subareas

Map 563-1

Map 1 of 5 (Index)

Map Revised July 24, 2015



Plan District Boundary

Subdistrict Boundary

Shared Subdistrict Boundary

City of Portland

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

NORTH

0 4,200 8,400

Scale in Feet

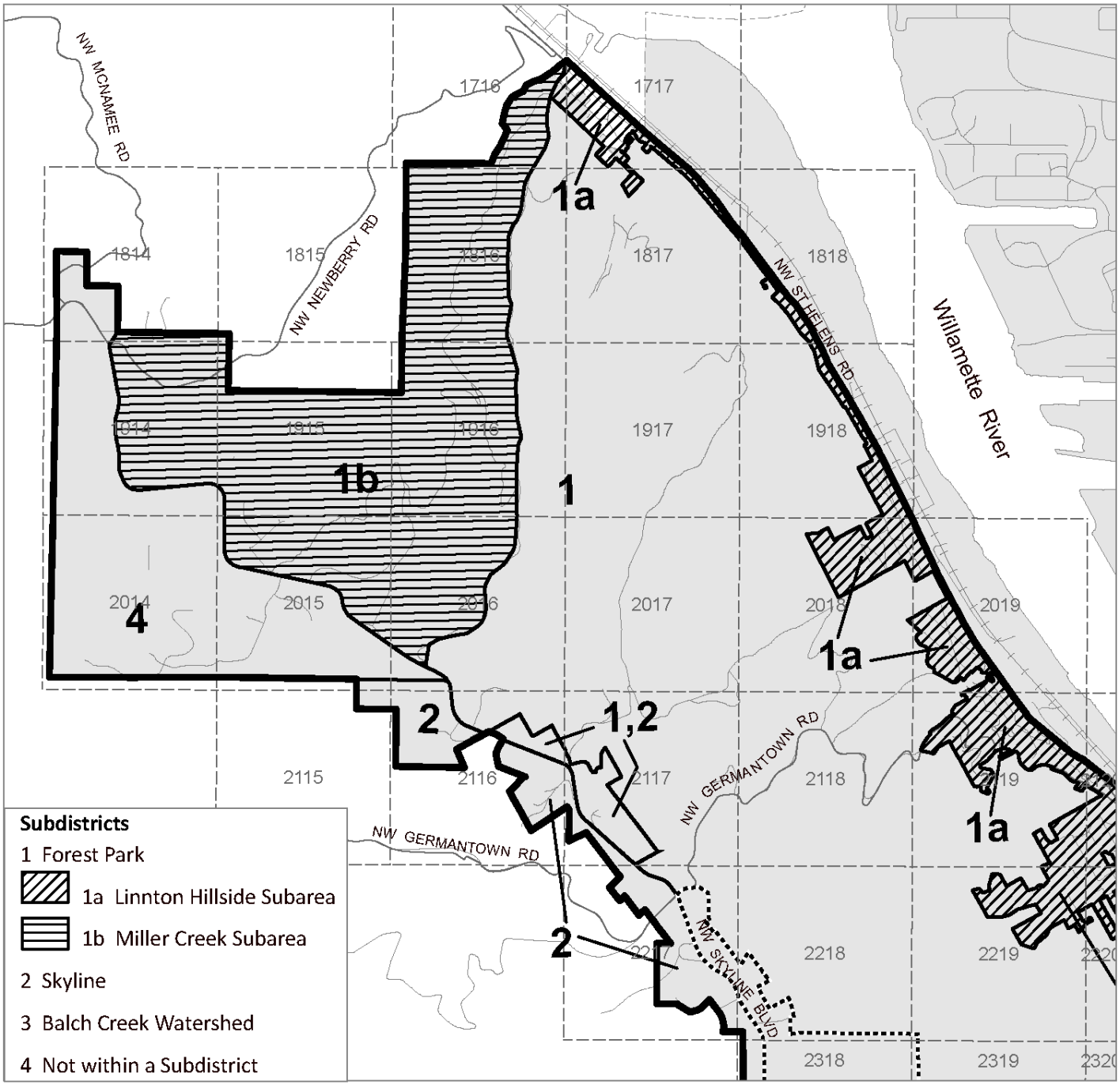
Bureau of Planning and Sustainability
Portland, Oregon

Northwest Hills Plan District
Subdistricts and Subareas

Map 563-1

Map 2 of 5 (Detail)

Map Revised July 24, 2015



Plan District Boundary

Subdistrict Boundary

Shared Subdistrict Boundary

City of Portland

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

NORTH

0 1,800 3,600

Scale in Feet

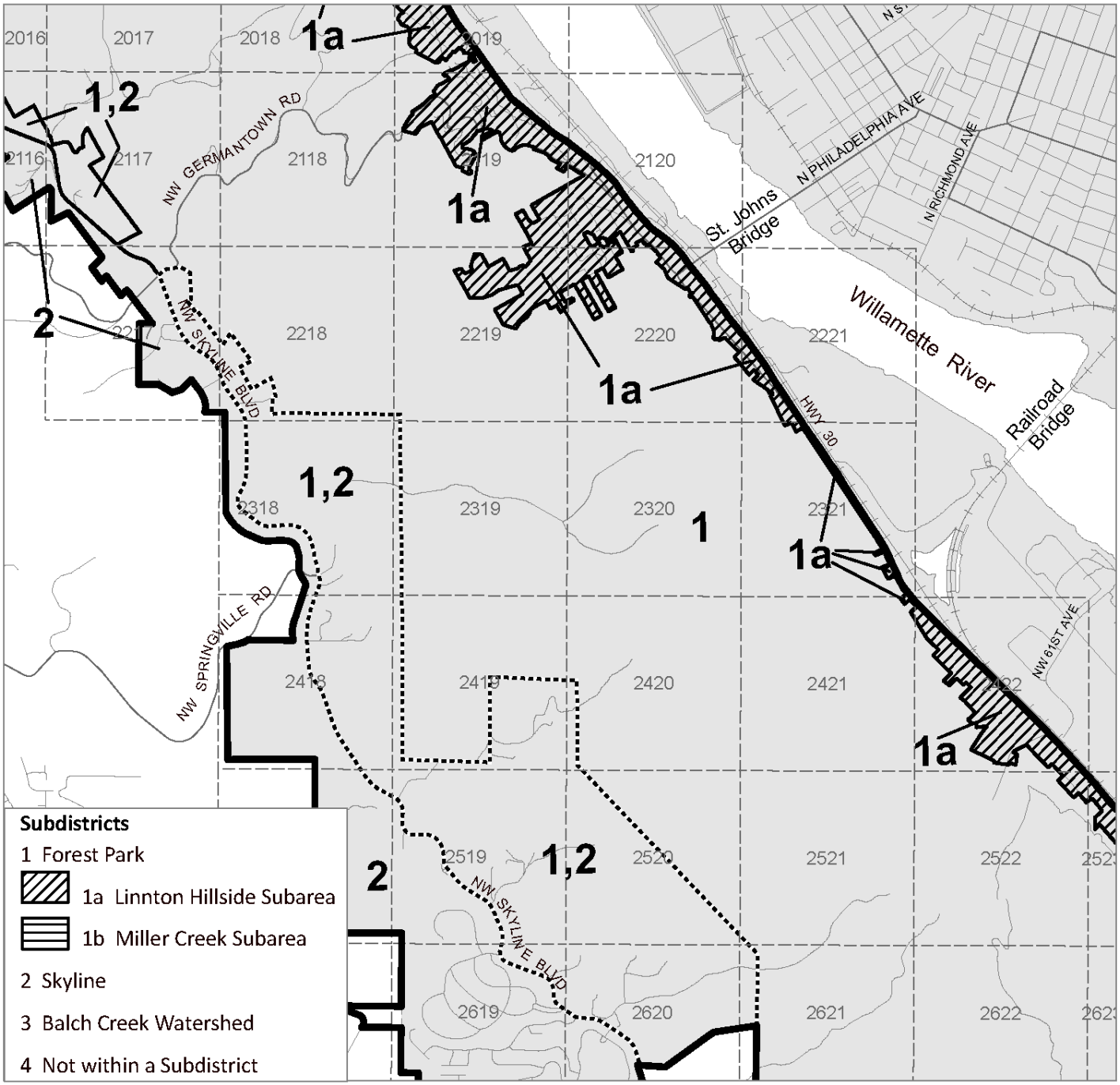
Bureau of Planning and Sustainability
Portland, Oregon

Northwest Hills Plan District
Subdistricts and Subareas

Map 563-1

Map 3 of 5 (Detail)

Map Revised July 24, 2015



Plan District Boundary

Subdistrict Boundary

Shared Subdistrict Boundary

City of Portland

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

NORTH

0 1,800 3,600

Scale in Feet

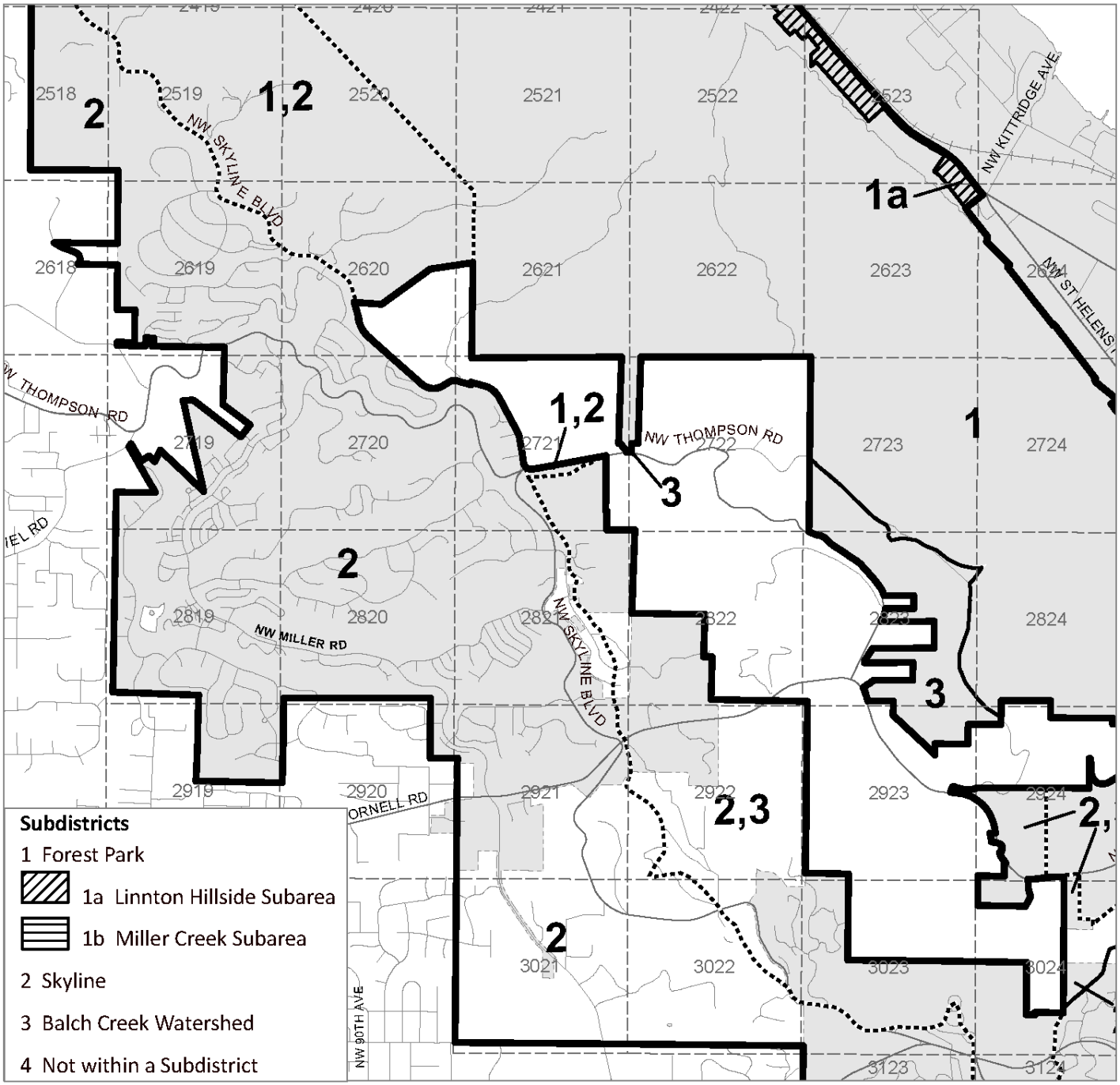
Bureau of Planning and Sustainability
Portland, Oregon

Northwest Hills Plan District
Subdistricts and Subareas

Map 563-1

Map 4 of 5 (Detail)

Map Revised July 24, 2015



Plan District Boundary

Subdistrict Boundary

Shared Subdistrict Boundary

City of Portland

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

NORTH

0 1,800 3,600

Scale in Feet

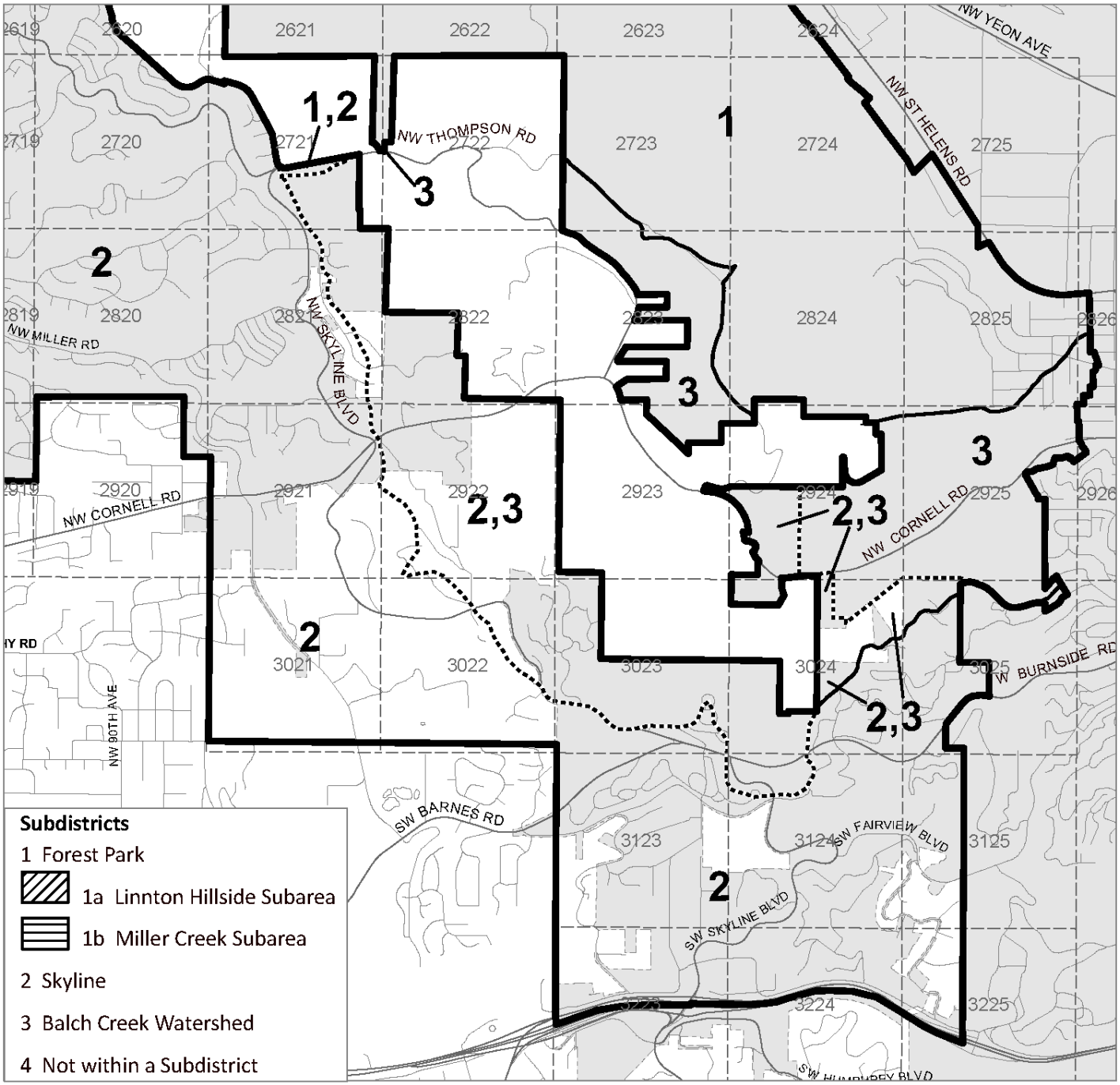
Bureau of Planning and Sustainability
Portland, Oregon

Northwest Hills Plan District
Subdistricts and Subareas

Map 563-1

Map 5 of 5 (Detail)

Map Revised July 24, 2015



Plan District Boundary

City of Portland

Subdistrict Boundary

Shared Subdistrict Boundary

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

NORTH

0 1,800 3,600

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.564 Pleasant Valley Plan District

564

In order to maintain an alphabetical structure of the Plan Districts within the 500s series of chapters, the former Chapter 33.564 has been renumbered. See Chapter 33.566, Portland International Raceway Plan.

Sections:

General
- 33.564.010 Purpose
- 33.564.020 Where These Regulations Apply

Development Standards
- 33.564.050 Additional Housing Type Regulations
- 33.564.060 When Primary Structures Are Allowed
- 33.564.070 Transfer of Development Rights

Land Divisions and Planned Developments
- 33.564.300 Minimum Site Size for a Land Division or Planned Development
- 33.564.320 Supplemental Application Requirements for Land Divisions and Planned Developments
- 33.564.330 Maximum Density
- 33.564.340 Lot Dimensions
- 33.564.350 When a Flag Lot is Allowed
- 33.564.360 Planned Development
- 33.564.370 Housing Variety
- 33.564.380 Transition at the Edge of the Pleasant Valley Natural Resources Overlay Zone

General

33.564.010 Purpose

The Pleasant Valley plan district implements the Comprehensive Plan's goals, policies and action measures for Pleasant Valley; creates an urban community as defined by the Comprehensive Plan; and, furthers the Pleasant Valley vision to integrate land use, transportation, and natural resources. Pleasant Valley as a whole is intended to be a community made up of neighborhoods, a town center, neighborhood centers, employment districts, parks and schools, open spaces and trails, a range of transportation choices, and extensive protection, restoration and enhancement of the natural resources. Portions of the Pleasant Valley area will be in the City of Portland and portions will be in the City of Gresham. The purpose of the Pleasant Valley plan district includes integrating the significant natural resources into a new, urban community.

33.564.020 Where These Regulations Apply

The regulations of this chapter apply in the Pleasant Valley plan district. The boundaries of the plan district are shown on Map 564-1 and on the Official Zoning Maps.

Development Standards

33.564.050 Additional Housing Type Regulations

Attached houses are prohibited in the R7 zone. Duplexes are allowed on all lots in the R7 zone if approved as part of a land division and within the maximum density allowed for the site.

33.564.060 When Primary Structures are Allowed

Primary structures are allowed as specified in 33.110.212 using Table 33.610-2. The lot dimension standards in this chapter do not supersede the lot dimension standards of Table 33.610-2 for the purposes of implementing Section 33.110.212.

33.564.070 Transfer of Development Rights

A. Purpose. The transfer of development rights preserves development opportunities for new housing and reduces development pressure in environmentally sensitive sites. The regulations allow development rights to be transferred from areas within the Pleasant Valley Natural Resources overlay zone to areas that can accommodate the additional density without environmental conflict.

B. Regulations. Transfer of development rights between sites is allowed as follows:

1. Development rights. Development rights are the number of potential dwelling units that would be allowed on the site.

2. Sending sites. Sites where at least 50 percent of the site is within the Pleasant Valley Natural Resources overlay zone may transfer development rights.

3. Receiving sites. Development rights may be transferred to any site in the Pleasant Valley plan district or the Johnson Creek Basin plan district except:

   a. Portions of a receiving site that are within a Pleasant Valley Natural Resources overlay zone;

   b. Sites where any portion of the site is within the 100-year floodplain as currently defined by the Federal Emergency Management Agency; or

   c. Portions of a receiving site that are Land Class I or II within the South Subdistrict of the Johnson Creek Basin plan district.

4. Maximum density. The density of the receiving site may not exceed 150 percent of the allowable density.

5. Transfer procedure. The procedure for a transfer of development rights must meet the following:

   a. The transfer must take place as part of a Planned Development;

   b. The sending and receiving sites must be included in the Planned Development;

   c. The owner of the sending site must execute a covenant with the City that reflects the reduced development potential on the sending site. The covenant must meet the requirements of 33.700.060 and must be recorded before final approval of the Planned Development.

6. All other applicable development standards, including setbacks and building heights, shall continue to apply when a density transfer occurs.

7. Adjustments to the provisions of this section are prohibited.

Land Division and Planned Development

33.564.300 Minimum Site Size for a Land Division or Planned Development

In the R7 zone, land divisions or Planned Developments are allowed only on sites that are at least 20 acres in size.

33.564.310 Relationship to other Land Division and Planned Development Regulations

Land divisions and Planned Developments in the Pleasant Valley plan district are subject to the regulations and procedures of the 600 series of chapters of this Title unless superseded by regulations of this plan district. The following do not apply:

A. Chapter 33.631, Sites in Special Flood Hazard Area; and

B. Chapter 33.634, Required Recreation Area.

33.564.320 Supplemental Application Requirements for Land Divisions and Planned Developments

In addition to the information required by Section 33.730.060, Application Requirements, a land division or planned development application must include information that addresses the requirements of Section 33.564.370 and .380.

33.564.330 Maximum Density

A. **RF zone.** In the RF zone, maximum density is one unit per 20 acres.

B. **R7 zone.** In the R7 zone, maximum density within the Pleasant Valley Natural Resources overlay zone is one unit per acre.

33.564.340 Lot Dimensions

A. **RF zone.** In the RF zone, new lots must be at least 20 acres in area. There are no minimum width or depth requirements, and no maximum lot area.

B. **R7 zone.** In the R7 zone, there is no minimum lot area, maximum lot area, minimum width or minimum depth requirement for new lots. New lots must meet the minimum front lot line standard.

33.564.350 When a Flag Lot is Allowed

A. **When a flag lot is allowed.** Flag lots are prohibited in the Pleasant Valley plan district except as follows:

1. A new lot is being created for an existing house;

2. The existing house is entirely within the Pleasant Valley Natural Resources overlay zone; and

3. The existing house will remain.

B. Flag lot access pole. The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:

1. The pole must connect to a street;
2. The pole must be at least 12 feet wide for its entire length; and
3. The pole must be part of the flag lot and must be under the same ownership as the flag portion.

C. Minimum lot dimensions. Flag lots must meet the minimum lot dimension requirements of Subparagraph 33.465.165.A.2.c.

33.564.360 Planned Development

The following uses and development are prohibited through a planned development:

A. Attached houses;

B. Attached duplexes;

C. Triplexes;

D. Fourplexes;

E. Multi-dwelling structures; and

F. Commercial uses.

33.564.370 Housing Variety

A. Purpose. The purpose of the housing variety criterion is:

- To encourage the mix of housing intended for the Pleasant Valley plan district as described in the Comprehensive Plan
- To avoid over-repetition of the same building type or lot size
- To promote housing choice

B. When this criterion applies. This criterion applies to land divisions and Planned Developments in the R7 zone.

C. Approval criterion. To the extent practicable, the design and layout of the land division ensures that a range of housing choices will be provided within the land division site. Some methods to provide this range of housing choices are:

1. Thirty percent of the proposed lots are larger than 7,500 square feet in area, and the remaining lots are less than 7,500 square feet in area;
2. Twenty percent, but not more than 40 percent, of the dwelling units are duplexes;
3. Thirty percent of the lots have accessory dwelling units; or
4. Other techniques which are consistent with the purpose of this criterion.

33.564.380 Transition at the Edge of the Pleasant Valley Natural Resources Overlay Zone

A. **Purpose.** The purpose of this criterion is to provide a visual and physical transition or connection between the Pleasant Valley Natural Resources overlay zone and the adjoining developed land. The criterion is intended to encourage careful design of the land division layout so that uses and development at the edges of the environmental zone have reduced impact on, and benefit from, the adjacent natural resources area.

B. **When this criterion applies.** This criterion applies to land divisions and Planned Developments in the R7 zone.

C. **Approval criterion.** To the extent practicable, the land division should be designed so that development adjacent to or across the street from the environmental resource areas is oriented to enhance the connection between the developed area and the environmental resource area. This connection can be provided by one or more of the following:

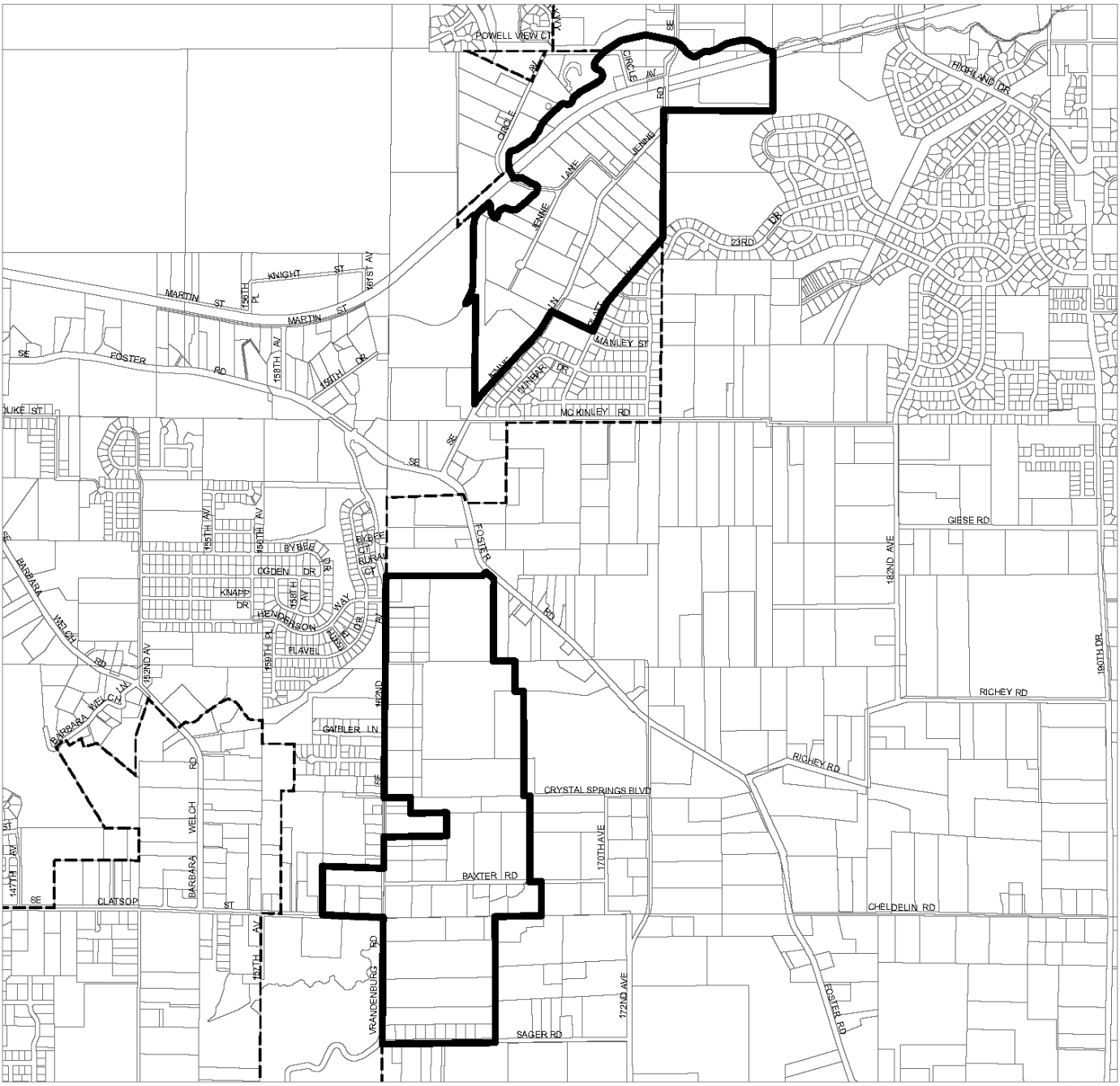
1. Local streets are located along the outside edge of the Pleasant Valley Natural Resources overlay zone;
2. Where lots are adjacent to the Pleasant Valley Natural Resources overlay zone, pedestrian access to the Pleasant Valley Natural Resources overlay zone is provided at sufficient intervals, such as every 400 to 500 feet; or
3. Other techniques which are consistent with the purpose of this criterion.

(Added by: Ord. No. 178961, effective 6/13/05. Amended by Ord. No. 184235, effective 11/26/10; Ord. No. 189805, effective 3/1/20.)

Pleasant Valley Plan District

Map 564-1

Map Revised January 1, 2016



Plan District Boundary

City Boundary

NORTH

0 1,200 2,400

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.565 Portland International Airport Plan District

565

Sections:

General
33.565.010 Purpose
33.565.020 Where These Regulations Apply
33.565.030 Relationship to Other Regulations and Agencies
Use Regulations
33.565.100 Additional Allowed Uses in the Airport Subdistrict
Development Regulations
33.565.110 Archaeological Resource Protection
Regulations in the Airport Subdistrict
33.565.200 Supplemental Application Requirement
33.565.210 New Airport Capacity
33.565.220 Landscaping
33.565.230 Pedestrian Standards for Specified Uses
33.565.240 Transportation Impact Analysis Review
33.565.250 Development and Availability of Public Services in the SW Quadrant
Special Notification Requirements in the Airport Subdistrict
33.565.310 Mailed Public Notice for Proposed Development
33.565.320 Posted Public Notice Requirements for Land Use Reviews
Regulations in the Middle Columbia Slough Subdistrict
33.565.400 Zoning Map Amendments
33.565.410 Additional Development Standards
Environmental Overlay Zones
33.565.500 Purpose
33.565.510 Relationship to Other Environmental Regulations
33.565.520 Where and When These Regulations Apply
33.565.530 Measuring Setbacks
33.565.540 Exemptions
33.565.550 Development Standards
33.565.560 Special Procedures for Wildlife Hazard Management
Notice and Review Procedure for Permits Within Environmental Overlay Zones
33.565.600 Purpose
33.565.610 When These Regulations Apply
33.565.620 Procedure
Map 565-1 Portland International Airport Plan District
Map 565-2 Portland International Airport Plan District Areas of Archaeological Interest

General

33.565.010 Purpose

The regulations of this chapter implement elements of the Airport Futures Land Use Plan by addressing the social, economic, and environmental aspects of growth and development at Portland International Airport (PDX). PDX is a unique land use within the City and requires tailored regulations to address wildlife hazards and impacts to transportation and natural resources. The plan district provides flexibility to the Port of Portland—owner of PDX—to address a constantly changing aviation industry, while addressing the broader community impacts of operating an airport in an urban context.

The regulations of this plan district protect significant identified environmental resources consistent with the requirements of airport operations, while maintaining or enhancing the capacity of public and private infrastructure within and serving the district. Additionally, the regulations protect significant archaeological features of the area.

The plan district has two subdistricts: the Airport Subdistrict and the Middle Columbia Slough Subdistrict.

The Airport Subdistrict includes the airport passenger terminal, terminal roadway area, airfield, and other support facilities most of which are owned and operated by the Port of Portland. Also included are other airport-related uses which are generally tenants of the Port. Within the Airport Subdistrict are two unmapped areas known as airside and landside (See Chapter 33.910, Definitions). Airside includes an area defined by a perimeter security fence and the airside uses associated with the airfield which includes runways, taxiways, lighting, etc. The perimeter security fence is not mapped since the fence may move over time due to federal and operational requirements. An area outside the fence—the runway protection zone—is also part of Airside. The airfield and airside uses are also treated differently due to federal regulations. Landside includes the passenger terminal, airport access roadways, parking lots, aircraft maintenance facilities, cargo hangars, maintenance buildings, fire and rescue facilities, and other similar types of development. Also within the Airport Subdistrict is the SW Quadrant Subarea, shown on Map 565-1.

The remainder of the plan district is the Middle Columbia Slough Subdistrict. The primary purpose of the regulations for this subdistrict is to promote eco-industrial development on sites that transition to industrial use from golf course use.

33.565.020 Where These Regulations Apply

The regulations of this chapter apply to the Portland International Airport plan district. The boundaries of the plan district and subdistricts are shown on Map 565-1 at the end of this chapter and on the Official Zoning Map.

The regulations of Sections 33.565.010 through .030 and .110 apply to the entire plan district. The regulations of Sections 33.565.100 and 200 through .240 and 33.565.310 through .320 apply only in the Airport Subdistrict. Section 33.565.250 applies only to the SW Quadrant subarea of the Airport Subdistrict. Sections 33.565.400 and .410 apply only in the Middle Columbia Slough Subdistrict. Sections 33.565.500 through .560 apply in the Environmental Overlay Zones.

Because Federal regulation preempts local rules, development in the Airside portion of the plan district — other than new runways — is not subject to the regulations of this chapter.

33.565.030 Relationship to Other Regulations and Agencies

This chapter contains only some of the City's regulations for the plan district. Other chapters of the Zoning Code may apply in the plan district, including the Noise Impact Overlay Zone, the Aircraft Landing Overlay Zone, and the Environmental Overlay Zones. Activities the City regulates through the Zoning Code may also be regulated by other agencies. In particular, because a large area of the plan district is owned by the Port of Portland and was originally purchased for aviation use, the Federal Aviation Administration (FAA) reviews development proposals and amendments to this chapter to ensure that there are no adverse impacts on airport operations. While the regulations of this plan district have been designed to minimize any potential conflicts, City approval does not imply approval by the FAA or other agencies.

Use Regulations

33.565.100 Additional Allowed Uses in the Airport Subdistrict

The following additional uses are allowed in the Airport Subdistrict:

A. Aviation and Surface Passenger Terminals are allowed in the IG2 zone; and

B. Hotels and motels are allowed in the EG2 and IG2 zones.

Development Regulations

33.565.110 Archaeological Resource Protection

Archaeological evidence has confirmed that American Indians used the plan district area prior to entry of EuroAmericans to the Portland area. The Port of Portland continuously updates an inventory of cultural resource sites on Port-owned property and is required by Federal regulations to address cultural resources in any development project.

Although the zoning code does not address new discoveries of archaeological resources found during project construction, applicants should be aware of state and federal regulations that apply to such discoveries.

Areas shown on Map 565-2 must meet the requirements of Section 33.515.262 Archeological Resources Protection.

Regulations in the Airport Subdistrict

33.565.200 Supplemental Application Requirement

Applications for building permits, zoning permits, or land use reviews in the IG2 zone must include documentation of current activity levels in terms of Million Annual Passengers. This demonstrates whether a Transportation Impact Analysis Review is required. See Section 33.565.240, Transportation Impact Analysis Review.

33.565.210 New Airport Capacity

A. **Purpose.** Because the potential impacts of a third parallel runway at the airport are so significant, this section prohibits additional runways. The effect of the prohibition is that a legislative project to amend this plan district would be necessary to add a third runway. The legislative project would require the City and Port of Portland to engage the regional

community in a cooperative effort to create a development plan for the airport that addresses transportation and infrastructure needs, as well as community impacts, by exploring alternatives to a potential third runway.

B. Regulations:

1. New runways are prohibited; however, extending, widening, or reconfiguring existing runways, taxiways, or airfield roadways is allowed; and

2. New passenger terminals.

   a. New passenger terminals for General Aviation are allowed.

   b. New commercial passenger terminals with passenger processing facilities are allowed only if they have access directly from Airport Way; if they do not have access directly from Airport Way, they are prohibited.

33.565.220 Landscaping

A. Purpose. Plant selection is an especially important component of the plan district. Collisions between birds and aircraft ("bird strikes") are a significant hazard to aircraft, birds, and public safety in and around Portland International Airport due to existing natural features and ecosystems. In an effort to reduce this hazard, the Airport Plant List provides a selection of appropriate plant materials and spacing standards that increase the distance between plants that may be used in the plan district. The Airport Plant List is part of the *Portland Plant List*. These plants were selected because they are generally non-seeding or non-fruiting and therefore do not attract wildlife. In addition, they do not provide attractive roosting habitat for species posing a threat to aviation safety.
The airport landscaping standards:

- Preserve and enhance Portland's urban forest;
- Promote the reestablishment of vegetation in urban areas for aesthetic reasons;
- Establish and enhance a pleasant visual character which recognizes aesthetics, wildlife hazard, and aviation safety issues;
- Unify development, and enhance and define public and private spaces; and
- Define the parking and circulation areas

B. Airport subdistrict. No landscaping is required inside the perimeter fence or within 300 feet of the perimeter fence. All landscaping, screening, and development outside the perimeter fence in the Airport Subdistrict must meet the following requirements:

1. Only trees and shrubs listed in the Airport Plant List section of the *Portland Plant List* may be planted. An applicant may request to use a tree or shrub not listed in the Airport Plant List by using the process outlined in the Airport Plant List.

2. All trees and shrubs must meet the spacing and diversity requirements of this section.

3. Where meeting the spacing standards results in fewer plants or less plant diversity than required by other provisions of this Title, the number of plants required is reduced to meet the spacing standard of this section.

4. Spacing standards:
   a. Non-columnar trees must be planted at a distance of at least 40 feet on center.
   b. Columnar trees must be planted at a distance of at least 25 feet on center.
   c. Evergreen shrubs may be planted adjacent to each other in groups of up to five. If there is more than one group of evergreen shrubs, there must be at least 10 feet between each group of shrubs. If shrubs are not planted in groups, there must be at least 10 feet between each shrub.
   d. There must be at least 10 feet between trees and shrubs.
5. Plant diversity standards
   a. Tree diversity
      (1) If there are more than 8 required trees, no more than 40 percent of them can be of one species. If there are more than 24 required trees, no more than 24 percent of them can be of one species. This standard applies only to trees being planted to meet the regulations of this Title, not to existing trees.
      (2) No more than 20 percent of trees may be evergreen trees.
   b. Shrub diversity
      (1) No more than 50 percent of shrubs may be evergreen.
      (2) If more than 25 shrubs are required, no more than 75 percent of them can be of one species.
6. Ground cover. The remainder of the required landscaped area must be planted in ground cover plants.

33.565.230 Pedestrian Standards for Specified Uses

A. Purpose. The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system for Retail Sales And Service and Office uses. They ensure direct pedestrian connections among sidewalks, paths used by both bicycles and pedestrians, buildings, and other activities.

B. The standards. The pedestrian standards of the EG and EX zones apply to all sites in the Airport subdistrict with Retail Sales And Service or Office uses, except:

1. The standards apply to the area of each ground lease, rather than to each site; and
2. Paths used by both bicycles and pedestrians may substitute for required sidewalks or pedestrian-only connections.

33.565.240 Transportation Impact Analysis Review

A. Purpose. The regulations of this section ensure that the impacts of airport growth on the surface transportation system will be identified and mitigated.

B. When an Airport Transportation Impact Analysis (TIA) Review is Required. An Airport Transportation Impact Analysis Review is required for any proposed development in the IG2 zone once the airport begins serving more than 21 Million Annual Passengers (MAP). See Chapter 33.806, Airport Reviews. As part of the review, the Port of Portland may request approval of development for an additional increment up to 6 MAP. Each time the airport begins serving the additional increment of 6 MAP, another TIA Review is required. The Port of Portland may not request approval of an increment larger than 6 MAP.

The Port may also request a TIA Review at any time.

C. Supplemental application requirements. In addition to the application requirements of Section 33.730.060, the applicant must submit the following:

1. A description of proposed development, or growth scenarios;
2. A Transportation Impact Analysis (TIA) that includes the following:
   a. Delineation of the study area, and rationale for the delineation;
   b. Traffic forecasts and distribution;
   c. Where development is proposed, primary traffic access routes to and from the study area;
   d. Evaluation of:
      (1) Access requirements;
      (2) Impacts on street function, capacity and level of service;
      (3) Impacts on transit operations and movements;
      (4) Impacts on pedestrian and bicycle routes and safety; and
      (5) Impacts on the immediate airport area and adjacent neighborhoods.
   e. Recommended mitigation measures, including transportation system management, transportation demand management, and transportation improvements.

33.565.250 Development and Availability of Public Services in the Southwest Quadrant

A. Purpose. The regulations of this section ensure that adequate public services are available prior to development in the Southwest Quadrant.

B. When a Southwest Quadrant Public Services Review is required. A Southwest Quadrant Public Services Review is required when a proposal will increase development in the land side of the Southwest Quadrant by more than 40,000 square feet. The area of development

includes the square footage of any floor area plus the square footage of any exterior development. See Chapter 33.806, Airport Reviews.

Special Notification Requirements in the Airport Subdistrict

33.565.310 Mailed Public Notice for Proposed Development

When development is proposed within the Airport Subdistrict, all of the steps in this section must be completed before an application for a building or zoning permit is submitted.

A. Purpose. Mailed public notice informs interested neighborhood associations and district neighborhood coalitions of proposed airport development that is not subject to a land use review and provides them with an opportunity to attend a public meeting to get more information and discuss the proposed development.

B. Where and when mailed public notice is required. Proposals that were part of a land use review are exempt from the requirement of this subsection. Mailed public notice is required in the IG2 zone:

1. When the proposed development will add more than 10,000 square feet of gross building area to the site; or
2. When the value of the proposed development will exceed $622,500.

C. Requirements. The requirements for mailed public notice are:

1. The applicant must send a letter to the neighborhood associations and district neighborhood coalitions of the site or adjacent to the site, by registered or certified mail. The letter must contain, at a minimum, contact information for the applicant, the date, time and location that the project will be presented at a public meeting and a description of the proposed development, including the purpose of the project, total project square footage and project valuation. The letter must be sent at least 14 days before the public meeting where the project will be presented.
2. Copies of letters required by this section, and registered or certified mail receipts, must be submitted with the application for building or zoning permit.

33.565.320 Posted Public Notice Requirements for Land Use Reviews

Posting of notice on the site is required for Type III land use reviews. The requirements for posting notices in Section 33.730.080 apply to sites in the plan district zoned IG2; however, the number and location on the site, specified in Subsection 33.730.080.A, are superseded by the requirements of this section.

A. Outdoor notices. Posted notices must be placed at the following outdoor locations:

1. At each of the two main crosswalks in the arrivals roadway area; and
2. At each of the two pedestrian bridges to the P1 parking garage.

B. Indoor notices. Posted notices must be placed at the following locations inside the terminal building and must be visible to passengers and others in the building:

1. On the second floor of the terminal at each of the two main escalators;

2. On the second floor at each of the two circulation throats; and

3. On the first floor of the terminal at each of the two main escalators.

C. Roadway notice. One posted notice must be placed along a roadway within 800 feet of the proposed structure or development activity. If the nearest roadway is more than 800 feet from the proposed structure or development activity, the notice must be placed at the intersection closest to the proposed structure or development activity.

Regulations in the Middle Columbia Slough Subdistrict

33.565.400 Zoning Map Amendments

The IG2 zone is the only zone that can be requested during a Zoning Map Amendment on the sites shown on Map 565-4. Requesting a zone other than IG2 is prohibited. In addition, the Prime Industrial overlay zone must be applied in conjunction with the zone change to IG2.

33.565.410 Additional Development Standards

A. Purpose. The following development standards promote ecologically beneficial design by requiring buffers and plantings that provide ecological function and contribute to ecosystem services such as multi-objective stormwater management, cleaning and cooling of air and water, wildlife habitat, biodiversity, and aesthetic values. The development standards help reduce future demands on infrastructure, and reduce adverse impacts from development both on and off-site. The standards also buffer industrial development from abutting residential development and open space uses, and provide a pleasant work environment for employees.

B. Where the standards apply. The standards in this Section apply to development in the IG2 zone in the Golf Course/IG2 Transition Area shown on Map 565-4.

C. Development standards.

1. Minimum landscaped area standard. At least 20 percent of site area must be landscaped. Area improved for active or passive recreational use, or for use by pedestrians, does not count toward the required landscaped area. Other required landscaping, such as setbacks and parking lot landscaping, applies toward the landscaped area standard. Area covered by an eco-roof also applies toward the landscaped area standard.

2. Native plants. At least 75 percent of all plants planted to meet Title 33 landscaping requirements must be native plants from the *Portland Plant List*.

3. Vegetated setback.

   a. All development must be set back 25 feet from a residential zone or open space zone. The area within the vegetated setback may be applied toward the required landscaped area standards;

   b. Required plants and planting densities. One of the following standards must be met:

(1) One tree, three shrubs, and four other ground cover plants are required to be planted for every 100 square feet of setback area. Trees may be clustered. Plants must be native plants from the Portland Plant List; or

(2) One tree and three shrubs are required to be planted for every 100 square feet of setback area, and the entire setback area must be seeded with a native grass and forb seed mix at a ratio of 30 pounds per acre. Trees may be clustered. Plants and seeds must be native plants from the *Portland Plant List*; and

c. One-third of all trees planted must be native conifer trees from the *Portland Plant List*.

4. Exterior lighting. Exterior lights must be shielded and placed so that they do not shine upward or into environmental overlay zones, or into the vegetated setback area required by Paragraph C.3.

Environmental Overlay Zones

33.565.500 Purpose

The environmental regulations in the Portland International Airport plan district work in conjunction with the standards of Chapter 33.430 to:

- Protect inventoried significant natural resources and their functional values specific to the plan district, as identified in the Comprehensive Plan;
- Address activities required to manage Port facilities, drainageways and wildlife on and around the airfield for public and avian safety;
- Address resource mitigation and enhancement opportunities consistent with managing wildlife and vegetation on and around the airfield for public safety; and
- Encourage coordination between City, county, regional, state, and federal agencies concerned with airport safety and natural resources.
- Protect inventoried significant archaeological resources where those resources overlap with an environmental protection zone or environmental conservation zone.

33.565.510 Relationship to Other Environmental Regulations

The regulations of Sections 33.565.510 through 33.565.620 either supplement or supersede the regulations of Chapter 33.430. Whenever a provision of this plan district conflicts with Chapter 33.430, the plan district provision supersedes.

The following sections supersede or supplement the regulations of Chapter 33.430:

- Exemptions in Section 33.565.540 supplement exemptions in section 33.430.080;
- Standards in Section 33.565.550 supplement or supersede standards in Sections 33.430.140 through .190;
- When wildlife hazard management is proposed and an environmental review is required the procedure type specified in Subsection 33.565.560.A supersedes the procedure type specified in Section 33.430.230;
- When wildlife hazard management is proposed and an environmental review is required the requirements of Subsection 33.565.560.B supersede the requirements of Subsection 33.430.240.B;

- When wildlife hazard management is proposed and an environmental review is required the approval criteria of Subsection 33.565.560.C supersede the approval criteria of Subsections 33.430.250.E through .F;
- The environmental Plan Check notice and review procedures of Sections 33.565.600 through .620 supersede the notice and review procedures of Sections 33.430.410 through .430.

This chapter contains only the City's environmental regulations. Activities that the City regulates through this chapter may also be regulated by other agencies. City approval does not imply approval by other agencies.

33.565.520 Where and When These Regulations Apply

The regulations of Sections 33.565.510 through 33.565.620 apply to all environmental zones in the Portland International Airport plan district. The boundaries of this plan district and the subdistricts are shown on Map 565-1. Unless exempted by section 33.565.540, the regulations of Sections 33.565.500 through 33.565.620 apply to the activities listed below. Items not specifically addressed in these sections must comply with the regulations of Chapter 33.430.

A. Development;

B. Removing, cutting, mowing, clearing, burning or poisoning native vegetation listed in the *Portland Plant List*;

C. Planting or removing nuisance plants listed in the *Portland Plant List*;

D. Changing topography, grading, excavating, and filling;

E. Dedications, expansions, and improvements within rights-of-way;

F. Road improvements; and

G. Resource enhancement.

33.565.540 Exemptions

In addition to the exemptions listed in 33.430.080, the following items are exempt from both the environmental regulations of the Airport Plan District and Chapter 33.430, Environmental Zones. Other City regulations, including Title 10, Erosion Control, and Title 11, Trees, still apply:

A. When performed to comply with the FAA Part 77 Regulated Surface requirements or a FAA authorized Wildlife Hazard Management Plan:

1. Crown maintenance of trees that project above, or will upon maturity project above, the height limit delineated by the h overlay zone;
2. Crown maintenance of trees that are identified in the FAA authorized Wildlife Hazard Management Plan as attracting wildlife species of concern;
3. Mechanical removal of grasses and shrubs less than 3 feet in height;
4. Discing to reduce habitat that attracts wildlife species of concern as identified in the FAA authorized Wildlife Hazard Management Plan; and

5. Grading or filling of ponding water; ponding water does not include water bodies identified as a slough, stream, drainageway or wetland in the natural resources inventory.

B. When performed within the existing landscaped area of a golf course in a transition or resource area of an environmental zone:

1. Existing development, operations, and improvements, including the following activities:

   a. Maintenance, repair, and replacement of structures and exterior improvements. Replacement is not exempt whenever coverage is increased;

   b. Continued maintenance of existing planted areas, including but not limited to topdressing, leveling tees, and rebuilding greens, and pruning trees and shrubs within proper arboricultural practices. Such pruning is exempt from Title 11 permits. Topping trees is prohibited.

   c. Installation and removal of irrigation and drainage facilities, erosion control features, signage, and fencing; and

   d. Changing topography, grading, excavating, and filling in areas that are within an environmental conservation zone. Removal of trees or snags is not included in this exemption.

   e. When removing dead, dying, or dangerous trees from existing planted areas, the requirement that sections of wood greater than 12 inches in diameter remain, or be placed, within the resource area as required by Section 33.430.080 does not apply.

C. Existing exterior work activities associated with existing development. Expansion of these areas is not included in this exemption.

33.565.550 Development Standards

Unless exempted by section 33.565.540 or by 33.430.080, the standards of this section and the standards of 33.430 must be met. Compliance with the standards is determined as part of a development or zoning permit application process and processed according to the procedure described in 33.565.600 through .620. For proposals that cannot meet the standards, environmental review is required as described in Sections 33.430.210 through .280 and, where applicable, 33.565.560. Adjustments to the standards are prohibited. Other City regulations, including Title 10, Erosion Control, and Title 11, Trees, still apply.

A. General development standards

1. Tree and snag removal.

   a. If the tree or snag, 6 inches or greater in diameter, is removed as part of a resource enhancement project, the requirements of 33.565.550.B apply;

   b. If the tree or snag, 6 inches or greater in diameter, is removed for either of the following reasons, then the standards in Subparagraphs 1.c through 1.g, below must be met instead of 33.430.140.K:

(1) the tree or snag currently projects, or the tree will upon maturity project, above the height limit of the h overlay zone; or

(2) the tree or snag is identified in the FAA authorized Wildlife Hazard Management Plan as attracting wildlife species of concern.

c. Each tree or snag, 6 inches or greater in diameter, removed must be replaced as specified in Table 565-1, Tree and Snag Replacement;

Table 565-1
Tree and Snag Replacement

Size of tree or snag to be removed (inches in diameter)	**Option A (no. of trees to be planted)**	**Option B (combination of trees and shrubs)**
6 to 12	2	not applicable
13 to 18	3	1 tree and 3 shrubs
19 to 24	5	3 trees and 6 shrubs
25 to 30	7	5 trees and 9 shrubs
over 30	10	7 trees and 12 shrubs

d. Replacement trees and shrubs must be native and selected from the *Portland Plant List*;

e. Replacement shrubs must be in at least a 2-gallon container or the equivalent in ball or burlap;

f. Replacement trees must:

(1) Be at least one-half inch in diameter and have a maximum height-at-maturity that will not project above the height limit of the h overlay zone; and

(2) Be planted within a transition area or resource area on a property owned by the applicant; or for which the applicant possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure success of the mitigation; or can demonstrate legal authority to acquire the site through eminent domain.

g. If the replacement trees are planted within 100 feet of the Columbia Slough main channels or secondary drainageways, the trees must be planted above the Base Floodplain Elevation (BFE), as defined on the Federal Emergency Management Agency Flood Insurance Rate Maps.

2. Wildlife exclusions. Instead of standards listed in 33.430.140, all of the following standards must be met when installing wildlife exclusionary structures or fencing to comply with the FAA authorized Wildlife Hazard Management Plan within the resources area or transition area of the conservation or protection overlay zone:

a. Trees or snags, 6 inches or greater in diameter, that are removed must be replaced to meet the standards in Subparagraphs 1.c through 1.g, above; and

b. Temporary disturbance areas must be replanted so that the area achieves a 90 percent vegetation cover within one year. Vegetation must be native and selected from the *Portland Plant List*.

3. Golf cart paths. Instead of the standards listed in 33.430.140, all of the following standards must be met for new or relocated golf cart paths:

   a. The disturbance area must be set back at least 5 feet from the resource area of any environmental protection zone;

   b. The golf cart path is no more than eight feet wide;

   c. The disturbance area is no more than 18 feet wide;

   d. Trees or snags, 6 inches or greater in diameter, removed must be replaced and meet the standards in Subparagraphs 1.c through 1.g above;

   e. Temporary disturbance areas must be replanted so that the area achieves a 90 percent vegetation cover within one year; and

   f. Exterior lights must be spaced at least 25 feet apart. Incandescent lights exceeding 200 watts, or other light types exceeding the brightness of a 200-watt incandescent light, must be placed so they do not shine directly into the resource area of the protection overlay zone.

4. Golf course vegetation. References to the *Portland Plant List* in Chapter 33.430 are superseded by the following:

   a. Grasses and forbs planted in the existing landscaped portions of the resource or transition area on a golf course may be non-native; and

   b. Poa annua may be planted to maintain existing landscaped portions of the resource or transition area on a golf course.

5. Golf course disturbance. Instead of standards listed in 33.430.140, any activity that changes topography or results in grading, excavating, or filling of areas in an environmental protection zone must meet the following standards:

   a. The activity is in an existing landscaped area of the golf course; and

   b. The activity results in disturbance of less than 10,000 square feet;

6. Vehicle or pedestrian crossings. New or altered vehicle or pedestrian crossings of the Middle Columbia Slough, Whitaker Slough, Buffalo Slough, or Elrod Slough must be by bridge except as follows:

   a. At locations where BES determines that a water control structure is necessary;

   b. The addition of guard rails to an existing crossing.

B. Standards for resource enhancement. An applicant may choose to meet all of the standards of 33.430.170 or all of the standards of this section. In either case, the applicant must meet the standards of 33.430.170.C.4 through 6.

1. Wetland habitat conversion. Within the Airport Subdistrict, conversion from an emergent or herbaceous wetland to a scrub-shrub or forested wetland is allowed if all of the following are met:

   a. There may be no excavation, fill, grading or construction activity;

   b. The habitat conversion area must be replanted, at a minimum, in accordance with one of the following options:

      (1) Ten native shrubs for every 100 square feet of area and a native grass and forb seed mix at a ratio of 20 pounds per acre; or

      (2) One native tree, three native shrubs and four other native plants for every 100 square feet. Trees may be clustered;

   c. Trees must have a maximum height at maturity that will not project above the height limit delineated by the h overlay zone; and

   d. Permanent irrigation is not allowed.

2. Forest or woodland habitat conversion. Within the Airport Subdistrict, forest or woodland conversion to a different native tree association is allowed if all of the following are met:

   a. There may be no excavation, fill, grading or construction activity;

   b. The habitat conversion area must be replanted, at a minimum, to meet one of the following:

      (1) Generally. One native tree, three native shrubs and four other native plants for every 100 square feet of area. Trees may be clustered. Trees must have a maximum height at maturity that will not project above the height limit delineated by the h overlay zone;

      (2) Exception. If the maximum height of all appropriate tree species would project above the height limited delineated by the h overlay zone, the habitat conversion area must be replanted with at least 10 native shrubs for every 100 square feet of area and a native grass and forb seed mix at a ratio of 20 pounds per acre;

   c. Permanent irrigation is not allowed.

33.565.560 Special Provisions for Wildlife Hazard Management

These provisions apply to wildlife hazard management activities that are required in order to implement a Federal Aviation Administration (FAA) authorized Wildlife Hazard Management Plan within environmental overlay zones in the Airport Subdistrict.

A. Procedure type. Within the Airport Subdistrict, all activities required in order to implement an FAA authorized Wildlife Hazard Management Plan within the resource area or transition area of the conservation or protection overlay zones that require environmental review are processed through the Type II procedure.

B. Application requirements. Within the Airport Subdistrict and for activities required to implement an FAA authorized Wildlife Hazard Management Plan, an alternatives analysis is not required. Specifically, instead of the supplemental narrative requirements of 33.430.230.B, the following is required:

1. Activity description. Describe the activity and why it is necessary to implement an FAA authorized Wildlife Hazard Management Plan;

2. Documentation of resources and functional values. Documentation of resources and functional values is required to determine compliance with the approval criteria. In the case of a violation, documentation of resources and functional values is used to determine the nature and scope of significant detrimental impacts.

   a. Identification, by characteristics and quantity, of the resources and their functional values found on the site;

   b. In the case of a violation, determination of the impact of the violation on the resources and functional values.

3. Construction management plan. Identify measures that will be taken during the activity or remediation to protect the remaining resources and functional values at and near the site and a description of how undisturbed areas will be protected. For example, describe how trees will be protected, erosion controlled, equipment controlled, and the timing of activity; and

4. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to compensate for unavoidable significant detrimental impacts that result from the chosen activity or violation as identified in the impact evaluation. A mitigation or remediation plan includes:

   a. Resources and functional values to be restored, created, or enhanced on the mitigation or remediation site;

   b. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;

   c. Activity timetables;

   d. Operations and maintenance practices;

   e. Monitoring and evaluation procedures;

   f. Remedial actions for unsuccessful mitigation; and

   g. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

C. Approval criteria. The following approval criteria apply to activities required in order to implement an FAA authorized Wildlife Hazard Management Plan within the resource area or transition area of the conservation or protection overlay zones that require environmental review. These criteria supersede the criteria in 33.430.250.E and F:

1. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

2. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

3. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and

4. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

Notice and Review Procedure for Permits Within Environmental Overlay Zones

33.565.600 Purpose

The purpose of this notice and review procedure is to notify the public of the permit review process for development proposed in areas having identified significant resources and functional values.

33.565.610 When These Regulations Apply

These regulations apply when a building permit or development permit application is requested within an environmental overlay zone and is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, or 33.430.405.C, or 33.565.510 through .580. These regulations apply instead of the regulations of 33.430.410 through .430. These regulations do not apply to building permit or development permit applications for development that has been approved through environmental review.

33.565.620 Procedure

Applications for building permits or development permits as specified in Section 335.430.420 or 33.565.610 will be processed according to the following procedures:

A. Application. The applicant must submit a site plan with an application for a permit. The site plan must contain all information required by 33.430.130, Permit Application Requirements, and any additional information required for a building permit or development permit review.

B. Notice of an application.

1. Notice on website. Upon receipt of a complete application for a building or development permit, the Director of BDS will post a notice of the application on the BDS website and mail a notice of the request to all recognized organizations within 400 feet of the site. The posted notice of the application will contain at least the following information:

   - A statement that a building or development permit has been applied for that is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, 33.430.405.C, or 33.565.510 through .580.
   - The legal description and address of the site;
   - A copy of the site plan;

- The place where information on the matter may be examined and a telephone number to call; and
- A statement that copies of information on the matter may be obtained for a fee equal to the City's cost for providing the copies.

The notice will remain on the website until the permit is issued and administrative decision is made, or until the application is withdrawn.

2. E-mailed notice to recognized neighborhood associations. At the time a notice is posted on the BDS website, the Director of BDS will e-mail information about the internet posting to all recognized neighborhood associations and neighborhood coalition offices within 400 feet of the site. When an e-mail address is not available, the notice will be mailed to the neighborhood association and coalition office.

C. Posting the site and marking development. The applicant must post notice information on the site and identify disturbance areas as specified below.

1. Posting notice on the site. The applicant must post public notice of the proposed activity or development following the procedure listed in 33.565.320.C. The posted notice will contain the same information as the notice posted on the internet.

2. Marking proposed development on site. Prior to inspection of the site, the applicant will mark all trees over six inches diameter to be removed on the site and the building and pavement outlines with high visibility tape. The extent of the disturbance area must be marked with orange construction fencing or similar highly visible material. For corrections to violations, the disturbance area and remediation area to be planted must be identified with high visibility tape or similar high visibility material.

D. Site inspection. A BDS inspector will inspect the site prior to issuance of the permit and will provide the Director of BDS with one of the following:

1. An inspection report that confirms the accuracy of the site plan and conformance with the applicable development standards; or

2. A check sheet identifying the deficiencies in the plan. Deficiencies must be corrected before a building permit is approved, or they may be addressed through environmental review as described in Sections 33.430.210 through 33.430.280.

E. Comments. Any interested person may comment on the permit application by writing and specifically identifying errors or non-compliance with development standards.

F. Response to comments. If a comment is received, the Director of BDS will respond in writing or in a manner suitable to the comment. The response will specifically address each comment that concerns compliance with the development standards of Section 33.430.140 through .190 and 33.565.560 through .580. The Director of BDS will recheck permits for

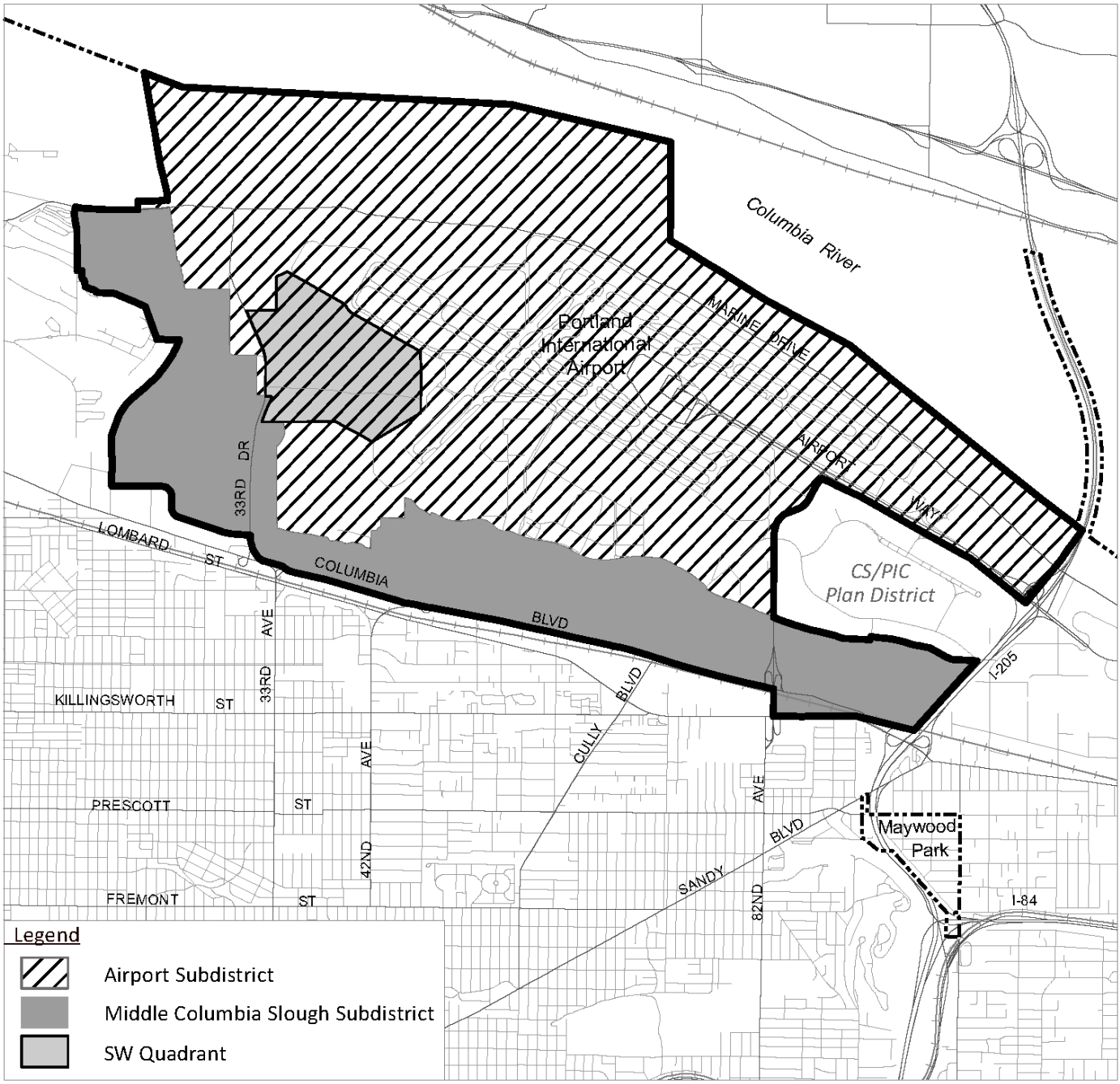
compliance with development standards and approve the permit if compliance is reaffirmed or when identified deficiencies are corrected, and when all applicable standards and regulations of the Zoning Code are met.

(Added by Ord. No. 184521, effective 5/13/11. Amended by: Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

Portland International Airport Plan District and Subdistricts

Map 565-1

Map Revised March 1, 2015



City Boundary

Plan District Boundary

NORTH

0 3,000 6,000

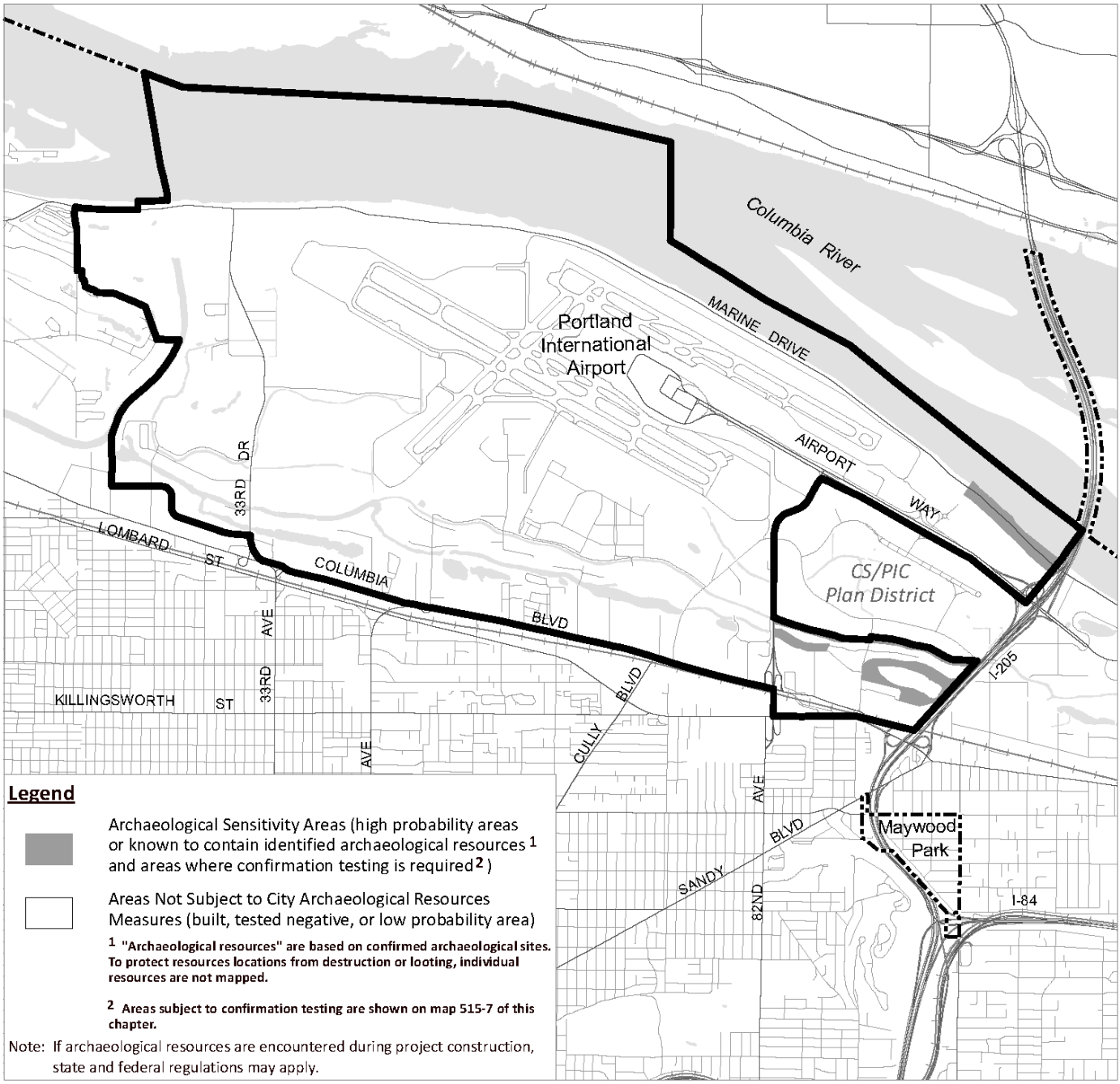
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Portland International Airport Plan District
Areas of Archaeological Interest

Map 565-2

Map Revised March 1, 2015



City Boundary

Plan District Boundary

NORTH

0 3,000 6,000

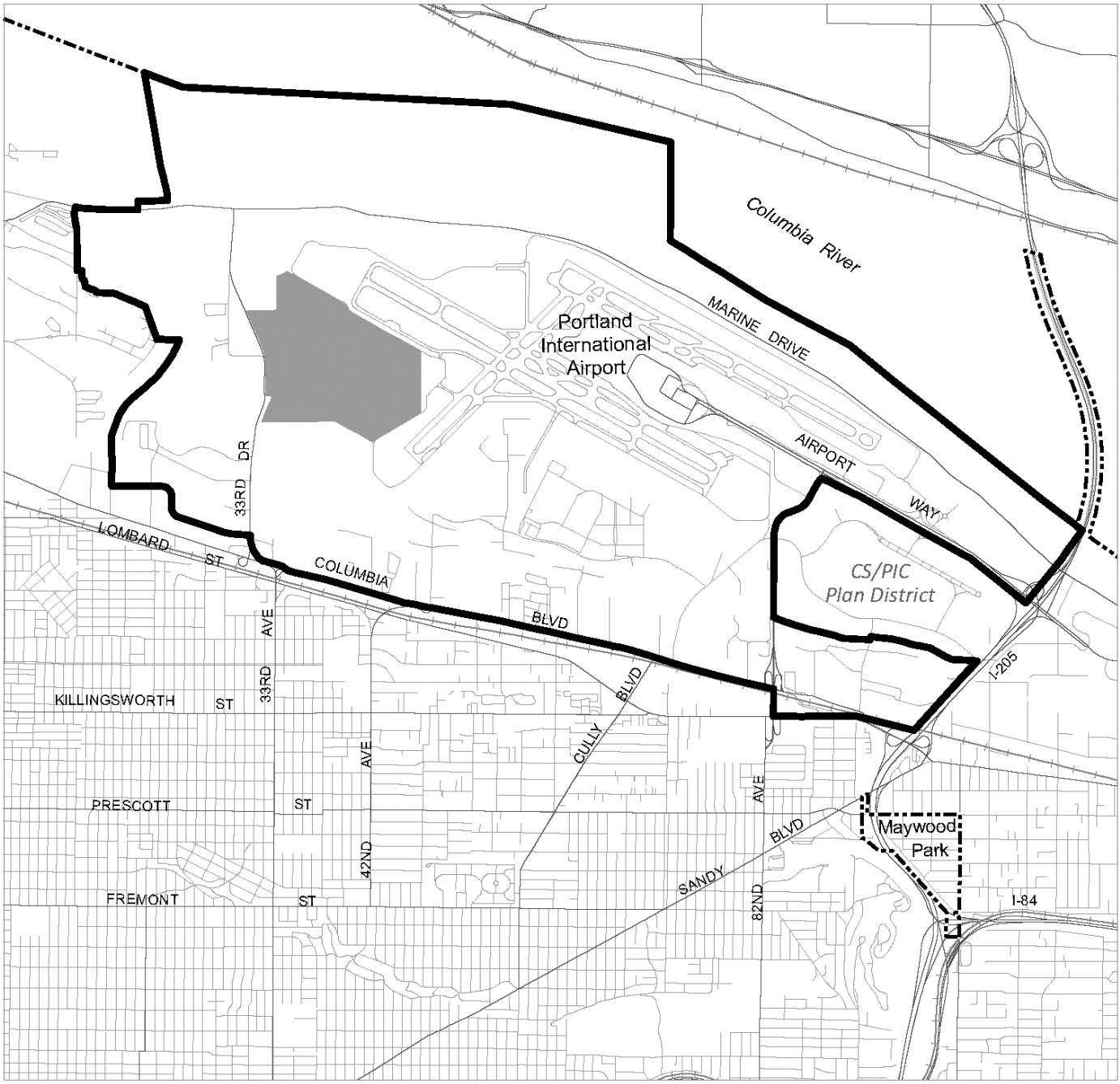
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Portland International Airport Plan District
SW Quadrant

Map 565-3

Map Revised March 1, 2015



City Boundary

Plan District Boundary

SW Quadrant

NORTH

0 3,000 6,000

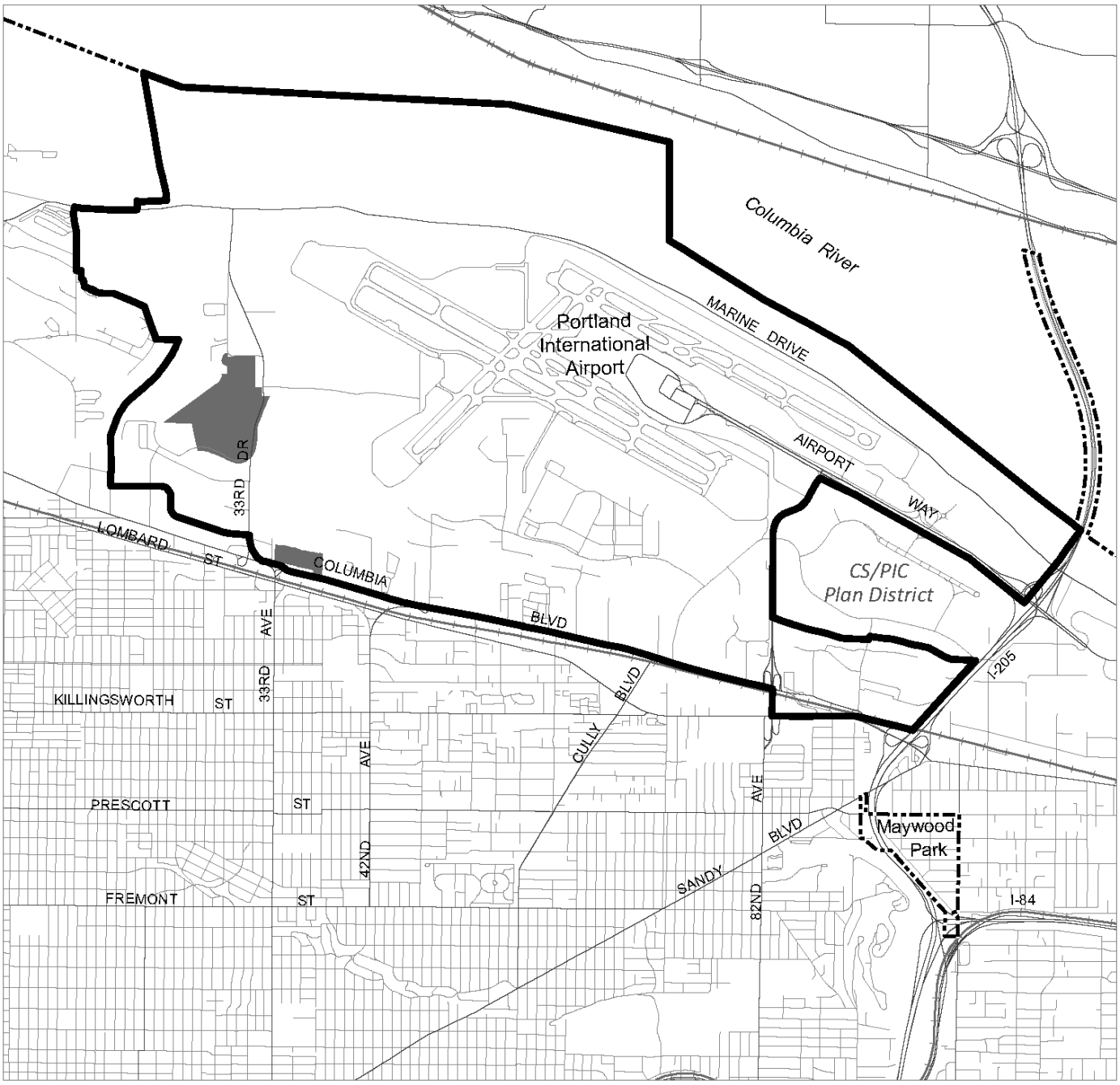
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Portland International Airport Plan District
Golf Course / IG2 Transition Area

Map 565-4

Map Revised May 24, 2018



City Boundary

Plan District Boundary

Golf Course / IG2 Transition Area

NORTH

0 3,000 6,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.566 Powell Butte / Mt. Scott Plan District

566

(Renumbered, renamed and amended by Ord. No. 164772, effective 8/16/91. See Chapter 537, Johnson Creek Basin Plan District.)

33.566 Portland International Raceway Plan District

566

Sections:

33.566.010 Purpose
33.566.020 Where These Regulations Apply
33.566.030 Relationship to Other Regulations
33.566.100 Additional Allowed Uses
33.566.110 PIR Master Plan Required
33.566.200 PIR Master Plan
33.566.220 Approval Criteria for a PIR Master Plan
33.566.230 Duration of the PIR Master Plan
33.566.300 Implementation
Map 566-1 PIR Plan District

33.566.010 Purpose

The purpose of this plan district is to preserve and enhance the special character and opportunities of this unique area. This plan district recognizes existing uses and their impacts, and works to minimize the impacts of future development. The PIR plan district is part of West Delta Park. West Delta Park, and the plan district in particular has a unique and varied character. The activities currently occurring in the park, coupled with the characteristics of the land itself and the location, are unlike any other park in the region. The natural setting of this plan district is a broad open, natural area with unusual expansive vistas of the Columbia River flood plain. In contrast, many of the City's other large areas of Open Space zoning contain hilly and forested terrain.

The plan district is zoned for Open Space, a zone with a number of purposes. The PIR plan district helps to implement those purposes by:

- Preserving and protecting public open and natural areas;
- Providing opportunities for outdoor recreation
- Providing contrasts to the built environment;
- Preserving scenic qualities;
- Protecting sensitive or fragile environmental areas; and
- Preserving the capacity and water quality of the stormwater drainage system.

Geographically, West Delta Park is a transition area between the natural areas of Smith and Bybee Lakes to the west and the freeway-oriented "special event" uses to the east: the East Delta Park sports complex, Portland Meadows, Portland Speedway, and the Expo Center. Within the park, the character of the land similarly changes as one moves from west to east: the Heron Lakes Golf Course has more wildlife and other environmental resources than the Portland International Raceway (PIR), while PIR is a more developed use and absorbs large crowds for special events. The regulatory framework for the PIR plan district recognizes a mix of open space and major special event uses. Within the plan district are several distinct areas, or subdistricts:

- Environmental resource areas accommodate a rich array of wildlife, providing opportunities for food, shelter, and breeding. Because these areas include many sloughs and wetlands they are particularly valuable to the region. The primary purpose of these areas is to support wildlife, with only passive or unintrusive recreational uses.

- The natural, grassy, open areas provide food and some shelter for wildlife, and also help to accommodate the occasional larger recreational events. Primarily, however, these areas provide a special experience of an open, undeveloped, and natural setting for those who are within it, or those who are viewing it from the racetrack core area.
- The racetrack core area provides both recreational and entertainment opportunities for the region. This is the part of PIR that is used most regularly for recreation, and is the part where development and year-round activity can be the most intense. This area includes the paved and grass area in the southeastern corner, the infield area including the paddock and moto-cross track, the road connecting the north entrance to the paddock, and the racetrack itself. The racetrack is used for major racing events, and also for many functions of local motor sports clubs and service organizations. This area provides an opportunity for active, intense, and vibrant uses, while preserving and enhancing the natural setting and highlighting the experience of the transition between them. Part of the experience for those within this area is the sights, sounds, and excitement that are inherent to a racetrack; part of the experience is the contrast with the natural setting that serves as a backdrop to this area.

The key to achieving the purpose of this plan district—to preserve and enhance the special character and opportunities of this unique area—goes beyond simply requiring that development within the racetrack core area not negatively affect the other areas; it requires a careful design and balancing so that, on one hand, the recreational and entertainment uses do not overwhelm the overall natural setting, and the natural setting continues to enhance the recreational and entertainment uses.

33.566.020 Where These Regulations Apply

The regulations of this chapter apply to the Portland International Raceway (PIR) plan district. The boundaries of the plan district are shown on Map 566-1 at the end of this chapter, and on the Official Zoning Maps.

33.566.030 Relationship to Other Regulations

Development in the plan district must also comply with the requirements of Chapter 33.430, Environmental Overlay Zones, and the Natural Resources Management Plan for Peninsula Drainage District No. 1.

33.566.100 Additional Allowed Uses

A racetrack for motor vehicles is an additional allowed use.

33.566.110 PIR Master Plan Required

All development within the PIR plan district must be master planned, except as listed in this section. The PIR Master Plan must be approved before any other development takes place. The PIR Master Plan must be approved under the procedures set forth in Section 33.566.200, PIR Master Plan. The following development and activities are allowed before approval of a PIR Master Plan:

A. Filling holes outside of environmental zones, as necessary for public safety;

B. Erecting temporary or permanent fencing outside of environmental zones for purposes of crowd control and safety;

C. Normal maintenance and repair of the Raceway and associated facilities; and

D. Regrading and reconfiguring the Moto-Cross Course.

33.566.200 PIR Master Plan

A. Purpose. This section describes the required elements for a PIR Master Plan, and the procedures and criteria for approving and amending such a plan.

The development of a PIR Master Plan will provide the surrounding neighborhoods and the City with information about, and an opportunity to participate in, plans for the future development of the site. An approved PIR Master Plan will ensure that the site can develop in a manner consistent with the purpose and character of this plan district.

B. Components of a PIR Master Plan. The applicant must submit a PIR Master Plan with all of the following components:

1. Boundaries of the property. The boundaries of the property to be included in the PIR Master Plan.

2. Overall scheme. An overall scheme, which includes both written and graphic elements, that describes and ties together existing, proposed, and possible development plans, each phase of development, estimated timelines, interim uses of property awaiting development, review procedures for each phase, and what standards, guidelines, and approval criteria will be used to evaluate each phase.

3. Site plan. A site plan, showing the location, size and dimensions of existing and proposed buildings and other structures, the pedestrian, bicycle, and vehicle circulation system, vehicle and bicycle parking areas, and open areas. This information must cover the following:

   a. Existing development and improvements, including those that will be removed and those that will remain after development of any proposed new facilities;

   b. Proposed development and improvements;

   c. Conceptual plans for possible future development and improvements;

   d. Existing and proposed pedestrian, bicycle, and transit facilities including pedestrian and bicycle circulation between:

      (1) Major buildings, activity areas, and transit stops within the boundaries and adjacent streets and adjacent transit stops; and

      (2) Development adjacent to the plan district and the proposed development;

   e. Infrastructure improvements. Schematic drawings showing proposed infrastructure improvements, including facilities for water, sewer, stormwater management, and electrical facilities;

   f. Existing and proposed drainage patterns;

   g. Existing and proposed wetlands and water features;

   h. A grading and erosion control plan;

i. Location of swales or created wetlands to treat runoff from the racetrack, parking lots, and other impervious surfaces;.

j. Location and description of wildlife habitat areas;

k. Landscaping. A conceptual landscape plan, including proposed tree plantings, fencing, screening and other existing and proposed landscape features; and

l. Any proposed temporary uses or locations of uses during construction periods.

4. Environmental requirements. Environmental requirements must be met as part of the review of the PIR Master Plan. The PIR Master Plan must include information as to how the proposed and possible development will meet the requirements of Chapter 33.430, Environmental Overlay Zones, and the requirements of the Natural Resources Management Plan for Peninsula Drainage District No. 1;

5. Operations.

a. A description of the existing, proposed, and possible uses and activities in the plan district;

b. Expected hours of operation of each activity or use existing or proposed in the plan district;

c. Expected number of employees;

d. Information on how operations will limit wildlife disturbance year-round, with extra limits during breeding season (mid-February to the end of May); and

e. Information on on-going activities in the plan district, including maintenance and repair of facilities.

6. Development standards. Any proposed standards that will control development in the plan district, where those standards are in addition to or instead of development standards in other chapters of the Zoning Code. Standards that are less restrictive than those of the Zoning Code require adjustments.

7. Design standards or guidelines that will be used to evaluate development in the plan district.

8. Subdistricts. A description and a map showing the boundaries of subdistricts within the plan district.

9. An integrated sign program that addresses both temporary and permanent signs, including the size, number, visibility from outside the plan district, visibility from natural areas within the plan district, and, for temporary signs and banners, the length of time they will be used and a method for tracking these time periods.

10. Transportation.

a. Information on impacts. Information on the projected transportation impacts of the existing and proposed activities and improvements. These include the expected number of trips (peak and daily), an analysis of the impact of those trips

on the adjacent street system, and an analysis of the impact of those trips on the surrounding neighborhoods;

b. A Traffic Management Plan, including mitigation measures. The Traffic Management Plan should be designed to meet the approval criteria in Section 33.566.220, Approval Criteria for a PIR Master Plan. Mitigation measures may include specific programs to reduce traffic impacts such as encouraging the use of public transit, carpools, vanpools, shuttle buses, and other alternatives to single occupancy vehicles or improvements to the street system; and

c. Information on how the PIR Master Plan complies with the Transportation Element of the Portland Comprehensive Plan.

C. Review Procedure and Notice.

1. Review procedure. A PIR Master Plan is processed through a Type III procedure.

2. Additional Notice. In addition to other notification required for the Type III procedure, notice must be sent to all recognized organizations within one mile of the plan district boundaries.

D. Amendments to the PIR Master Plan

1. Amendment required. An amendment to the PIR Master Plan is required for the following, unless it is allowed by the PIR Master Plan:

a. Changes in operation that will increase frequency of events;

b. Changes in operation or use that will increase the amount of traffic coming to the site;

c. Increases in floor area of any use or structure, or the overall floor area on the site;

d. Increases or decreases in the amount of parking;

e. Proposed changes to the PIR Master Plan boundaries;

f. Changes to the uses allowed in the plan district, or any change to the text of the PIR Master Plan; and

g. Proposed development, operations, or activities which were reviewed, but were denied because they were found not to be in conformance with the PIR Master Plan.

2. Review procedures. The review procedures specified in this Paragraph apply to amendments to the PIR Master Plan, unless the PIR Master Plan specifies another review procedure.

a. Changes D.1.a through D.1.d.

(1) Changes of more than 10 percent to the elements listed in D.1.a through D.1.d are reviewed through a Type III procedure;

(2) Changes of 10 percent or less to the elements listed in D.1.a through D.1.d are reviewed through a Type II procedure;

b. Changes D.1.e through D.1.g. The changes listed in D.1.e through D.1.g are reviewed through a Type III procedure.

c. Additional notice. In addition to other notification required for the Type II and III procedures, notice must be sent to all recognized organizations within one mile of the plan district boundaries.

3. Approval criteria. The approval criteria for an amendment to the PIR Master Plan are the same as the approval criteria for the adoption of a new PIR Master Plan.

33.566.220 Approval Criteria for a PIR Master Plan

The PIR Master Plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. Generally. The proposed PIR Master Plan will enhance the special qualities of the plan district, and is consistent with the purpose of the plan district.

B. Environmental Requirements. The proposed PIR Master Plan, and development proposed within it, must meet the following requirements:

1. The timing, frequency, and location of large spectator events in the plan district must be controlled to limit wildlife disturbance year-round, with extra limits during breeding season (mid-February to the end of May). Aspects to be controlled include: size, timing (time of day, time between events, numbers of events per day), and location (directing spectators and activity away from certain areas);

2. Lighting must be designed so as to have no adverse impact on environmental zones; and

3. The requirements of Chapter 33.430, Environmental Overlay Zones, and the requirements of the Natural Resources Management Plan for Peninsula Drainage District No. 1 must be met.

C. Transportation.

1. The PIR Master Plan must comply with the Transportation Element of the Portland Comprehensive Plan;

2. The transportation system must be capable of safely supporting the proposed development as well as existing uses in the area. Evaluation factors include:

a. Access to arterials from the site, and from surrounding neighborhoods;

b. Transit availability;

c. On-street parking impacts in the surrounding neighborhoods;

d. Other neighborhood impacts;

e. Pedestrian and bicycle safety; and

f. Street capacity and level of service. The traffic analysis and Traffic Management Plan must meet the following:

(1) ODOT level of service standards will be maintained during peak hours in the transportation system including the I-5/Victory Boulevard interchange to the Hayden Meadows Drive. If typical weekday commuter peak hour conditions will operate below the ODOT standards, mitigation must be implemented to restore acceptable operations;

(2) Traffic management plans will be used during any event with daily attendance in excess of 20,000 visitors. The plan will:

- Require scheduling the event to coincide with the off-peak of the commuter system; and
- Maintain traffic operations within capacity (volume-to-capacity less than 1.0) during the event. The volume-to-capacity of the I-5/Victory Boulevard interchange to the Hayden Meadows Drive transportation network shall not exceed 1.0 for more than one consecutive hour during event peaks; and

(3) A program for regular monitoring of events with more than 20,000 daily visitors must be instituted. The monitoring program must be conducted to identify level of service and volume-to-capacity on the transportation system including the I-5 freeway mainline, and impacts in the surrounding neighborhood.

D. Design. Design guidelines and standards in the PIR Master Plan must ensure that:

1. All development in the plan district will enhance the special character of the plan district, and the special character of each subdistrict of the plan district, as described in Section 33.566.010, Purpose, and in the PIR Master Plan itself;

2. An environment will be created which is attractive, safe, and pleasant for pedestrians, including consideration of such elements as the orientation of main entrances, the design of the ground floor—or pedestrian level—of all structures, and provision of amenities such as seating and viewing opportunities;

3. There will be smooth and attractive transitions between the plan district and adjacent areas, and between subdistricts of the plan district. Gateways to the plan district and to subdistricts will be well designed when considering location, appearance, landscaping, and compatibility with the adjacent area;

4. The visual impact of structures visible from natural areas will be minimized;

5. The negative effects of human visitation to natural areas will be minimized;

6. The design of areas and structures used for the racetrack use, including accessory uses, will not overwhelm the overall, natural setting of the plan district; and

7. The design, landscaping, and location of surface and structured parking will minimize negative effects on the natural setting and the pedestrian environment.

E. **Public Services.** Public services for water, police and fire protection and sanitary sewer are capable of serving the proposed improvements or will be made capable by the time the development is completed.

F. **Stormwater Management.** Stormwater must be managed on site and have no negative impact on nearby sloughs, wetlands, or groundwater. Primary treatment for water quantity and quality including temperature must occur prior to stormwater entering existing wetlands or sloughs. The PIR Master Plan must include provisions to manage stormwater quality and quantity for each improvement made to the site.

G. **Noise.** The PIR Master Plan, and the activities that occur within the plan district must meet the requirements of Title 18, Noise Control.

H. **Implementation.** The PIR Master Plan must set out how specific development and use proposals will be reviewed, including review procedures and what standards, guidelines, and approval criteria will be used to evaluate each proposal.

Generally, the more specifically a development or use is described in the PIR Master Plan, the lower the level of further review necessary. If no discretion is needed to determine if a proposal complies with the PIR Master Plan, the proposal may be reviewed administratively.

33.566.230 Duration of the PIR Master Plan

The PIR Master Plan must include proposed uses and possible future uses that might be proposed for at least 3 years and up to 10 years. The PIR Master Plan must be updated no more than 10 years after initial approval. If the PIR Master Plan is not updated at that time, no further development will be allowed until the PIR Master Plan is updated.

When the PIR Master Plan is amended or updated, the application for amendment or revision must include a discussion of when the next update will be required.

33.566.300 Implementation

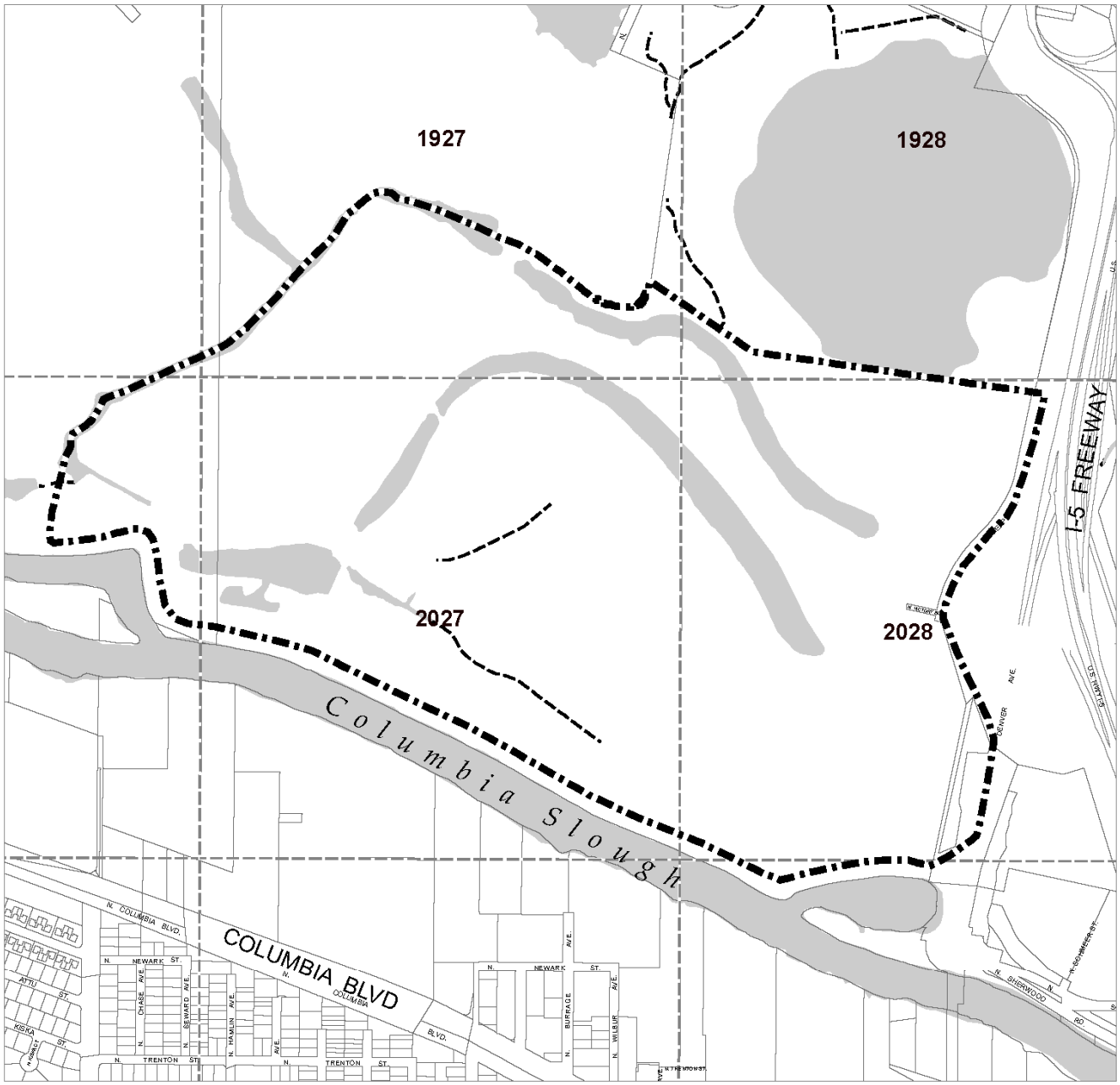
After a PIR Master Plan has been approved, all development must comply with the plan's provisions as well as all other applicable provisions of this code, unless exempted by the plan.

(Added by Ord. No. 172978, effective 1/22/99. Formerly Chapter 33.564; renumbered by Ord. No. 178961, effective 6/13/05.)

Portland International Raceway Plan District

Map 566-1

Map Revised July 8, 2016



Plan District Boundary

Streams

NORTH

0 600 1,200

Scale in Feet

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

Bureau of Planning and Sustainability
Portland, Oregon

33.567 Powell Boulevard Plan District

567

Sections:

33.567.010 Purpose
33.567.020 Where the Regulations Apply
33.567.030 Prohibited Uses
33.567.040 Additional Development Standards
Map 567-1 Powell Boulevard Plan District

33.567.010 Purpose

The regulations of the Powell Boulevard plan district are intended to buffer residences from the noise and traffic of Powell Boulevard, to promote commercial redevelopment opportunities, and to ensure the smooth flow of traffic on Powell Boulevard. The regulations of this chapter support the intent of the highway improvements which widened Powell Boulevard and created public off-street parking. The Powell Boulevard Environmental Impact Statement required noise protection for the adjacent residential neighborhood, the encouragement of commercial opportunities and the preservation of highway traffic flows.

33.567.020 Where the Regulations Apply

The regulations of this chapter apply to the Powell Boulevard plan district area. The boundaries of the plan district are shown on Map 567-1 at the end of this chapter, and on the Official Zoning Maps.

33.567.030 Prohibited Uses

New residential uses are prohibited in commercial/mixed use zones within the Powell Boulevard plan district area.

33.567.040 Additional Development Standards

A. Off-street parking. Off-street parking is not required in the Powell Boulevard plan district.

B. Construction of noise-buffering walls. The construction of a noise-buffering wall is required for new development as follows:

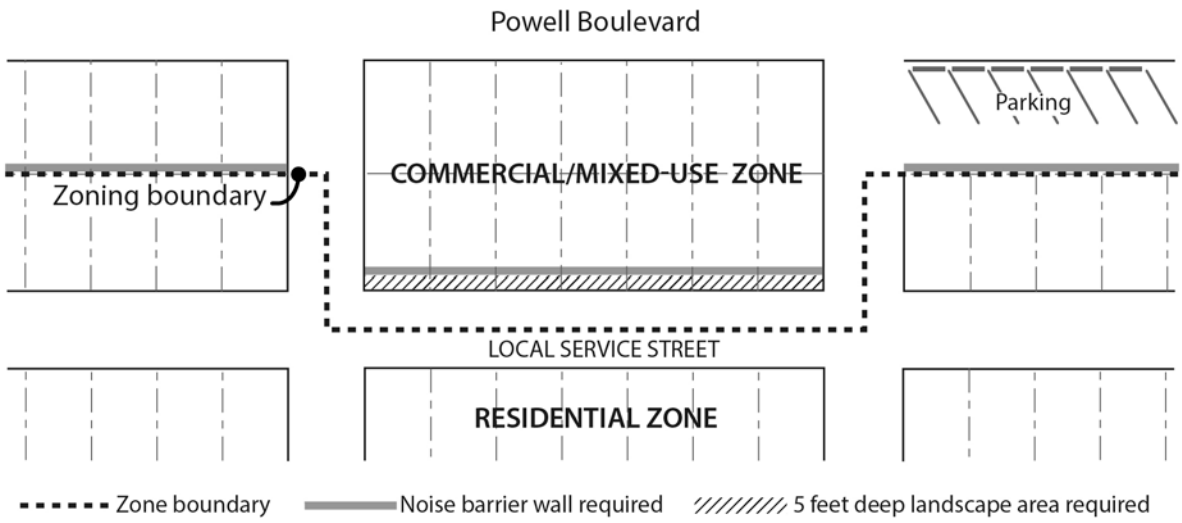
1. Location. A wall is required along any lot line parallel to Powell Boulevard that abuts an R zone. A wall is also required on street lot lines that are across a local service street from an R zone. This regulation only applies to local service streets that are south of and parallel to Powell Boulevard. See Figure 567-1.

2. Standards. The wall must be solid, continuous, a minimum of 8 feet high, and extend the entire length of the lot line. The design of the wall must be compatible with the existing walls constructed by the State.

3. Landscaping. For walls along a street lot line, a 5 foot area landscaped to the L3 standard must be provided on the street side of the wall. The landscape standards are stated in Chapter 33.248, Landscaping and Screening. The landscaped area is intended to screen the wall from the residential area. See Figure 567-1.

4. Buildings integrated into the wall. Where a rear lot line abuts the rear lot line of a residential zone, a building with a height of no more than 10 feet may be integrated into the design of the wall.

Figure 567-1
Buffer for C Zones



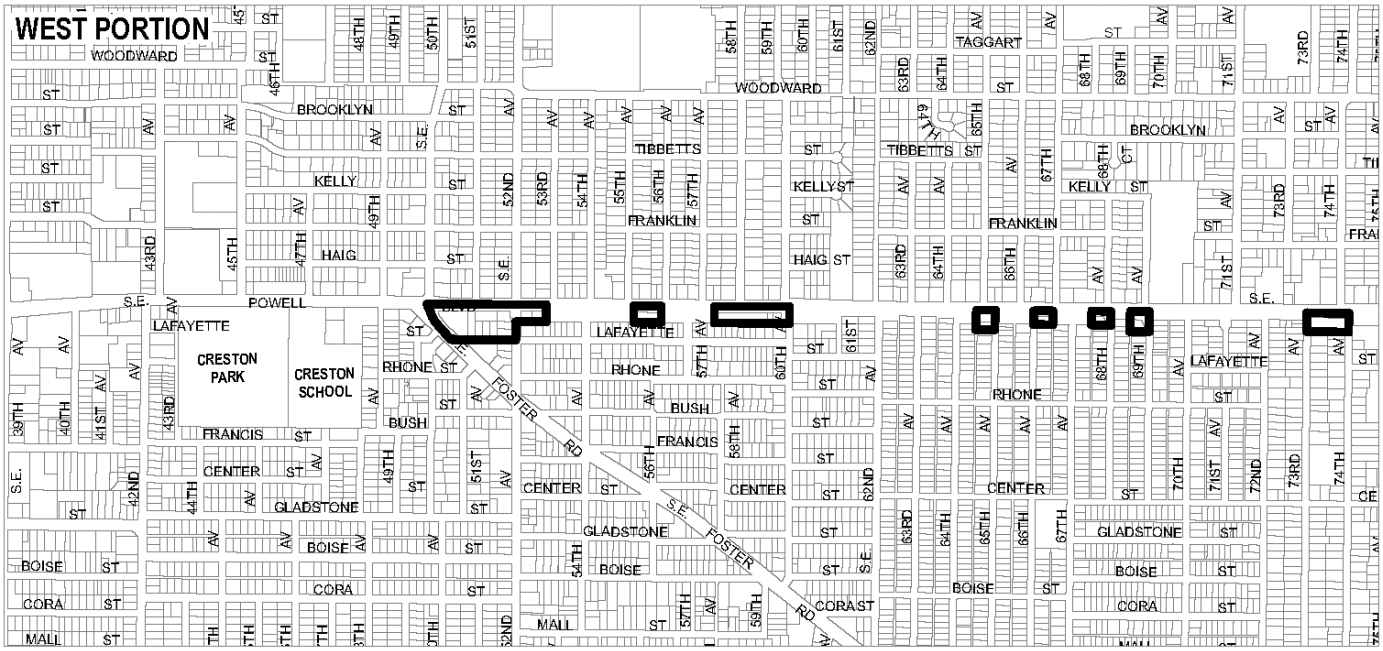
C. Curb cuts and traffic access points. The Office of Transportation encourages the consolidation of curb cuts where possible, taking into account safe traffic flow and access points needed for the proper functioning of the development. Traffic access points from the frontage roads immediately south of Powell Boulevard are given preference over new access points directly onto Powell Boulevard.

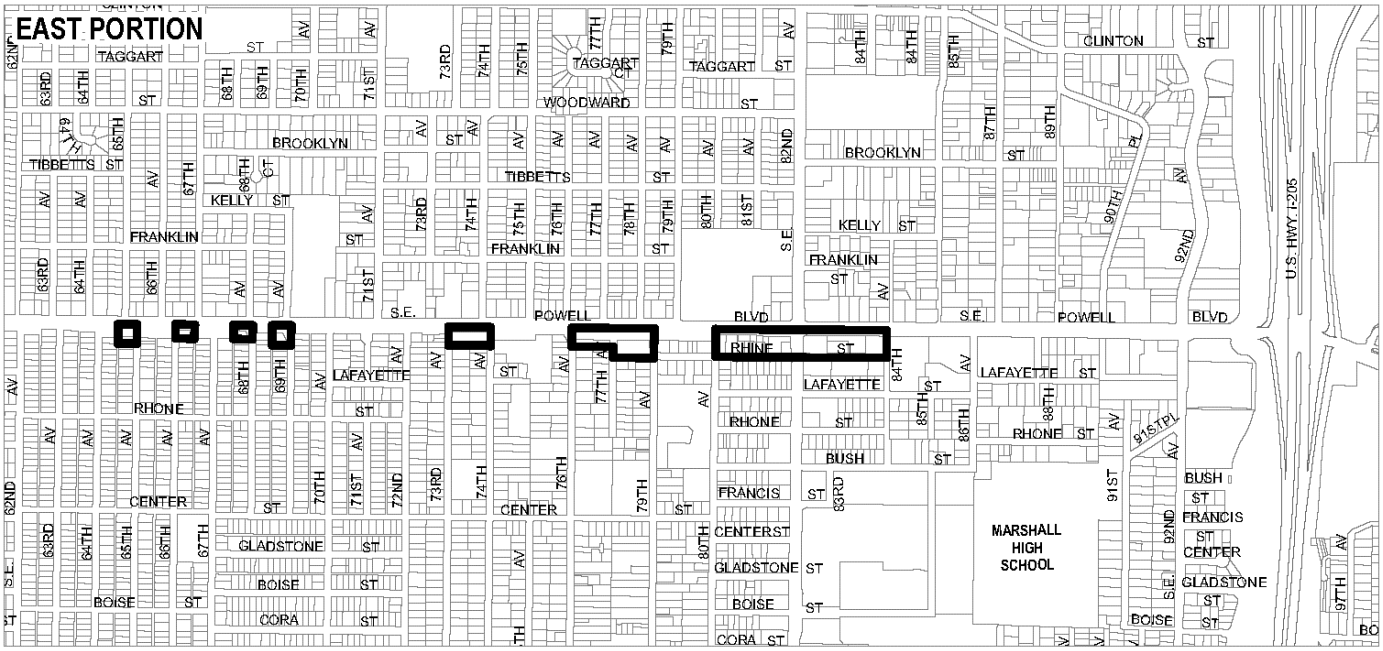
(Amended by Ord. No. 167650, effective 6/10/94. Formerly Chapter 33.565; renumbered by Ord. No.178961, effective 6/13/05; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

Powell Boulevard Plan District

Map 567-1

Map Revised July 8, 2016





Plan District Boundary

NORTH

0 1,000 2,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.570 Rocky Butte Plan District

570

Sections:

33.570.010 Purpose
33.570.020 Where the Regulations Apply
33.570.030 Development Standards
33.570.040 Tree Removal
33.570.050 Historic Features Review
33.570.070 Relationship to Environmental Zones
Map 570-1 Rocky Butte Plan District

33.570.010 Purpose

Rocky Butte has been identified as an important natural resource which includes a scenic drive and scenic views from the roadway and from the top of the butte. The regulations relating to Rocky Butte are intended to preserve and enhance the forested areas of the butte, views from the butte, historic architectural elements, and the natural scenic qualities of the butte.

33.570.020 Where the Regulations Apply

The regulations of this chapter apply to development within the Rocky Butte plan district. The boundaries of the district are shown on Map 570-1 at the end of this chapter, and on the Official Zoning Maps. Any changes to land or development, including rights-of-way, within the Rocky Butte plan district are subject to the regulations of this Chapter.

33.570.030 Development Standards

A. **Tree preservation plan.** A tree preservation plan must be submitted at the time of application for a required land use review or at the time of application for a building permit, whichever occurs first. The tree preservation plan must show all individual trees greater than 6 inches in diameter at five feet above the ground. As an option to showing individual trees in areas not being disturbed, the crown cover outline of trees can be shown. Trees to be preserved or removed must be shown as such on the plan.

B. **Height of structures.** The maximum height of structures on a portion of Rocky Butte is determined by the elevation of the adjacent roadway. All structures, including antennas, chimneys, flag poles and satellite dishes, may not extend above the level of the adjacent roadway in locations shown on Map 570-1 and described as follows:

Lying in Section 28 adjacent to Rocky Butte Road on the south and southeast sides between Engineer's Station No. 70 and Engineer's Station No. 80, on the west side of the said road between Engineer's Station No. 80 and Engineer's Station No. 83 + 50, and on the north, east and west sides between Station No. 88 and Engineer's Station No. 99 + 33.

C. **Street setback.** The following must be met where a front or side lot line abuts NE Rocky Butte Road:

1. No more than 25 percent of the front or side building setback can be used for parking, maneuvering and circulation areas. For lots with an average slope down of 20 percent or more, the maximum area devoted to parking, maneuvering and circulation is 35 percent of the front or side building setback.

2. The remainder of the front or side setback must be landscaped to at least the L1 level. Emphasis should be placed on the use of native species as listed on the *Portland Plant List*.

D. **Access limitations.** As a part of any new partition or subdivision of land, access to the ring road portion of Rocky Butte Road is limited in order to preserve on-street parking and maintain the forest setting. All lots created by any partitioning or subdivision of land must obtain vehicular access from a public or private street other than the ring road portion of Rocky Butte Road. For each 1000 feet of property frontage abutting the ring portion of Rocky Butte Road there may not be more than one intersection with a public or private street.

E. **Lighting.** Cut-off luminars must be installed for any outdoor lighting fixtures on private property. On private property, glare may not directly, or indirectly from reflection, cause illumination on other properties in excess of a measurement of .5 foot candles of light. In the right-of-way, illumination may not exceed .5 average horizontal footcandles (Eh Ave) over an area 10 feet deep, adjacent to public rights-of-way. Lighting for the purpose of ensuring public safety is exempt from this standard.

F. **Fences.** Wire and/or metal fences are not allowed.

G. **Screening.** Outdoor storage and parking of recreational vehicles and utility trailers, including motor homes, campers, and boats, is not allowed if visible at any time of the year from NE Rocky Butte Road or the top of Rocky Butte. All garbage cans, garbage collection areas, and mechanical equipment (including heat pumps, air conditioners, emergency generators, and water pumps) must be screened from view or not visible from Rocky Butte Road or the top of the butte. Small rooftop mechanical equipment, including vents, need not be screened if the total area of such equipment does not exceed 10 square feet per structure.

33.570.040 Tree Removal

A. **Purpose.** The heavily forested slopes of Rocky Butte contribute to the beauty of the area, create a striking landmark as one enters or leaves Portland, and provides the natural setting to complement the historic features of the butte. The purpose of this Section is to allow trees to be removed only when they meet the purpose of the Rocky Butte plan district and this Section. Every effort should be made to locate buildings, easements, parking strips, sidewalks and vehicle areas to preserve the maximum number of trees.

B. **Tree removal review.** Trees in the Rocky Butte plan district that do not qualify for removal under Subsection C, below, may be removed if approved through tree review as provided in Chapter 33.853, Tree Review. However, where tree removal would also require environmental review, only environmental review is required.

C. **Tree removal standards.** Trees 6 or more inches in diameter may not be removed unless one or more of the following are met:

1. The tree is located within the footprint or within 10 feet of existing or proposed buildings and structures attached to buildings, such as decks, stairs, and carports, or within 10 feet of a proposed driveway;
2. The tree is determined by an arborist to be dead, dying, or dangerous;
3. The tree is listed on the Nuisance Plants List;
4. The tree must be removed for installation, repair or maintenance of water, sewer, or stormwater services. For new installation of services, tree removal allowed under this provision is limited to a single 10 foot wide utility corridor per site;
5. The tree is within a proposed roadway or City-required construction easement, including areas devoted to curbs, parking strips, sidewalks, or vehicle areas; or
6. The tree is at least 6 and up to 12 inches in diameter and does not meet any of the other standards of this Subsection, but is replaced with two trees. Replacement plantings must meet Section 33.248.030, Plant Materials.

D. Tree removal without development. When no development is proposed, tree removal allowed by the standards of Subsection C.1 through 5, above, is subject to the tree permit requirements of Title 11, Trees.

33.570.050 Historic Features Review

A. Purpose. The hewn basalt blocks that line portions of Rocky Butte, the low basalt walls, the basalt retaining walls, bollards, drainage ways, the pedestrian and vehicle tunnels and other similar features are part of the scenic and historic character of the butte. The purpose of the historic features review is to ensure that these features are not altered in any way that will diminish the historic quality of the butte. Where features need to be removed temporarily or permanently in order to allow development, the review ensures that the impact of the removal is mitigated.

B. Scope of historic features review. Historic features review is required for the alteration or removal of historic features that are on private property. For those historic features owned and maintained by the City and located in the public right-of-way, the City Engineer must seek the advice of the Historic Landmarks Commission prior to making any substantive alteration or removal. The Historical Landmarks Commission will consider the approval criteria of this subsection in providing advice to the City Engineer. The City Engineer is not required to seek this advice for routine maintenance and emergency repairs to these historic features when they are performed by the City.

C. Procedure. Historic Features review is processed through a Type III procedure.

D. Approval criteria. The request to alter or remove historic features on the butte will be approved if the applicant has shown that all the following approval criteria are met:

1. There is a clear demonstration that there is a public need for the proposal and that the public benefit resulting from the proposal outweighs the benefits of preserving the historic features.

2. Alternative locations, design modifications, or alternative methods of development that would reduce the impacts on the historic features have been identified and evaluated.

3. Impacts on the historic features have been mitigated through replacing or relocating the removed historic feature or through enhancing other nearby historic features.

33.570.070 Relationship to Environmental Zones
When an environmental zone has been applied at the location of a designated scenic resource, the environmental review must include consideration of the scenic qualities of the resource as identified in the ESEE Analysis for Scenic Resources. The development standards of this Chapter must be considered as part of that review.

(Added by Ord. No. 163957, effective 4/12/91. Amended by: Ord. No. 166572, effective 6/25/93; Ord. No. 167650, effective 6/10/94; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 186053, effective 1/1/15.)

Rocky Butte Plan District

Map 570-1

Map Revised January 1, 2015

City Boundary

Plan District Boundary

Maximum height determined by elevation of adjacent roadway

NORTH

0 600 1,200

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.575 Sandy Boulevard Plan District

575

Sections:

General
33.575.010 Purpose
33.575.020 Where These Regulations Apply
Development Standards
33.575.100 Transition Between Residential and Commercial Zones
33.575.110 Building Facades Facing Sandy Boulevard
Map 575-1 Sandy Boulevard Plan District

General

33.575.010 Purpose

The Sandy Boulevard Plan District implements the Sandy Boulevard elements of the Hollywood and Sandy Plan through special height transitions and unique setback treatments.

33.575.020 Where These Regulations Apply

The regulations of this chapter apply to the Sandy Boulevard plan district. The boundaries of the plan district are shown on Map 575-1 at the end of this chapter, and on the Official Zoning Maps.

Development Standards

33.575.100 Transition Between Residential and Commercial Zones

A. Purpose. These regulations ensure a landscaping treatment along commercial lot lines that face, but are across the street from a single-dwelling residential zone. In addition, the regulations prevent large blank walls above the ground floor from facing residential sites from across a street and ensure that building heights reduce to relate to adjoining single-dwelling zones.

B. Where these regulations apply. These regulations apply to sites on Map 575-1

C. Height limits for sites abutting or across the street from a RF-RM2 zones. Sites in commercial zones abutting or across the street from RF through RM2 zones have special height limits that create a transition to the residential zone. The height limits are as follows:

1. Sites abutting RF – RM2 zones. Sites abutting RF through RM2 zones have height limits that decrease in two steps near the residential zone. See Figure 575-1. These height limits are:

   a. On the portion of a site within 25 feet of a site zoned RF through RM2, the maximum building height is the same as the abutting residential zone.

   b. On the portion of a site that is more than 25 feet but within 50 feet of a site zoned RF through RM2, the maximum building height is 45 feet.

2. Sites across a street from RF – RM2 zones. Sites across a street from RF through RM2 zones have height limits that decrease near the residential zone. On the portion of the

site within 15 feet of the lot line across the street from a site zoned RF though RM2, the maximum building height is the same as the residential zone. See Figure 575-2.

Figure 575-1
Height limits on sites abutting RF – RM2 zones

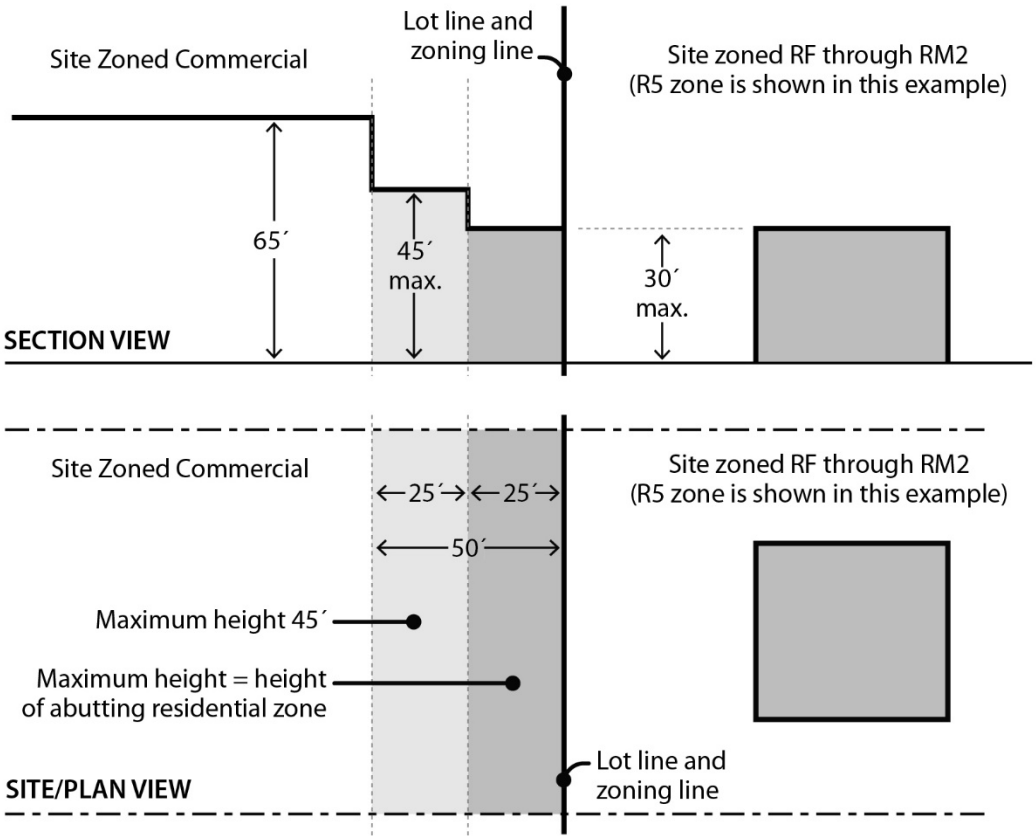
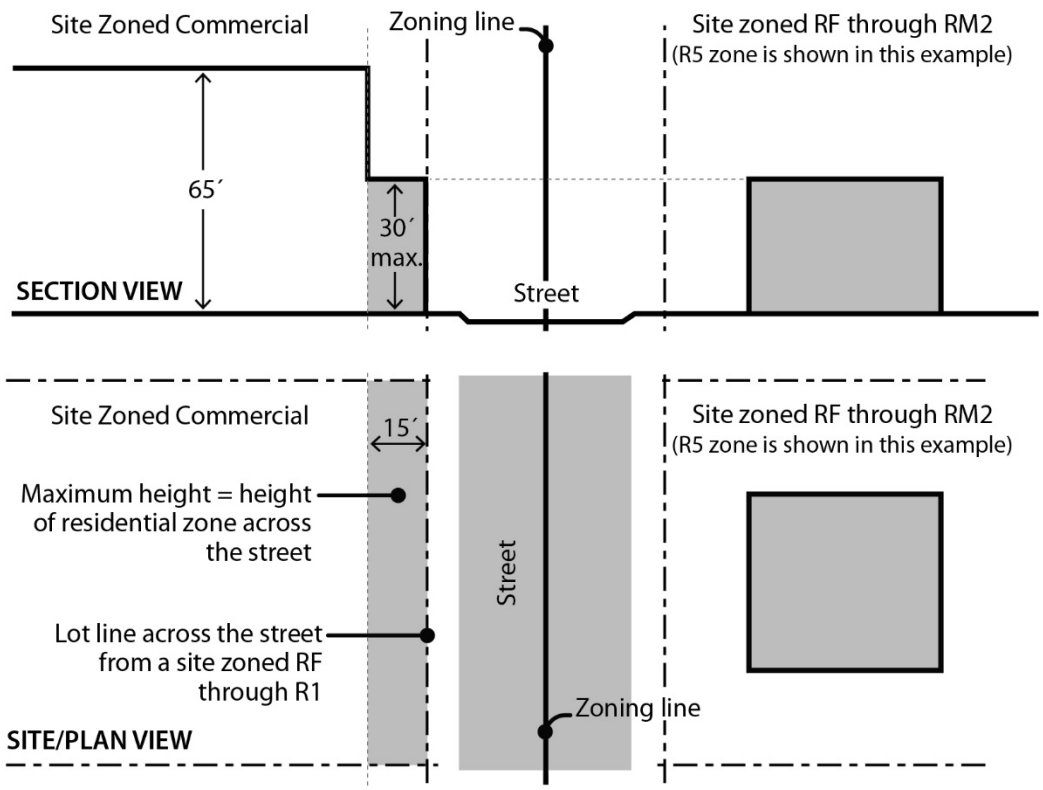


Figure 575-2
Height limits on sites across a street from zones RF – RM2 zones



33.575.110 Building Facades Facing Sandy Boulevard

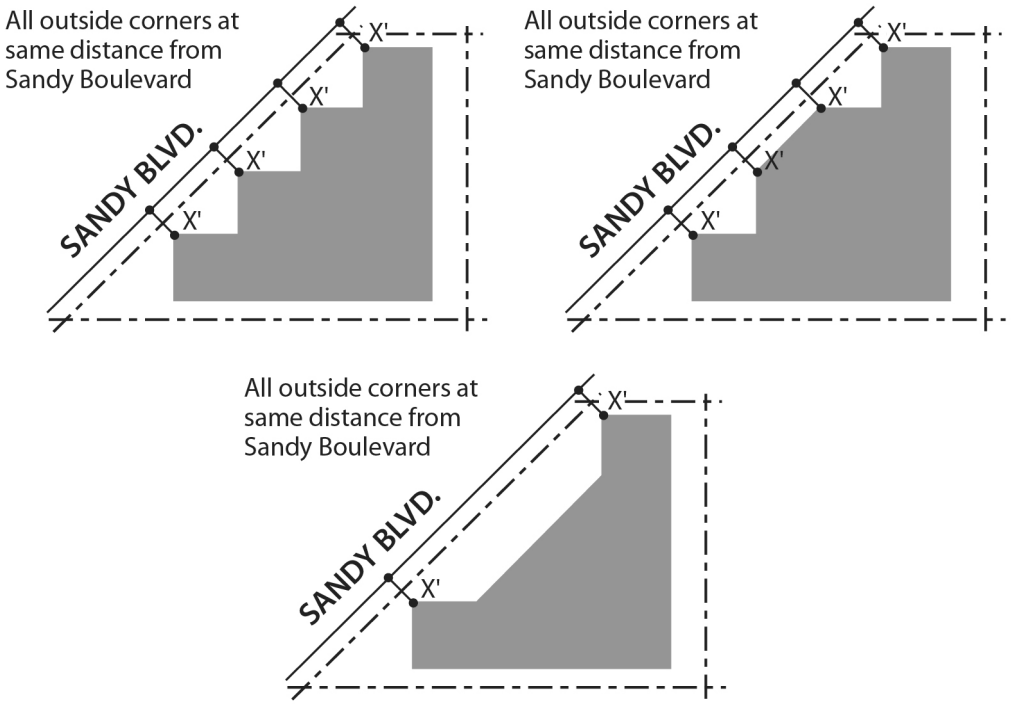
A. **Purpose.** These regulations ensure that new development reinforces the unique diagonal geometry of sites adjacent to Sandy Boulevard.

B. **Where these regulations apply.** These regulations apply to sites on Map 575-1 with frontage along Sandy Boulevard.

C. **Building facades facing Sandy Boulevard.** The exterior walls of the building that can be seen from the Sandy Boulevard lot line must be either:

1. Parallel to Sandy Boulevard; or
2. In a series of stepped facades at an angle to Sandy Boulevard in which all outside building corners are the same distance from Sandy Boulevard, as shown in Figure 575-3.

Figure 575-3
Examples of building facades facing Sandy Boulevard

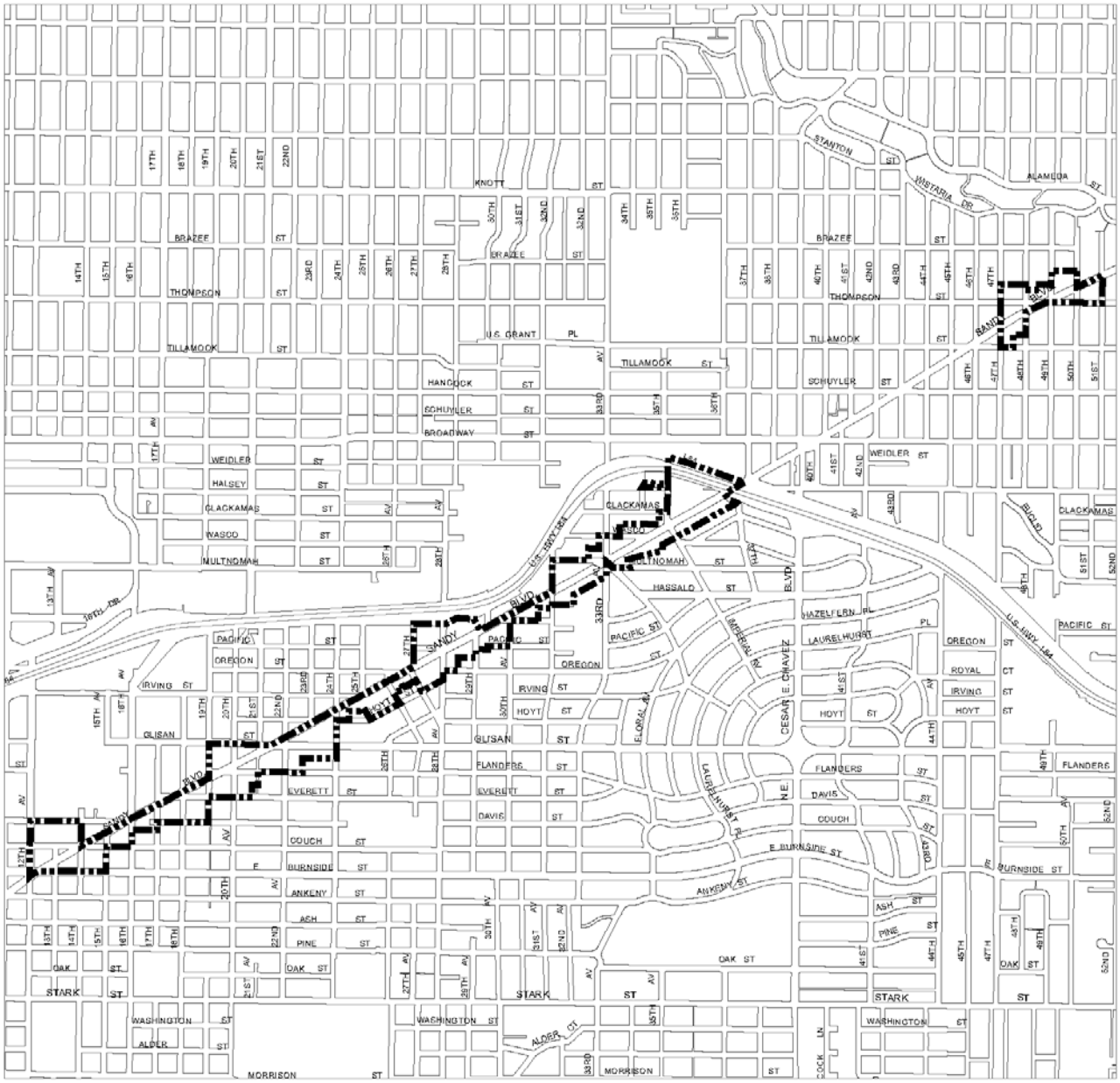


(Adopted by Ord. No. 188177, effective 5/24/18. Amended by: Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20.)

Sandy Boulevard Plan District

Map 575-1

Map Revised May 24, 2018



Plan District boundary

NORTH

0 1,200 2,400

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.575 Skyline Plan District

575

Renamed, renumbered, and amended by Ord. Nos. 175965 and 176333, effective 7/1/02. See Chapter 33.563, Northwest Hills Plan District.

(Added by Ord. No. 164517, effective 7/31/91. Amended by: Ord. No. 168698, effective 4/17/95; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02.)

33.580 South Auditorium Plan District

580

Sections:

33.580.010 Purpose
33.580.020 Where the Regulations Apply
33.580.030 Required Design Review
33.580.040 Portland Development Commission
Development Standards
33.580.100 Floor Area Ratios
33.580.110 Landscaped Areas
33.580.120 Parking Lot Landscaping
33.580.130 Preservation of Existing Trees
33.580.140 Sign Restrictions
33.580.150 Roof Top Screening
Map 580-1 South Auditorium Plan District
Map 580-2 South Auditorium Plan District Maximum Floor Area Ratio
Map 580-3 Pedestrian Mall and Open Area Landscaping

33.580.010 Purpose

The South Auditorium plan district protects the unique character of the former South Auditorium urban renewal district. The district is an award-winning development, with its high-rise buildings, generous setbacks and landscaping, numerous plazas and fountains, and elaborate pedestrian walkway system. Maintenance of this character is achieved by requiring additional landscaping requirements, the preservation of existing trees, screening of roof-top equipment, and additional sign regulations which limit the type, number, and size of signs.

33.580.020 Where the Regulations Apply

The regulations of this chapter apply to development in the South Auditorium plan district, as shown on Map 580-1 at the end of this chapter, and on the Official Zoning Maps. Where the regulations of this chapter conflict with the regulations of the Central City plan district, the regulations of this chapter prevail.

33.580.030 Required Design Review

The regulations of Chapter 33.420, Design Overlay Zones apply in all areas of the plan district that are within the Design Overlay Zone.

33.580.040 Portland Development Commission

Due to their involvement in the development of the plan district, the participation of the Portland Development Commission (PDC) is actively encouraged. The PDC will be notified of all pre-application conferences and their advice sought before any final staff recommendations are made on a land use review.

Development Standards

33.580.100 Floor Area Ratios

Maximum floor area ratios for sites in the South Auditorium plan district are shown on Map 580-2. In the portion of the South Auditorium plan district that is also in the Central City plan district, the Central City floor area bonus and transfer options apply rather than any base zone bonus or transfer options.

33.580.110 Landscaped Areas

At a minimum, new development and modifications to existing development must meet the landscape standards stated in this section. The standards do not apply to parking lots, which are subject to the standards in 33.580.120 below. These standards are minimums; the review body may require higher standards as part of a land use review. The standards are:

A. **Fourth Avenue.** A 6 foot deep area landscaped to at least the L2 standard is required along SW Fourth Avenue. The landscape standards are stated in Chapter 33.248, Landscaping and Screening.

B. **Other streets.** A 15 foot deep area landscaped to at least the L1 standard is required along any public street other than SW Fourth Avenue.

C. **Pedestrian malls/open areas.** A 6 foot deep area landscaped to at least the L1 standard is required along lot lines abutting a pedestrian mall or open area, as shown on Map 580-3.

33.580.120 Parking Lot Landscaping

The perimeter of surface parking lots which abut pedestrian malls or rights-of-way must have a 5 foot deep area landscaped to at least the L2 standard. In addition, the interior landscaping of surface parking lots must have at least 1 tree for each 500 square feet of paved area. These standards are minimums; the review body may require higher standards as part of a land use review.

33.580.130 Preservation of Existing Trees

A. **Existing trees must be preserved.** Unless exempt under subsection B, removal of existing trees 6 or more inches in diameter is allowed only when approved through design review, using the following approval criteria:

1. The location of the tree to be removed is needed for development of a new building or an arborist finds that the tree will be affected by proposed development in a manner that is likely to cause significant damage or death to the tree;
2. The proposal is consistent with the purpose of the plan district; and
3. Each tree removed will be replaced with a new tree elsewhere in the plan district in accordance with the adopted landscaping plan for the plan district, or as determined by the design review.

B. **Exemption.** Removal of trees that are dead, dying, or dangerous, as determined by an arborist, is exempt from the requirement for design review if the tree is replaced by at least one tree in the same general location or in accordance with the adopted landscaping plan for the plan district.

C. **Tree removal without development.** When no development is proposed, removal of trees allowed under the exemption in Subsection B, above, is subject to the tree permit requirements of Title 11, Trees.

33.580.140 Sign Restrictions

The sign standards are stated in Title 32, Signs and Related Regulations.

33.580.150 Roof Top Screening

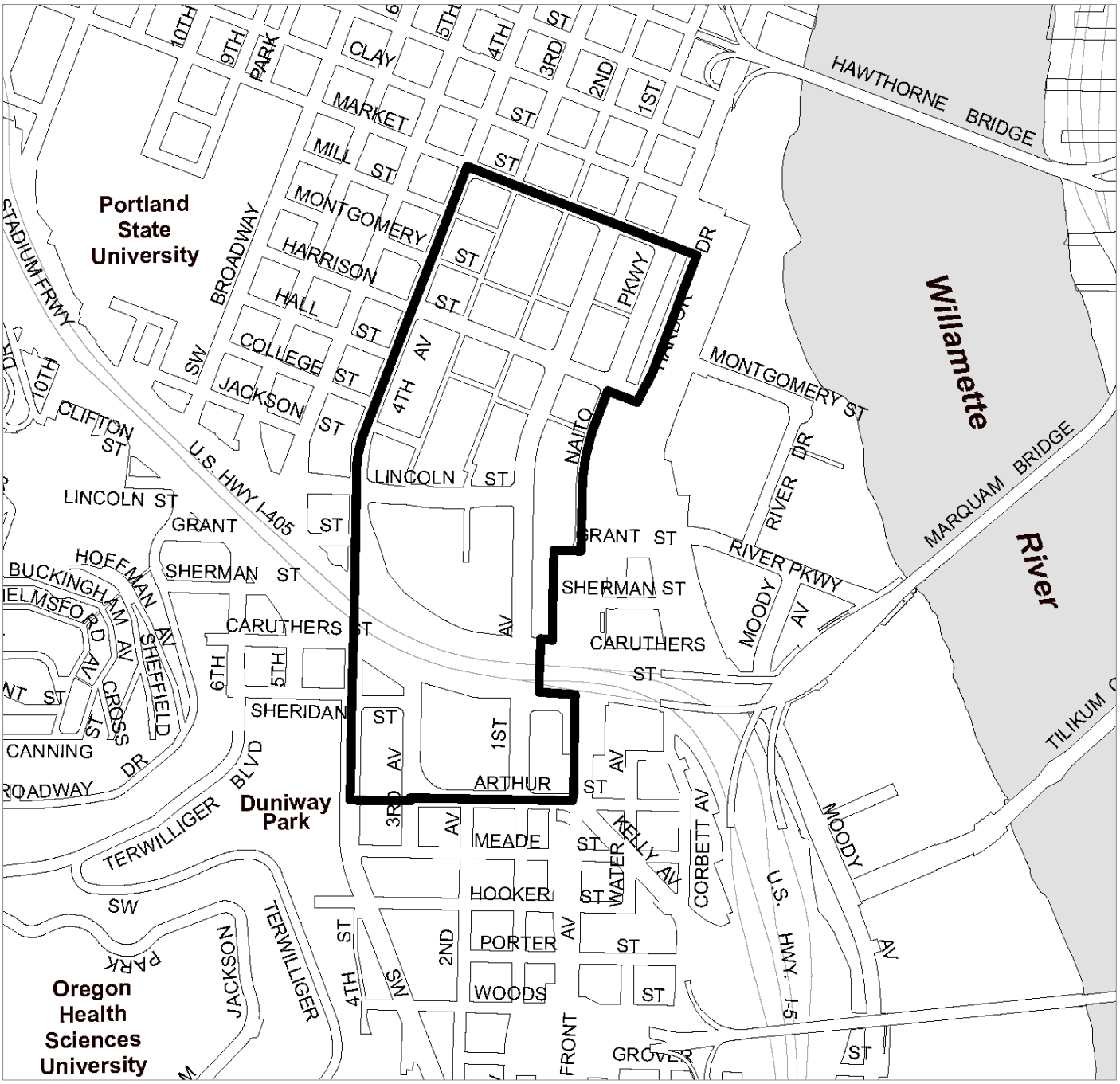
All mechanical equipment, duct work, and structures that house mechanical equipment on a roof must be hidden by sight-obscuring screening. Satellite dishes on a roof require screening, unless the review body finds that the dish design is consistent with the design guidelines.

(Amended by: Ord. No. 167650, effective 6/10/94; Ord. No. 175204, effective 3/1/01; Ord. No. 184524, effective 7/1/11; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 188162, effective 2/1/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20.)

South Auditorium Plan District

Map 580-1

Map Revised August 10, 2020



Plan District Boundary

NORTH

0 600 1,200

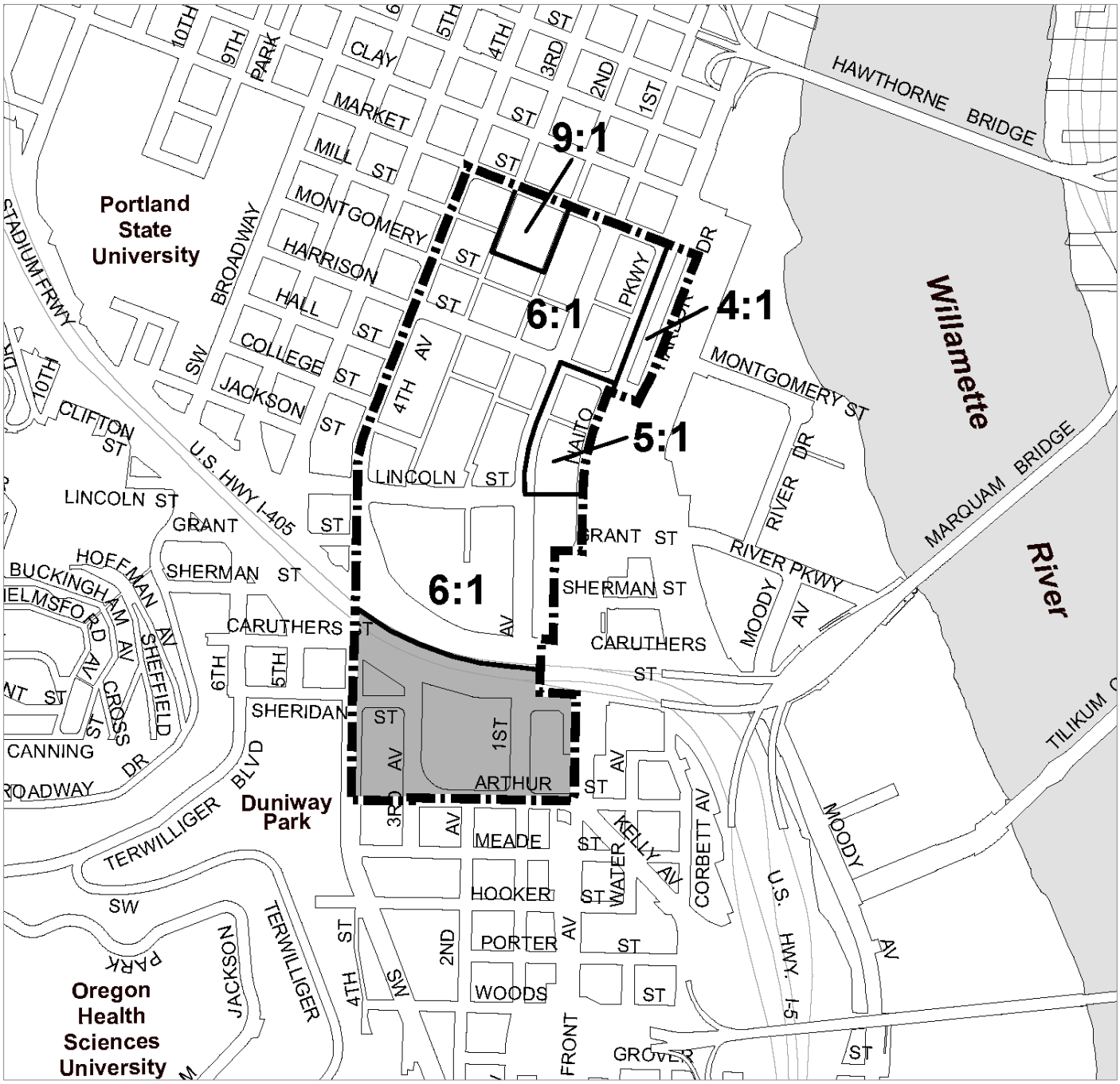
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

South Auditorium Plan District
Maximum Floor Area Ratio

Map 580-2

Map Revised August 10, 2020



Plan District Boundary

Maximum FAR area boundary

Area where FAR determined by the base zone

X:Y = Maximum FAR

X = Gross sq. ft. of building

Y = Square feet of site

NORTH

0 600 1,200

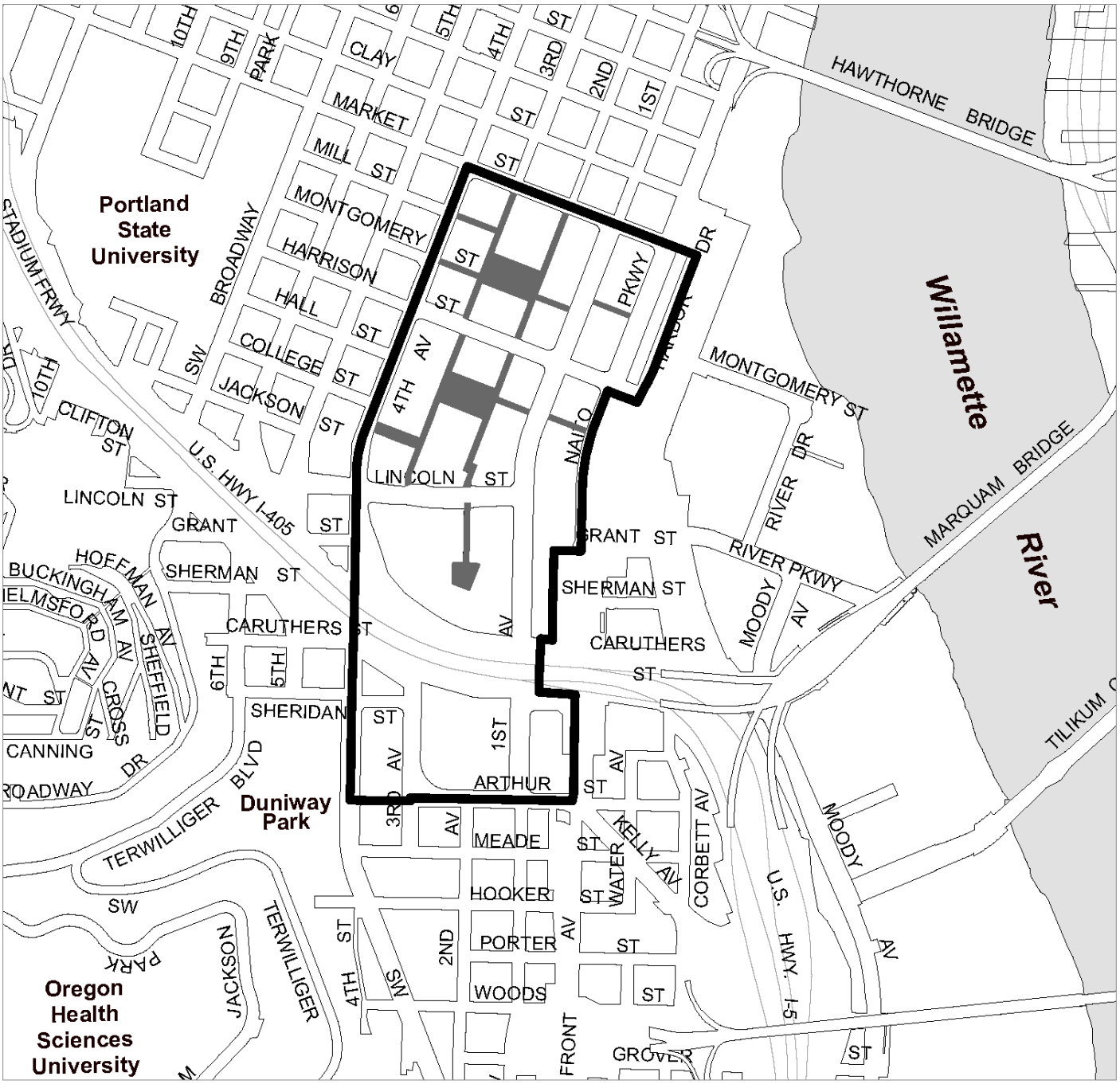
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

South Auditorium Plan District
Pedestrian Malls and Open Areas

Map 580-3

Map Revised August 10, 2020



Plan District Boundary

Pedestrian malls and open areas

NORTH

0 600 1,200

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.583 St. Johns Plan District

583

Sections:

General
33.583.010 Purpose
33.583.020 Where These Regulations Apply
Use Regulations
33.583.100 Purpose
33.583.110 Prohibited Uses
33.583.120 Retail Sales And Service Uses in the CM3 Zone
Development Standards
33.583.200 Purpose
33.583.210 Drive-Through Facilities
33.583.220 Exterior Activities in the EG and CM3 Zones
33.583.230 Detached Houses Prohibited in the CM3 Zone
33.583.250 Maximum Building Height
33.583.270 Building Coverage in the CM3 Zone
33.583.280 Residential Uses in the EG1 Zone
33.583.285 Additional Regulations in the Riverfront Subdistrict
33.583.290 Required Design Review
Map 583-1 St. Johns Plan District
Map 583-2 Maximum Heights

General

33.583.010 Purpose

The St. Johns plan district provides for an urban level of mixed-use development including commercial, employment, office, housing, institutional, and recreation uses. Specific objectives of the plan district include strengthening St. Johns' role as the commercial and civic center of the North Portland peninsula. These regulations:

- Stimulate business and economic vitality;
- Promote housing and mixed-use development;
- Discourage auto-oriented uses and development;
- Enhance the pedestrian environment;
- Enhance the character of buildings in the plan district; and
- Support the Willamette greenway and opportunities to celebrate the Willamette River as a unique element of the urban environment.

33.583.020 Where These Regulations Apply

The regulations of this chapter apply in the St. Johns plan district. The boundaries of the plan district are shown on Map 583-1 and on the Official Zoning Maps.

Use Regulations

33.583.100 Purpose

These regulations support St. Johns as the commercial and civic core of the North Portland peninsula by guiding the types and intensity of uses allowed in the plan district. These use regulations also ensure that land uses fostered within the plan district support an enhanced pedestrian environment and residential mixed-use development. Retail uses outside of the central commercial and civic core are limited to neighborhood-serving retail uses that will complement the riverfront area but do not compete with the uses located in the commercial core of the plan district.

33.583.110 Prohibited Uses

A. **Plan district.** Quick Vehicle Servicing is prohibited in the plan district.

B. **EG and CM3 zones.** The following uses are prohibited in the EG and CM3 zones:

1. Vehicle Repair;
2. Commercial Parking;
3. Self-Service Storage;
4. Agriculture; and
5. Detention Facilities.

33.583.120 Retail Sales And Service Uses in the CM3 Zone

A. **Purpose.** Limiting the net building area of Retail Sales And Service uses in the CM3 zone ensures that they do not dominate the riverfront areas or overwhelm the transportation system and are generally limited to community-serving establishments.

B. **Maximum per use.** In the CM3 zone, Retail Sales And Service uses are allowed. The square footage of the net building area plus exterior display and storage area of each use may be up to 10,000 square feet.

C. **Maximum per site.** In the CM3 zone, the net building area plus exterior display and storage area of all Retail Sales And Service uses on a site, taken together, is limited to 60,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service uses where the net building area plus the exterior display and storage area exceeds these size limits, are a Conditional Use. The approval criteria are in Section 33.815.128. Adjustments to this subsection are prohibited.

Development Standards

33.583.200 Purpose

These development standards foster a vibrant mixed-use area with well-designed buildings that are of a scale and orientation that support a safe and attractive pedestrian environment. These standards help minimize conflicts between commercial and residential uses, and ensure transit-supportive levels of residential development in the plan district. The standards also support existing sites with drive-through facilities by creating limited opportunity for these facilities to redevelop as part of development that fosters an urban intensity of uses.

33.583.210 Drive-Through Facilities
Drive-through facilities are prohibited, except when they meet the following:

A. There was a legal drive-through facility on the site on January 1, 2004;

B. The new drive-through facility is on the same site and the existing drive-through will be removed;

C. The new drive-through facility will be part of a development on the site that meets the lot coverage and setback requirements of the zone, and after the new development is built, the FAR on the site will be at least 1:1; and

D. The drive-through facility must either:

1. Meet the standards of Chapter 33.224, Drive-Through Facilities; or
2. Meet the following:
   a. The service area must be within the primary structure on the site;
   b. The service area must have useable floor area above it on the second story; and
   c. The stacking lanes must meet the standards of Section 33.224.050, Stacking Lane Standards, and must be enclosed within the primary structure on the site.

33.583.220 Exterior Activities in the EG and CM3 Zones.
The following exterior activities are allowed in the EG and CM3 zones in addition to those permitted by the base zones:

A. **Purpose.** Exterior activities, such as outdoor cafes and exterior display of pedestrian-oriented services enhance the pedestrian environment of the plan district.

B. **Standard.** The following exterior activities are allowed in the EG and CM3 zones:

1. Outdoor seating for restaurants; and
2. Pedestrian-oriented uses, including flower, food, and drink stands, and other similar pedestrian-oriented uses.

33.583.230 Detached Houses Prohibited in the CM3 Zone.
Detached houses are prohibited in the CM3 zone.

33.583.250 Maximum Building Height

A. **Purpose.** The height regulations in the plan district protect public views and the character of St. Johns, the waterfront, and the residential area along the hillside. The height regulations work together with the Community Design Standards and Guidelines to ensure that the character and scale of new development is appropriate for this mixed-use area, and for the zone.

B. **Standards.** The maximum building height for all sites is shown on Map 583-2 at the end of this chapter. In the CM3 zone, increased height may be requested as a modification through Design Review, up to the maximums shown in parenthesis on Map 583-2. Heights

greater than shown in parenthesis on Map 583-2 are prohibited, and adjustments to maximum height are prohibited in all other zones.

33.583.270 Building Coverage in the CM3 Zone

A. **Purpose.** The building coverage standard works with the FAR and height standards to control the overall scale and bulk of development and promote development consistent with the desired character of the plan district. These standards ensure that buildings do not completely cover a site.

B. **Maximum building coverage.** The maximum building coverage in the CM3 zone is 85 percent.

33.583.280 Residential Uses in the EG1 Zone

A. **Purpose.** This regulation provides flexibility in the use of structures in the EG1 zone to facilitate live/work development in an overall employment setting. The standards ensure that allowed residential uses will not dominate a site or area.

B. **Where these regulations apply.** These regulations apply in the EG1 zone outside the Riverfront Subdistrict.

C. **Residential uses.** Up to one-third of the floor area on the site may be in residential use, up to a maximum FAR of 0.5 to 1, and a maximum density of 1 dwelling unit for each 10,000 square feet of site area.

33.583.285 Additional Regulations in the Riverfront Subdistrict

A. **Purpose.** These regulations allow the Riverfront Subdistrict to continue to accommodate industrial uses, but foster the transition to an urban mixed-use area that is well integrated into St. Johns.

B. **Where these regulations apply.** The regulations of this section apply to sites in the Riverfront Subdistrict, shown on Map 583-1.

C. **Minimum residential density in the CM3 zone.** Where all of the floor area on a site in the CM3 zone is in residential use, the minimum residential density is 1 unit per 1,000 square feet of site area.

D. **Noise insulation required.** All new dwelling units must be constructed with sound insulation or other means to achieve a day/night average interior noise level of 45 dBA. Reconstructed dwelling units where the total cost of improvements is 75 percent or more of the total assessed improvement value of the site must also meet this standard. Garages and similar accessory structures that do not include living space are exempt from this standard.

1. An engineer registered in Oregon who is licensed in acoustical engineering must certify that the building plans comply with the performance standard for sound insulation prior to the issuance of a building permit.

2. The City of Portland will provide a list of at least three registered engineers knowledgeable in acoustical engineering.

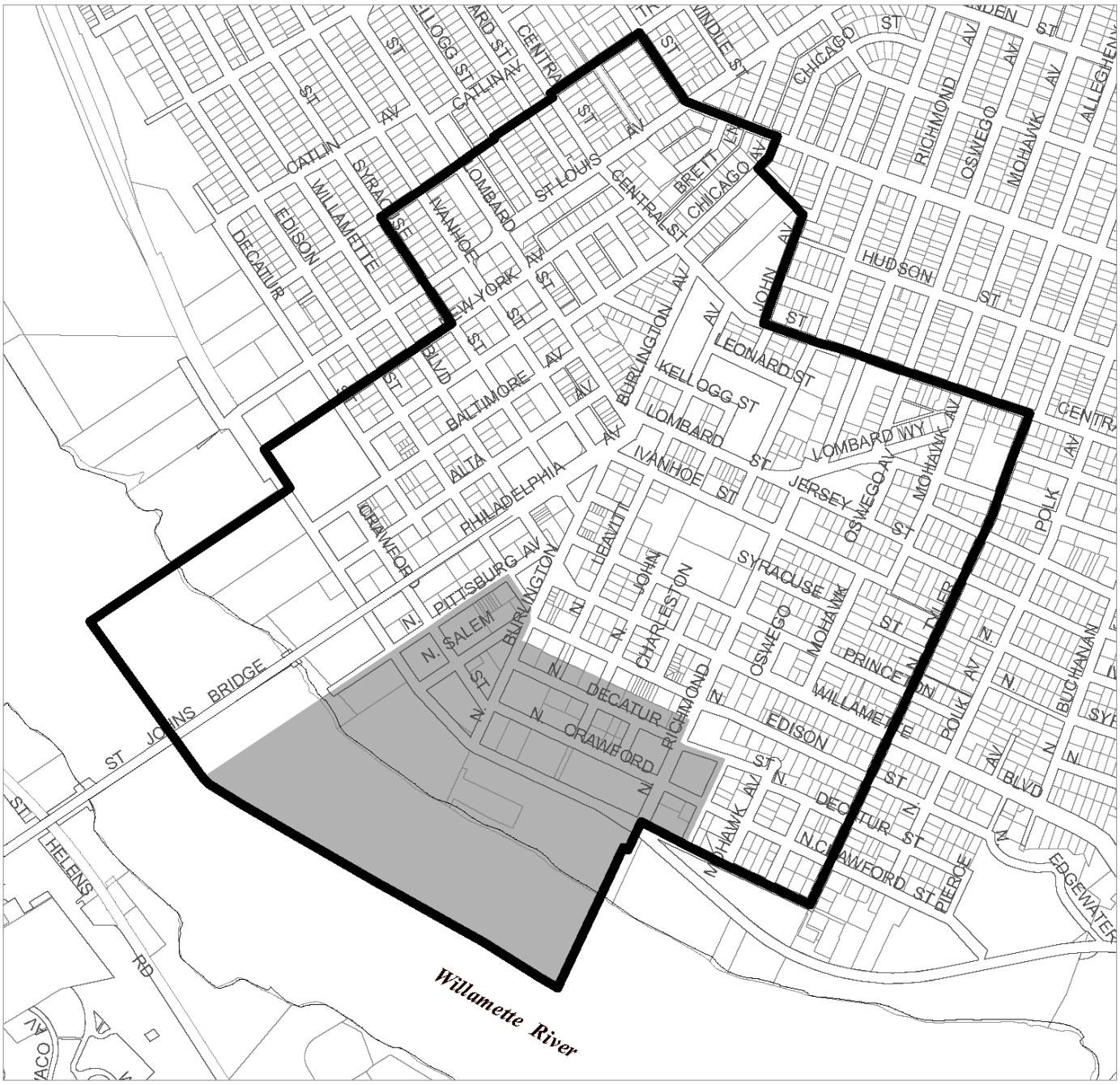
33.583.290 Required Design Review
The regulations of Chapter 33.420, Design Overlay Zones apply in all areas of the plan district that are within the Design Overlay Zone.

(Added by: Ord. No. 178452, effective 7/10/04. Amended by: Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20.)

St Johns Plan District and Subdistrict

Map 583-1

Map Revised July 24, 2015



Plan District Boundary

Riverfront Subdistrict

NORTH

0 675 1,350

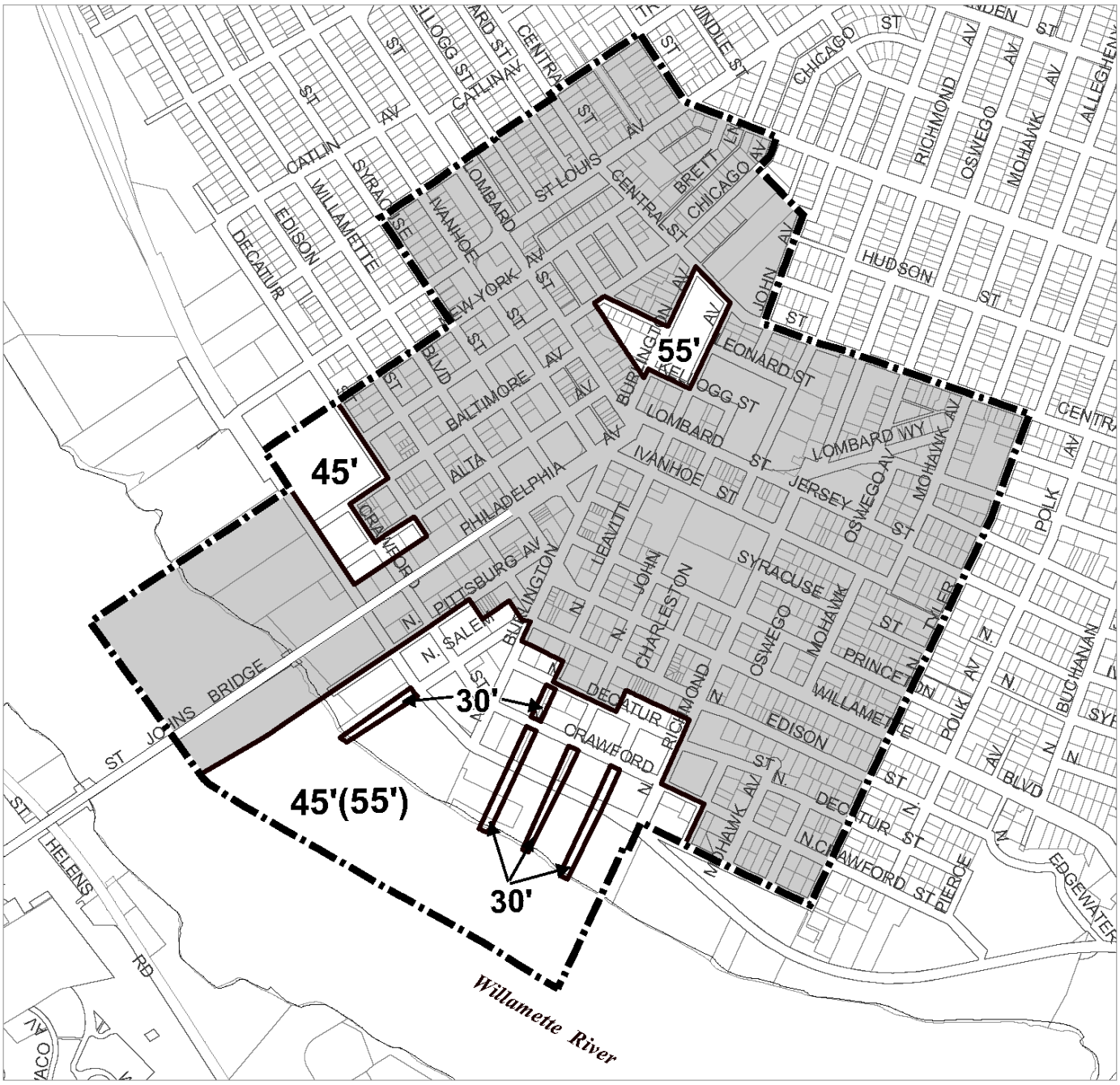
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

St Johns Plan District
Maximum Heights

Map 583-2

Map Revised May 24, 2018



Plan District Boundary

X' Maximum building height

Areas where base zone heights apply

NORTH

0 675 1,350

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.585 Swan Island Plan District

585

Sections:

General
33.585.010 Purpose
33.585.020 Where the Regulations Apply
Use Regulations
33.585.030 Additional Allowed Primary Uses
33.585.040 Additional Allowed Accessory Uses
Development Standards
33.585.050 Landscaping Within the Greenway Setback
Map 585-1 Swan Island Plan District

General

33.585.010 Purpose

The Swan Island Plan District is intended to foster the continuation and growth of the Portland Ship Repair Yard. The shipyard is a primary industry dependent on the Willamette River. Activities occurring in the shipyard cover a range that runs from heavy industrial to temporary housing for the crews of ships undergoing repair or refitting. The variety of sizes and types of ships and industrial construction projects attracted to the shipyard frequently requires that the area be reconfigured. The provisions of the Swan Island Plan District are intended to foster the growth and competitiveness of this unique waterfront basic industry. The provisions of this plan district replace the Swan Island Development Program's provisions affecting the transportation and circulation components of the island's development within the plan district.

33.585.020 Where the Regulations Apply

The regulations of this chapter apply to the Swan Island Plan District. The boundaries of the plan district are shown on Map 585-1 at the end of this chapter, and on the Official Zoning Maps.

Use Regulations

33.585.030 Additional Allowed Primary Uses

A. Purpose. Because the demand for use of the ship repair facilities is not constant it is in the public interest to allow nonriver-related or nonriver-dependent activities to temporarily use the underutilized portions of the repair yard facility.

B. Additional primary uses allowed. Within the Swan Island Plan District the following construction activities that are not river-related and river-dependent are permitted: construction of modular housing, large scale metal fabrication of such things as cranes, bridge trusses and spans, platforms and derricks, and military and aeronautics machinery.

33.585.040 Additional Allowed Accessory Uses

A. Purpose. The nature of the ship repair activity brings to the site the ship's crews whose living quarters are on board vessels which are being repaired. The large size and unique nature of the activity requires more flexibility in the area of accessory use activities than are allowed by the yard's industrial zoning.

B. Additional accessory uses. The following additional accessory uses are allowed within the Swan Island Plan District.

1. Office: Temporary (up to 2 years) office trailers, office space for contractors and subcontractors, offices of naval architects, testing services and government offices.

2. Household or Group Living: Temporary (up to 2 years) housing for Navy and other vessel crews. Housing is allowed only if associated with a ship repair/refurbishing project.

3. Industrial Services: Welding, machine tooling, metalworking, carpentry, plumbing, and other building activities supporting a ship repair or other large construction project occurring in the shipyard are allowed for up to 2 years. Surface preparation and painting of ships and other equipment being constructed in the ship repair yards. Warehousing of materials and supplies needed for ship repair and fabrication projects. Exterior storage and laydown areas for ship's and contractor's equipment and supplies. Temporary storage of equipment used to cleanup or manage hazardous waste. In-ground fuel tanks and pumps for shipyard tenants. Grit storage and handling and grit recycling. Barge-mounted surface preparation and coating facilities. Temporary storage of vehicles and equipment.

Development Standards

33.585.050 Landscaping Within the Greenway Setback

A. Purpose. The Portland Ship Repair facilities are designed to allow their flexible modification and reconfiguration. This flexibility is essential both for the shipyard's ability to accommodate multiple concurrent projects and its ability to accommodate the wide variety of ship types and sizes that are attracted to its facilities. The City's greenway zone regulations assume that developed property along the Willamette will be relatively stable in its configuration and require that activities that are not water-related or water-dependent be separated from the top of the river's bank by a landscaped greenway setback. The regulations of this section are intended to accommodate the ongoing changes in facility configuration inherent in the shipyard's operations while also addressing the appearance and character of the Willamette's riverbank.

B. Alternative greenway setback landscaping requirements. As an alternative to compliance with Section 33.440.210 Greenway Setback, a riverbank development mitigation plan may be developed and implemented. Such a mitigation plan must conform with the following requirements:

1. Procedure. The riverbank mitigation plan will be reviewed through a Type III procedure. Approval and compliance with the river-bank mitigation plan will

constitute the required greenway review for building permit applications within the area covered by the mitigation plan.

2. Approval Criteria. The approval criteria for a riverbank mitigation plan are:

   a. The mitigation plan includes a strategy for improving the appearance of the riverbank as seen from the water. Riverbank appearance improvements may include the use of landscaped areas; public art; temporary screening mechanisms; enhancement of riverbank habitat areas for fish, wildlife and native vegetation; and, establishment of locations for public access to the riverbank and river surface.

   b. The mitigation plan recognizes that views of ships and industrial construction projects are in themselves interesting and represent an enhancement of the industrial area of the Willamette.

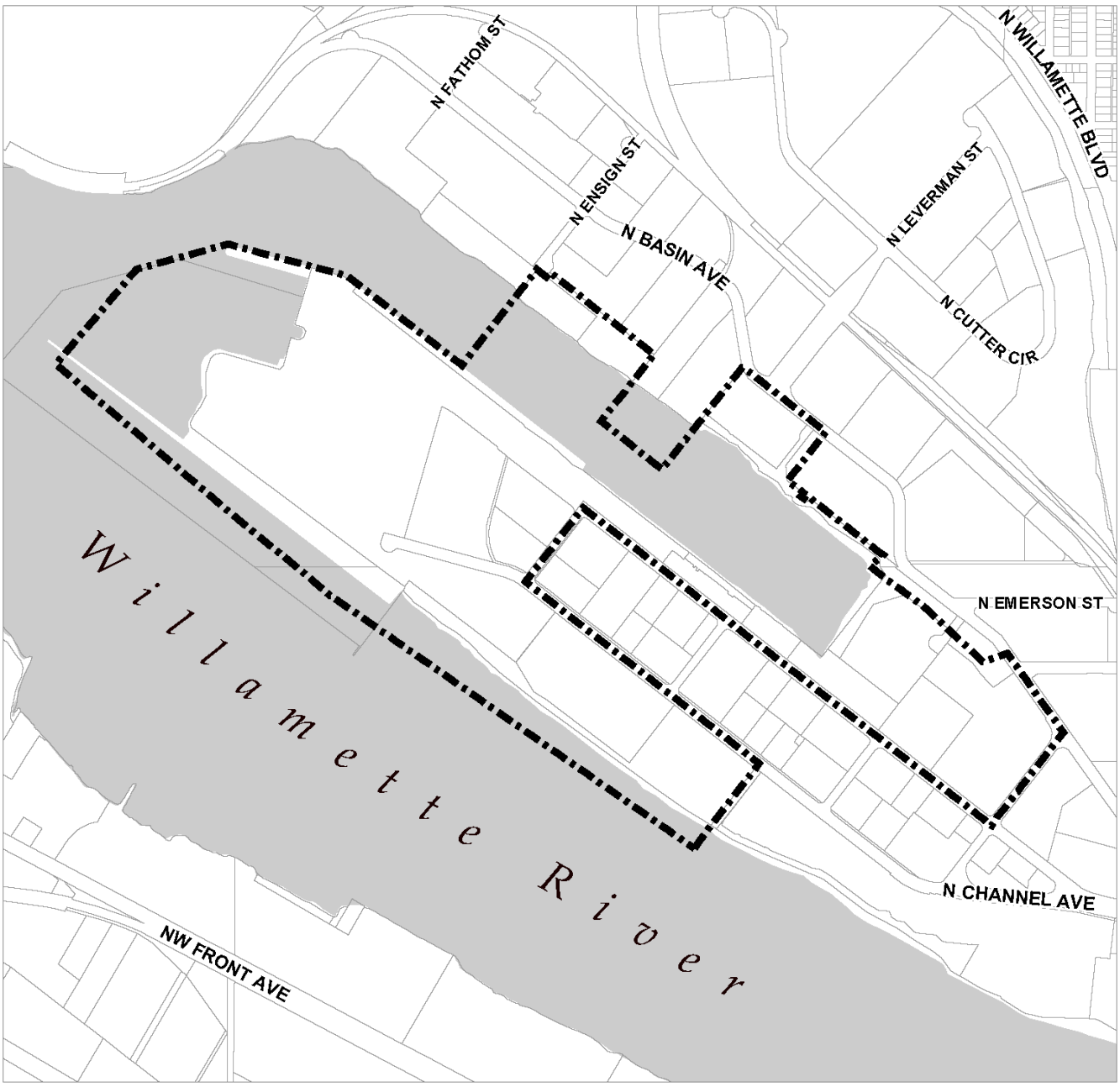
   c. The mitigation plan meets the Willamette Greenway Design Guidelines.

(Added by Ord. No. 167054, effective 10/25/93. Amended by: Ord. No. 167650, effective 6/10/94; Ord. No. 174263, effective 4/15/00.)

Swan Island Plan District

Map 585-1

Map Revised July 8, 2016



Plan District Boundary

NORTH

0 800 1,600

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

600s

Land Divisions and Planned Developments

Lots

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33.613 Lots in Commercial Lots in Commercial/Mixed Use and CI Zones

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33.605 Lots in the Open Space Zone

605

Sections:

33.605.010 Purpose
33.605.020 Where This Approval Criterion Applies
33.605.100 Lot Dimension Approval Criterion

33.605.010 Purpose

This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate development and uses in accordance with the planned intensity of the zone.

33.605.020 Where This Approval Criterion Applies

The approval criterion of this chapter applies to land divisions in the Open Space zone.

33.605.100 Lot Dimension Approval Criterion

There are no minimum lot dimensions in the Open Space zone. New lots must be of a size, shape, and orientation that is appropriate for uses that are allowed, or are limited or conditional uses, in the Open Space zone.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

33.610 Lots in RF Through R5 Zones

610

Sections:

33.610.010 Purpose
33.610.020 Where These Regulations Apply
33.610.100 Density Standards
33.610.200 Lot Dimension Regulations
33.610.300 Through Lots
33.610.400 Flag Lots
33.610.500 Split Zoned Lots

33.610.010 Purpose

This chapter contains the density and lot dimension requirements for approval of a Preliminary Plan for a land division in the RF through R5 zones. These requirements ensure that lots are consistent with the desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate uses and development.

33.610.020 Where These Regulations Apply

The regulations of this chapter apply to land divisions in the RF through R5 zones.

33.610.100 Density Standards

A. **Purpose.** Density standards match housing density with the availability of services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the benefits to the public from investment in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given the base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.

B. **Generally.** The method used to calculate density depends on whether a street is created as part of the land division. As used in this chapter, creation of a street means a full street on the site, creating the first stage of a partial width street on the site, or extending an existing street onto the site. It does not include additional stages of a partial width street, or dedicating right-of-way to widen an existing right-of-way.

C. **No street created.** Where no street will be created as part of the land division, the following maximum and minimum density standards apply. Adjustments to this subsection are prohibited:

1. Maximum density. Maximum density is based on the zone and the size of the site. The following formula is used to determine the maximum number of lots allowed on the site:

   Square footage of site;
   ÷ Maximum density from Table 610-1;
   = Maximum number of lots allowed.

2. Minimum density. Minimum density is based on the zone and size of the site, and whether there are physical constraints. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of Subsection 33.610.100.E:

   Square footage of site;
   - Square footage of site within an environmental overlay zone, potential landslide hazard area, or special flood hazard area;
   x 0.80;
   ÷ Maximum density from Table 610-1;
   = Minimum number of lots required.

D. Street created. Where a street will be created as part of the land division, the following maximum and minimum density standards apply. Pedestrian connections that are self-contained streets created solely for the use of pedestrians and bicyclists are not considered streets for the purposes of calculating density under this subsection. Adjustments to this subsection are prohibited:

1. Maximum density. Maximum density is based on the zone, the size of the site and whether a street is being created. The following formula is used to determine the maximum number of lots allowed on the site:

   Square footage of site;
   x 0.85;
   ÷ Maximum density from Table 610-1;
   = Maximum number of lots allowed.

2. Minimum density. Minimum density is based on the zone, the size of the site, whether there are physical constraints, and whether a street is being created. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of Subsection 33.610.100.E:

   Square footage of site
   - Square footage of site within an environmental overlay zone, potential landslide hazard area, or special flood hazard area;
   x 0.68
   ÷ Maximum density from Table 610-1
   = Minimum number of lots required.

E. Exceptions to minimum density. Exceptions to minimum density standards are allowed in the following situations. Adjustments to this subsection are prohibited:

1. If the minimum required density is equal to the maximum allowed density, then the minimum is automatically reduced by one;

2. If the minimum required density is larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum;

3. The portion of the site that has a conditional use or Conditional Use Master Plan is not included in the site for calculations of minimum density.

Table 610-1
Maximum Density Standards

	RF	R20	R10	R7	R5
Maximum Density	1 unit per 87,120 sq. ft.	1 unit per 20,000 sq. ft.	1 unit per 10,000 sq. ft.	1 unit per 7,000 sq. ft.	1 unit per 5,000 sq. ft.

33.610.200 Lot Dimension Regulations

Lots in the RF through R5 zones must meet the lot dimension regulations of this section.

A. Purpose. The lot dimension regulations ensure that:

- Each lot has enough room for a reasonably-sized house and garage;
- Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;
- Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;
- Each lot has room for at least a small, private outdoor area;
- Lots are compatible with existing lots;
- Lots are wide enough to allow development to orient toward the street;
- Lots don't narrow to an unbuildable width close to the street
- Each lot has adequate access from the street;
- Each lot has access for utilities and services;
- Lots are not landlocked; and
- Lots are regularly shaped.

Table 610-2
Lot Dimension Standards

	RF	R20	R10	R7	R5
Minimum Lot Area	52,000 sq. ft.	12,000 sq. ft.	6,000 sq. ft.	4,200 sq. ft.	3,000 sq. ft.
Maximum Lot Area	151,000 sq. ft.	34,500 sq. ft.	17,000 sq. ft.	12,000 sq. ft.	8,500 sq. ft.
Minimum Lot Width	60 ft.[1]	60 ft.[1]	50 ft.[1]	40 ft.[1]	36 ft.[1]
Minimum Front Lot Line	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
Minimum Lot Depth	60 ft.	60 ft.	60 ft.	55 ft.	50 ft.

Notes:
[1] See 33.930.100.A for how lot width is measured.

B. Minimum lot area. Each lot must meet the minimum lot area standard stated in Table 610-2. Lots that do not meet the minimum lot area standard may be requested through Planned Development Review. Adjustments are prohibited.

C. Maximum lot area. Lots larger than the maximum lot area standards stated in Table 610-2 are not allowed. Lots with a conditional use or Conditional Use Master Plan are exempt from this standard.

D. Minimum lot width. Each lot must meet one of the following regulations. Lots that do not meet these regulations may be requested through Planned Development Review. Adjustments to the regulations are prohibited.

1. Each lot must meet the minimum lot width standard stated in Table 610-2; or

2. Minimum lot width may be reduced below the dimensions stated in Table 610-2, if all of the following are met:

   a. On balance, the proposed lots will have dimensions that are consistent with the purpose of the Lot Dimension Regulations;

   b. The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet;

   c. If the lot abuts a public alley, then vehicle access must be from the alley. This requirement will be imposed as a condition of approval of the land division;

   d. Lots must be configured so that development on the site will be able to meet the garage limitation standard of Subsection 33.110.253.D at the time of development;

   e. Lots that will be developed with attached houses must be configured so that 60 percent of the area between the front lot line and the front building line can be landscaped at the time of development; and

   f. In areas where parking is not required by this Title, lots may be proposed that will not accommodate on-site vehicle access and parking. Such lots do not have to meet the requirements of subparagraphs 2.c and d. As a condition of approval of the land division, the property owner must execute a covenant with the city. The covenant must:

      (1) State that the owner will develop the property without parking, and that a driveway for access to on-site parking may not be created in the future, unless it is in conformance with regulations in effect at the time;

      (2) Meet the requirements of Section 33.700.060, Covenants with the City; and

      (3) Be attached to, and recorded with the deed for the new lot.

E. Minimum front lot line. Each lot must have a front lot line that meets the minimum front lot line standard stated in Table 610-2. Lots that are created under the provisions of Paragraph D.2 above, may reduce the front lot line to equal the width of the lot. Lots that do not meet the minimum front lot line standard may be requested through Planned Development Review. Adjustments to this standard are prohibited.

F. Minimum lot depth. Each lot must meet the minimum lot depth standard stated in Table 610-2. Lots that do not meet the minimum lot depth standard may be requested through Planned Development Review. Adjustments to this standard are prohibited.

G. Regular lot lines. As far as is practical, all lot lines must be straight and the side lot lines of a lot or parcel must be at right angles to the street on which it fronts, or be radial to the curve of a curved street.

33.610.300 Through Lots

A. Purpose. This standard ensures that lots are configured in a way that development can be oriented toward streets to increase the safety and enjoyment of pedestrians and bicyclists. The standard also ensures that development does not "turn its back" on a collector or major city traffic street.

B. Standard. Through lots are allowed only where both front lot lines are on local service streets. The minimum front lot line and minimum width standards apply to one frontage of the through lot.

33.610.400 Flag Lots

The following regulations apply to flag lots in the RF through R5 zones:

A. Purpose. These regulations allow the creation of flag lots in limited circumstances. The limitations minimize the negative impacts of flag lots and additional driveways on an area while allowing land to be divided when other options are not achievable.

B. When a flag lot is allowed. A flag lot is allowed only when the following are met:

1. One of the following are met:

   a. An existing dwelling unit or attached garage on the site is located so that it precludes a land division that meets the minimum lot width standard of Paragraph 33.610.200.D.1. The dwelling unit and attached garage must have been on the site for at least five years; or

   b. The site has dimensions that preclude a land division that meets the minimum lot width standard of Paragraph 33.610.200.D.1;

2. Up to three lots are proposed, only one of which is a flag lot; and

3. Minimum density requirements for the site will be met.

C. Flag lot access pole. The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:

1. The pole must connect to a street;

2. The pole must be at least 12 feet wide for its entire length; and

3. The pole must be part of the flag lot and must be under the same ownership as the flag portion.

D. Minimum lot area. Only the area of the flag portion is included when calculating the minimum lot area. The area of the pole portion of the lot is not included.

E. Minimum lot dimensions.

1. Flag lots are exempt from the minimum front lot line standard.

2. The minimum lot width and minimum lot depth required for each flag lot is 40 feet.

3. For the purposes of this subsection width and depth are measured at the midpoints of the opposite lot lines of the flag portion of the lot. All other lot dimension standards must be met.

F. **Vehicle access.** Where it is practical, vehicle access must be shared between the flag lot and the lots between the flag portion of the lot and the street. Factors that may be considered include the location of existing garages, driveways, and curb cuts, stormwater management needs, and tree preservation. Access easements may be used.

33.610.500 Split Zoned Lots

A. **Purpose.** This standard ensures that lots do not have more than one zone. Lots that are split by more than one zone present practical problems related to the applicability of use and development standards.

B. **Standard.** On sites with more than one base zone, each lot must be entirely within one zone. The creation of lots that are in more than one zone is not allowed.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178657, effective 9/3/04; Ord. No. 179994, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 184235, effective 11/26/10; Ord. No. 188259, effective 3/31/17.)

33.611 Lots in the R2.5 Zone

611

Sections:

33.611.010 Purpose
33.611.020 Where These Regulations Apply
33.611.100 Density Standards
33.611.200 Lot Dimension Regulations
33.611.300 Through Lots
33.611.400 Flag Lots
33.611.500 Split Zoned Lots

33.611.010 Purpose

This chapter contains the density and lot dimension requirements for approval of a Preliminary Plan for a land division in the R2.5 zone. These requirements ensure that lots are consistent with the desired character of the zone while allowing lots to vary in size and shape provided the planned intensity of the zone is respected. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate structures in accordance with the planned intensity of the R2.5 zone.

33.611.020 Where These Regulations Apply

The regulations of this chapter apply to land divisions in the R2.5 zone.

33.611.100 Density Standards

A. Purpose. Density standards match housing density with the availability of public services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the return on public investments in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given applicable base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.

B. Generally. The method used to calculate density depends on whether a street is created as part of the land division. As used in this chapter, creation of a street means a full street on the site, creating the first stage of a partial width street on the site, or extending an existing street onto the site. It does not include additional stages of a partial width street, or dedicating right-of-way to widen an existing right-of-way.

C. No street created. Where no street will be created as part of the land division, the following maximum and minimum density standards apply. Adjustments to this subsection are prohibited.

1. Maximum density. Maximum density is based on the zone and the size of the site. The following formula is used to determine the maximum number of lots allowed on the site:

   Square footage of site;
   ÷ 2,500;
   = Maximum number of lots allowed.

2. Minimum density. Minimum density is based on the zone and the size of the site and whether there are physical constraints. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of 33.611.100.E:

   Square footage of site;
   - Square footage of site within an environmental overlay zone, landslide hazard area, or special flood hazard area;
   x 0.80;
   ÷ 5,000;
   = Minimum number of lots required.

D. Street created. Where a street will be created as part of the land division, the following maximum and minimum density standards apply. Pedestrian connections that are self-contained streets created solely for the use of pedestrians and bicyclists are not considered streets for the purposes of calculating density under this subsection. Adjustments to this subsection are prohibited.

1. Maximum density. Maximum density is based on the zone, the size of the site and whether a street is being created. The following formula is used to determine the maximum number of lots allowed on the site:

   Square footage of site;
   x 0.85;
   ÷ 2,500;
   = Maximum number of lots allowed.

2. Minimum density. Minimum density is based on the zone, the size of the site, whether there are physical constraints and whether a street is being created. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of 33.611.100.E:

   Square footage of site
   - Square footage of site within an environmental overlay zone, landslide hazard area, or special flood hazard area;
   x 0.68
   ÷ 5,000;
   = Minimum number of lots required.

E. Exceptions to minimum density. Exceptions to minimum density standards are allowed in the following situations:

1. If minimum density is equal to maximum density, then the minimum is automatically reduced by one;

2. If minimum density is larger than maximum density then the minimum is reduced to one less than the maximum;

3. The portion of the site that has a conditional use or Conditional Use Master Plan is not included in the site for calculations of minimum density.

33.611.200 Lot Dimension Regulations

Lots in the R2.5 zone must meet the lot dimension regulations of this section. Lots that do not meet these regulations may be requested through Planned Development Review. Adjustments to the regulations are prohibited.

A. Purpose. The lot dimension regulations ensure that:

- Each lot has enough room for a reasonably-sized attached or detached house;
- Lots are of a size and shape that development on each lot can meet the development standards of the R2.5 zone;
- Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;
- Each lot has room for at least a small, private outdoor area;
- Lots are wide enough to allow development to orient toward the street;
- Each lot has access for utilities and services;
- Lots are not landlocked;
- Lots don't narrow to an unworkable width close to the street;
- Lots are compatible with existing lots while also considering the purpose of this chapter; and
- Lots are regularly shaped.

B. Minimum lot area. Each lot must be at least 1,600 square feet in area.

C. Minimum lot width. Each lot must meet one of the following regulations. Lots that do not meet these regulations may be requested through Planned Development Review. Adjustments to the regulations are prohibited.

1. Each lot must be at least 36 feet wide; or

2. Minimum lot width may be reduced below 36 feet, if all of the following are met:

   a. On balance, the proposed lots will have dimensions that are consistent with the purpose of this section;

   b. The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet;

   c. If the lot abuts a public alley, then vehicle access must be from the alley. This requirement will be imposed as a condition of approval of the land division;

   d. Lots must be configured so that development on the site will be able to meet the garage limitation standard of Subsection 33.110.253.D, at the time of development;

e. Lots that will be developed with attached houses must be configured so that 60 percent of the area between the front lot line and the front building line can be landscaped at the time of development; and

f. In areas where parking is not required by this Title, lots may be proposed that will not accommodate onsite vehicle access and parking. Such lots do not have to meet the requirements of subparagraphs 2.c and d. As a condition of approval of the land division, the property owner must execute a covenant with the city. The covenant must:

(1) State that the owner will develop the property without parking, and that a driveway for access to on-site parking may not be created in the future, unless it is in conformance with regulations in effect at the time;

(2) Meet the requirements of Section 33.700.060, Covenants with the City; and

(3) Be attached to, and recorded with the deed for the new lot.

D. Minimum front lot line. Each lot must have a front lot line that is at least 30 feet long. Lots that are created under the provisions of Paragraph .C.2. above, may reduce the front lot line to equal the width of the lot.

E. Minimum lot depth. Each lot must be at least 40 feet deep.

F. Regular lot lines. As far as is practical, all lot lines must be straight and the side lot lines of a lot or parcel must be at right angles to the street on which it fronts, or be radial to the curve of a curved street.

33.611.300 Through Lots

A. Purpose. This standard ensures that lots are configured in a way that development can be oriented toward streets, including local, collector and traffic streets, to increase the safety and enjoyment of pedestrians and bicyclists. The standard also ensures that development does not turn its back on a collector or traffic street.

B. Standard. Through lots are allowed only where both front lot lines are on local service streets. The minimum front lot line and minimum width standards apply to one frontage of the through lot.

33.611.400 Flag Lots

The following regulations apply to flag lots in the R2.5 zones:

A. Purpose. These regulations allow the creation of flag lots in limited circumstances. The limitations minimize the negative impacts of flag lots and additional driveways on an area while allowing land to be divided when other options are not achievable.

B. When a flag lot is allowed. A flag lot is allowed only when the following are met:

1. One of the following are met:

a. An existing dwelling unit or attached garage on the site is located so that it precludes a land division that meets the minimum lot width standard of

Paragraph 33.611.200.C.1. The dwelling unit and attached garage must have been on the site for at least five years; or

b. The site has a width of less than 50 feet if two lots are proposed and a width of less than 75 feet if three lots are proposed.

2. Up to three lots are proposed, only one of which is a flag lot; and

3. Minimum density requirements for the site will be met.

C. Flag lot access pole. The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:

1. The pole must connect to a street;

2. The pole must be at least 12 feet wide for its entire length; and

3. The pole must be part of the flag lot and must be under the same ownership as the flag portion.

D. Minimum lot area. Only the area of the flag portion is included when calculating the minimum lot area. The area of the pole portion of the lot is not included.

E. Lot dimensions.

1. Flag lots are exempt from the minimum front lot line standard.

2. The minimum lot width and minimum lot depth required for each flag lot is 40 feet.

3. For the purposes of this subsection, width and depth are measured at the midpoints of the opposite lot lines of the flag portion of the lot. All other lot dimension standards must be met.

F. Vehicle access. Where it is practical, vehicle access must be shared between the flag lot and the lots between the flag portion of the lot and the street. Factors that may be considered include the location of existing garages, driveways, and curb cuts, stormwater management needs, and tree preservation. Access easements may be used.

33.611.500 Split Zoned Lots

A. Purpose. This standard ensures that lots do not have more than one zone. Lots that are split by more than one zone present practical problems related to the applicability of use and development standards.

B. Standard. On sites with more than one base zone, each lot must be entirely within one zone. The creation of lots that are in more than one zone is not allowed.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178657, effective 9/3/04; Ord. No. 182429, effective 1/16/09; Ord. No. 184235, effective 11/26/10; Ord. No. 188259, effective 3/31/17.)

33.612 Lots in Multi-Dwelling and IR Zones

612

Sections:

33.612.010 Purpose
33.612.020 Where These Standards Apply
33.612.100 Density
33.612.200 Lot Dimension Standards

33.612.010 Purpose

This chapter contains the density and lot dimension standards for approval of a Preliminary Plan for a land division in the multi-dwelling and IR zones. These standards ensure that lots are consistent with the desired character of each zone. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate development and uses in accordance with the planned intensity of the zone.

33.612.020 Where These Standards Apply

The standards of this chapter apply to land divisions in the multi-dwelling and IR zones.

33.612.100 Density

A. Single-dwelling or duplex development. When single-dwelling or duplex development is proposed for some or all of the site, the applicant must show how the proposed lots can meet the minimum density stated in Chapter 33.120. Site area devoted to streets is subtracted from the total site area in order to calculate minimum density.

B. All other development. When development other than single-dwelling or duplex is proposed, minimum density must be met at the time of development.

33.612.200 Lot Dimension Standards

A. Purpose. These standards ensure that:

- Each lot has enough room for development that meets all the requirements of the zoning code;
- Lots are an appropriate size and shape so that development on each lot can be oriented toward the street as much as possible.
- The multi-dwelling zones can be developed to full potential; and
- Housing goals for the City are met.

B. Lot dimensions. Minimum lot dimensions are stated in Table 612-1.

1. Minimum lot dimensions for lots that will be developed with residential structures are stated in Table 612-1.

2. Nonconforming uses. Minimum lot dimensions for lots with nonconforming uses are the same as those for detached houses.

Table 612-1
Minimum Lot Dimensions

	RM1	RM2	RM3	RM4	RX	RMP	IR (1)
Lots to be developed with:							
Multi-Dwelling Structures or Development:							
Minimum Lot Area	4,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	None	10,000 sq. ft.	10,000 sq. ft.
Minimum Lot Width	33 ft.	70 ft.	70 ft.	70 ft.	None	70 ft.	70 ft.
Minimum Lot Depth	70 ft.	70 ft.	100 ft.	100 ft.	None	100 ft.	100 ft.
Minimum Front Lot Line	30 ft.	70 ft.	70 ft.	70 ft.	10 ft.	70 ft.	70 ft.
Attached Houses and Attached Duplexes							
Minimum Lot Area	1,600 sq. ft.	None	None	None	None	NA	None
Minimum Lot Width	15 ft.	15 ft.	None	None	None	NA	None
Minimum Lot Depth	None	None	None	None	None	NA	None
Minimum Front Lot Line	15 ft.	15 ft.	10 ft.	10 ft.	10 ft.	NA	10 ft.
Detached Houses							
Minimum Lot Area	1,600 sq. ft.	None	None	None	None	NA	None
Minimum Lot Width	25 ft.	25 ft.	None	None	None	NA	None
Minimum Lot Depth	None	None	None	None	None	NA	None
Minimum Front Lot Line	25 ft.	25 ft.	10 ft.	10 ft.	10 ft.	NA	10 ft.
Triplexes and Fourplexes							
Minimum Lot Area	2,000 sq. ft.	None	None	None	None	NA	2,000 sq. ft.
Minimum Lot Width	33 ft.	None	None	None	None	NA	None
Minimum Lot Depth	50 ft.	None	None	None	None	NA	None
Minimum Front Lot Line	30 ft.	10 ft.	10 ft.	10 ft.	10 ft.	NA	30 ft.

Notes:
[1] This regulation may be superseded by an Impact Mitigation Plan.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 179845, effective 1/20/06; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20.)

33.613 Lots in Commercial/ Mixed Use and CI Zones

613

Sections:

33.613.010 Purpose
33.613.020 Where This Standard and Approval Criterion Apply
33.613.100 Minimum Front Lot Line Standard
33.613.200 Minimum Lot Area, Width and Depth Approval Criterion

33.613.010 Purpose

Because of the wide range of uses allowed in the commercial/mixed use and CI zones, the amount of land needed for developments varies, as does the size and shape. Most lots in commercial/mixed use and CI zones have one structure, along with accessory uses, but some lots support more than one structure and use. Because of this variety of potential development, there are no specific lot dimension standards except for a minimum front lot line requirement that ensures that lots do not narrow to an unworkable width at the street. The area, width and depth of each lot is evaluated for the development proposed, taking into consideration the location and characteristics of the site.

This chapter works in conjunction with other chapters of this Title to ensure that the land division creates lots that can support appropriate development and uses in accordance with the planned intensity of each zone.

33.613.020 Where This Standard and Approval Criterion Applies

The standard and approval criterion of this chapter apply to land divisions in the commercial/mixed use and CI zones.

33.613.100 Minimum Front Lot Line Standard

Each lot must have a front lot line that is at least 10 feet long.

33.613.200 Minimum Lot Area, Width and Depth Approval Criterion

There are no minimum lot area, width or depth standards. Lots must be of a size, shape, and orientation that is appropriate for the location of the land division and for the type of development and use that is contemplated.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18).

33.614 Lots in Employment Zones

614

Sections:

33.614.010 Purpose
33.614.020 Where These Standards Apply
33.614.100 Minimum Lot Dimension Standards
33.614.200 Exception

33.614.010 Purpose

This chapter contains the lot dimension standards for approval of a Preliminary Plan for a land division in an employment zone. These standards ensure that lots are consistent with the desired character of the employment zones. Lots may vary in size and shape to accommodate a range of employment uses. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate development and uses.

33.614.020 Where These Standards Apply

The standards of this chapter apply to land divisions in the employment zones.

33.614.100 Minimum Lot Dimension Standards.

All lots must meet the following minimum size and dimension standards. An exception is allowed under the provisions of Section 33.614.200.

A. **EG1 zone.** All lots in the EG1 zone must meet Standard B stated in Table 614-1.

B. **EG2 zone.** The following standards apply in the EG2 zone.

1. For land divisions of 10 or more lots, at least 80 percent of the lots must meet Standard A stated in Table 614-1 and the remainder must meet Standard B.

2. For land divisions of less than 10 lots, all but one lot must meet Standard A stated in Table 614-1. One lot may meet Standard B. The lots that meet Standard A may not be redivided unless they continue to meet Standard A.

C. **EX zone.** Each lot must have a front lot line that is at least 10 feet long. There are no other required minimum lot dimensions for lots in the EX zone.

Table 614-1
Minimum Lot Size and Dimensions in Employment Zones

	Minimum Lot Area	Minimum Dimension	Minimum Front Lot Line
Standard A	20,000 sq. ft.	100 ft x 100 ft	35 ft
Standard B	10,000 sq. ft.	75 ft. x 75 ft.	35 ft

33.614.200 Exception

Land under existing buildings may be divided when the ownership of the existing building is also being divided. There are no minimum lot sizes in these cases. However, all zoning code development standards must be met.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04.)

33.615 Lots in Industrial Zones

615

Sections:

33.615.010 Purpose
33.615.020 Where These Standards Apply
33.615.100 Minimum Lot Dimension Standards
33.615.200 Exception

33.615.010 Purpose

This chapter contains the lot dimension standards for approval of a Preliminary Plan for a land division in an industrial zone. These standards ensure that lots are consistent with the desired character of the industrial zones. Lots may vary in size and shape to accommodate a range of industrial uses. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate development and uses.

33.615.020 Where These Standards Apply

The standards of this chapter apply to land divisions in the industrial zones.

33.615.100 Minimum Lot Dimension Standards

All lots must meet the following minimum size and dimension standards. An exception is allowed under the provisions of Section 33.615.200.

A. IG1 zone. All lots in the IG1 zone must meet Standard B stated in Table 615-1.

B. IG2 and IH zones.

1. For land divisions of 10 or more lots, at least 80 percent of the lots must meet Standard A stated in Table 615-1 and the remainder must meet Standard B.

2. For land divisions of fewer than 10 lots, all but one lot must meet Standard A stated in Table 615-1. One lot may meet Standard B. The lots that meet Standard A may not be redivided unless they continue to meet Standard A.

Table 615-1
Minimum Lot Size and Dimension in Industrial Zones

	Minimum Lot Area	Minimum Dimension	Minimum Front Lot Line
Standard A	40,000 sq. ft.	150 ft. x 150 ft.	35 ft
Standard B	10,000 sq. ft.	75 ft. x 75 ft.	35 ft

C. Additional regulations for large sites. To ensure an adequate supply of large sites for future industrial uses, the following regulations apply to sites larger than 50 acres:

1. Except as allowed by C.2, after the land division, at least one lot must be at least 50 acres; or

2. A land division may result in all lots and tracts being less than 50 acres if one of the following is met:

   a. The site proposed for the land division includes existing buildings and exterior improvements that cover more than 40% of the site and are currently in use by industrial uses allowed in the zone;

   b. The proposed configuration of lots is necessary to provide a public facility or service; or

   c. The proposed configuration of lots is necessary to protect a natural resource, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality as described in ORS 465.225.

33.615.200 Exception
Land under existing buildings may be divided when the ownership of the existing building is also being divided. There are no minimum lot sizes in these cases. However, all zoning code development standards must be met.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04; Ord. No. 182429, effective 1/16/09.)

33.630 Tree Preservation

630

Sections:

33.630.010 Purpose
33.630.020 Where These Regulations Apply
33.630.030 Exempt From These Regulations
33.630.100 Minimum Tree Preservation Standards
33.630.200 Tree Preservation Approval Criteria
33.630.400 Modifications That Will Better Meet Tree Preservation Requirements
33.630.500 Tree Preservation Credit
33.630.600 Recording Tree Preservation Plans and Related Conditions
33.630.700 Relationship To Other Tree Regulations

33.630.010 Purpose

The land division process provides the flexibility and opportunity to promote creative site design that considers multiple objectives, including integration of trees. The regulations of this chapter require that trees be considered early in the design process with the goal of preserving high value trees and mitigating for the loss of trees. Desired benefits of trees include:

- Protecting public health through the absorption of air pollutants, contamination, and capturing carbon dioxide;
- Buffering from noise, wind, and storms;
- Providing visual screening and summer cooling;
- Reducing energy demand and urban heat island impacts;
- Filtering stormwater and reducing stormwater runoff;
- Reducing erosion, siltation, and flooding;
- Stabilizing slopes;
- Enhancing property values;
- Providing fish and wildlife habitat, including support for native species biodiversity through the preservation and planting of native trees;
- Providing food for people and wildlife; and
- Contributing to the beauty of the City, its natural heritage, and the character of its neighborhoods.

33.630.020 Where These Regulations Apply

A. Generally. The regulations of this chapter apply to all proposals for land divisions on sites outside the Central City plan district that have at least one tree that is at least 6 inches in diameter, except where all trees on the site are exempt under 33.630.030. Where a tree trunk is partially on the land division site, it is considered part of the site.

B. Sites in C, E, I, and CI zones where all of the proposed lots are currently developed with commercial, employment, industrial, or institutional development may defer tree preservation review to the time of any future development or redevelopment of the site. Sites that use this option are subject to the standards of Title 11, Trees at the time of development. Sites in the IH, IG1, EX, and CX zones are not eligible to use this provision.

C. Proposals to divide sites that are partially within an environmental overlay zone or the Pleasant Valley Natural Resources overlay zone and include a concurrent environmental review or Pleasant Valley Resource review are not subject to the tree preservation standards of Section 33.630.100. However, the tree preservation approval criteria in 33.630.200 apply to these proposals.

33.630.030 Exempt From These Regulations

The following trees are exempt from the regulations of this chapter:

A. Trees that are on the Nuisance Plants List;

B. Trees that are less than 6 inches in diameter;

C. Trees that are dead, dying, or dangerous as determined by an arborist. The review body may require additional analysis or documentation to confirm the condition of the tree;

D. Trees where the trunk is within 10 feet of an existing building that will remain on the site;

E. Trees where the trunk is located completely or partially within an existing right-of-way that is not part of the land division site;

F. Trees where the trunk is located completely or partially within Environmental or Pleasant Valley Natural Resources Overlay zones. Those trees are instead subject to the regulations of Chapter 33.430, Environmental Zones, or 33.465, Pleasant Valley Natural Resources Overlay Zones.

33.630.100 Minimum Tree Preservation Standards

A. **The applicant must show how existing trees will be preserved.** The options listed below represent minimum tree preservation standards. Additional tree preservation may be required to meet the approval criteria of Section 33.630.200. The total tree diameter on the site is the total diameter of all trees completely or partially on the site, minus the diameter of trees that are listed in Section 33.630.030, Trees exempt from these regulations. The applicant must choose one of the following options:

1. Option 1: Preserve all of the trees that are 20 or more inches in diameter and at least 20 percent of the total tree diameter on the site;

2. Option 2: Preserve at least 75 percent of the trees that are 20 or more inches in diameter and at least 25 percent of the total tree diameter on the site;

3. Option 3: Preserve at least 50 percent of the trees that are 20 or more inches in diameter and at least 30 percent of the total tree diameter on the site;

4. Option 4: Where all trees are less than 20 inches in diameter, preserve at least 35 percent of the total tree diameter on the site;

5. Option 5: If one or more tree groves are located completely or partially on the site, preserve all of the grove trees located on the site and at least 20 percent of the total tree diameter or canopy area on the site; or

6. Option 6: If the site is larger than one acre, preserve at least 35 percent of the total tree canopy area on the site.

B. **Heritage Trees.** Heritage Trees located on the land division site may be counted toward meeting preservation standards. Heritage Trees must be preserved unless removal has been approved by the Urban Forestry Commission.

C. **Calculations.**

1. Tree diameter and number of trees. When calculating the amount of tree diameter and the number of 20 inch diameter and larger trees on the site, the applicant may choose one of the following methods of measurement:

   a. Tree inventory. A tree inventory identifies all trees on the site, specifying location, species, and diameter of each tree; or

   b. Statistical sampling. Statistical sampling may be used to estimate the total tree diameter and total number of trees at least 20 inches in diameter present. Sampling must be carried out by a professional forester based on standard methodologies.

2. Tree canopy. When calculating the amount of tree canopy on the site, the total canopy area must be based on the most recent aerial photograph available. The aerial photograph used must be no more than 5 years old. Other data such as LiDAR may be used to help in calculating tree canopy as appropriate.

D. **Location of preserved trees.** Trees may be preserved on lots, within tree preservation tracts, or within other privately managed tracts, such as flood hazard, recreation area or stream, spring, seep, and wetlands tracts. Proposed tree preservation within tracts that are to be managed by the City of Portland or a service district, must be approved by the City or service district.

33.630.200 Tree Preservation Approval Criteria

Applicants must demonstrate how the proposed tree plan will meet the following tree preservation criteria. In meeting these criteria, applicants may use options available in this and other chapters of this Title to modify development standards and minimum density in order to preserve trees.

A. To the extent practicable, trees proposed for preservation provide the greatest benefits as identified in the purpose of this chapter. In general, healthy, native or non-nuisance trees that are 20 or more inches in diameter and tree groves, are the highest priority for preservation. However, specific characteristics of the trees, site and surrounding area should be considered and may call for different priorities, such as native tree growth rates and priority tree sizes as described in the *Portland Plant List*, buffering natural resources, preventing erosion or slope destabilization and limiting impacts on adjacent sites;

B. Trees proposed for preservation are suitable based on their health, overall condition and potential for long-term viability, considering the anticipated impact of development and tolerance typical for the tree species;

C. Tree preservation is maximized to the extent practicable while allowing for reasonable development of the site, considering the following:

1. The specific development proposed;
2. The uses and intensity of development expected in the zone and the area in which the site is located;
3. Requirements to provide services to the site under Chapters 33.651 through 33.654, including street connectivity and street plan requirements. Options to limit impacts on trees while meeting these service requirements must be evaluated;
4. Requirements to protect resources in Environmental, Pleasant Valley Natural Resources, or Greenway Natural, Water Quality, and River Environmental overlay zones. Protection of environmental resources and retention of benefits from trees should be maximized for the site as a whole; and
5. Other site constraints that may conflict with tree preservation, such as small or oddly shaped sites or trees located in existing utility easements.

D. Mitigation. Where the minimum tree preservation standards of 33.630.100 can not be fully met, as determined by evaluating the above criteria, or when there is a concurrent Environmental Review and the minimum tree preservation standards do not apply, mitigation must be provided as needed to replace the functions of trees removed from the site. Options for mitigation may include preservation of smaller diameter or native trees, permanent preservation of trees within a tree preservation or environmental resource tract, tree planting, payment into the City's Tree Planting and Preservation Fund, or other options that are consistent with the purpose of this chapter.

33.630.400 Modifications That Will Better Meet Tree Preservation Requirements

A. Site-related development standards. The review body may consider modifications to site-related development standards as part of the land division review. These modifications are done as part of the land division process and do not require an adjustment. Adjustments to use-related development standards are subject to the adjustment process of Chapter 33.805, Adjustments. Modification to a regulation that contains the word "prohibited," or a regulation that is a qualifying situation or threshold is prohibited.

In order to approve the modification, the review body must find that the modification will result in improved tree preservation, considering the tree preservation priorities for the site, and will, on balance, be consistent with the purpose of the regulation being modified.

B. Minimum Density.

1. In multi-dwelling zones, minimum density may be reduced to preserve trees as stated in Paragraph 33.120.205.C.3. This provision may be used to reduce minimum density during the land division process. Sites that reduce minimum density at the time of the land division are not eligible to further reduce minimum density at the time of development on the lots.
2. A reduction in minimum density in single-dwelling zones may be approved as part of the land division review. The reduction is done as part of the land division review and does not require an adjustment.

a. Minimum density may be reduced by 20 percent or one lot, whichever is more, up to a maximum reduction of 4 lots. Reductions greater than those listed in this paragraph are prohibited.

b. The review body will approve the reduction in minimum density if the following are met:

(1) The reduction in minimum density will result in improved tree preservation, considering the tree preservation priorities for the site; and

(2) The lot or lots where trees are proposed to be preserved are not large enough to be further divided under the current zoning. Trees proposed for preservation may be placed in a tree preservation tract to reduce lot sizes and provide better protection for the trees to be preserved.

33.630.500 Tree Preservation Credit

Trees that are preserved in a tree preservation tract that is outside of an Environmental or Pleasant Valley Natural Resources overlay zone may count toward meeting the tree density standards for individual lots in Chapter 11.50, Trees in Development Situations. If this option is chosen, at least one tree must be planted or preserved on each lot created for single-dwelling or duplex development. The preliminary plan must indicate the lots where the credit from the preserved trees will be used.

33.630.600 Recording Tree Preservation Plans and Related Conditions

Tree preservation plans approved as part of the preliminary plan and related conditions of approval must be recorded with the County Recorder. The documents must be approved by BDS prior to recording.

33.630.700 Relationship To Other Tree Regulations

Other tree regulations of this Title and other Titles may apply at the time of a land division and at the time of development.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18).

33.631 Sites in Flood Hazard Areas

631

Sections:

33.631.010 Purpose
33.631.020 Where the Approval Criteria Apply
33.631.100 Special Flood Hazard Area Approval Criteria

33.631.010 Purpose

The regulations for lands subject to regular or periodic flooding will help minimize public and private losses from flooding. The approval criteria limit the creation of lots on lands subject to flood in order to direct development away from hazardous areas. The approval criteria promote the safety and well-being of citizens and protect property while preserving the natural function of floodplains.

33.631.020 Where the Approval Criteria Apply

The approval criteria of this chapter apply to proposals for land divisions where any portion of the land division site is in the special flood hazard area.

33.631.100 Flood Hazard Area Approval Criteria

A. RF through R2.5 zones. The following criteria must be met in the RF through R2.5 zones:

1. Where possible, all lots must be outside of the special flood hazard area; and
2. Where it is not possible to have all lots outside of the special flood hazard area, all proposed building areas must be outside of the special flood hazard area.

B. RM1 through RMP, C, E, I, IR, and CI zones. The following criteria must be met in the RM1 through RMP, C, E, I, IR, and CI zones:

1. Where possible, each lot must have adequate area outside of the special flood hazard area to accommodate allowed or proposed uses. This criterion does not apply to river-dependent uses; and
2. Where it is not possible to create lots that have adequate area outside of the special flood hazard area to accommodate allowed or proposed uses, the following must be met:
   a. Lots must be configured so that development on them will reduce the impact of flooding and to provide the greatest protection for development from flooding;
   b. Lots must be configured so that allowed or proposed uses that are not river-dependent will be able to locate on the highest ground and near the highest point of access, and so that development on the lots can be configured in a manner that will minimize obstruction of floodwaters; and
   c. Where the proposed uses and development are river-dependent, lots must be configured so that development on them will minimize obstruction of floodwaters.

C. In all zones. The following criteria must be met in all zones:

1. Services proposed in the special flood hazard area must be located and built to minimize or eliminate flood damage to the services; and

2. The floodway must be entirely within a flood hazard area tract unless river-dependent land-uses and development are proposed on the site.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178509, effective 7/16/04; Ord. No. 179980, effective 4/22/06; Ord. No. 184235, effective 11/26/10; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20.)

33.632 Sites in Potential Landslide Hazard Areas

632

Sections:

33.632.010 Purpose
33.632.020 Where This Approval Criterion Applies
33.632.100 Landslide Hazard Approval Criterion

33.632.010 Purpose

The approval criterion for lands subject to landslide will help minimize public and private losses as a result of landslides. The approval criterion limits the creation of lots on land subject to landslide hazard in order to direct development away from hazardous areas. The approval criterion ensures that lots and development are located on a portion of the site that is suitable for development where the risk of a landslide is reasonably limited. In some cases, the approval criterion will result in requirements to stabilize sites through engineered solutions.

33.632.020 Where This Approval Criterion Applies

The approval criterion of this chapter applies to all proposals for land divisions where any portion of the site is within a potential landslide hazard area.

33.632.100 Landslide Hazard Area Approval Criterion

The following approval criterion must be met: Locate the lots, buildings, services and utilities on parts of the site that are suitable for development in a manner that reasonably limits the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site.

Determination of whether the proposed layout and design reasonably limits the risk of a landslide will include evaluation of the Landslide Hazard Study and will take into consideration accepted industry standards for factor of safety. Specific improvements, engineering requirements, techniques or systems, or alternative development options, including alternative housing types and reduced density (minimum or maximum), may be required in order to facilitate a suitable development that limits the risk to a reasonable level. Reductions to minimum or maximum density are done as part of the land division review, and do not require an adjustment.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02; Amended by: Ord. No. 186639, effective 7/11/14; Ord. No. 188259, effective 3/31/17.)

33.633 Phased Land Divisions and Staged Final Plats

633

Sections:

Phased Land Divisions
33.633.100 Purpose
33.633.110 Where These Standards Apply
33.633.120 Phased Land Division Standards
Staged Final Plats
33.633.200 Purpose
33.633.210 When Staged Final Plats Are Allowed
33.633.220 Staged Final Plat Standard

Phased Land Divisions

33.633.100 Purpose

Phased land divisions allow minimum density requirements for a site to be met in several phases rather than at one time.

33.633.110 Where These Standards Apply

The standards of Section 33.633.120 apply to proposals for phased land divisions in the RF through R2.5 zones.

33.633.120 Phased Land Division Standards

Phased land divisions are allowed if the all of the following are met. Adjustments to these standards are prohibited:

A. The required minimum density for the site is 40 or more lots;

B. All portions of the site that are in the floodway or an Environmental Overlay Zone must be included in the first phase;

C. All portions of the site that are to be divided in future phases must be held in non-development tracts;

D. A future division plan must show how each subsequent phase can meet minimum density, the other requirements of Chapters 33.610 through 33.654, and all other regulations of the Portland City Code; and

E. Applications for Preliminary Plan approval of subsequent phases are subject to the regulations in effect at the time of each application.

Staged Final Plats

33.633.200 Purpose

Staged Final Plats allow improvements, such as streets, services, and utilities to be constructed in stages rather than all at one time.

33.633.210 When Staged Final Plats Are Allowed
Staged Final Plats are allowed for all land division sites.

33.633.220 Staged Final Plat Standard
All portions of the site that are in an Environmental Overlay Zone, in the floodway, or will be in a tree preservation tract must be included in the first Final Plat stage.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

33.634 Required Recreation Area

634

Sections:

33.634.010 Purpose
33.634.100 Where These Regulations Apply
33.634.200 Required Recreation Area Standards
33.634.300 Required Recreation Area Approval Criteria

33.634.010 Purpose

Providing area for recreation ensures that the recreational needs of those who will live on the site will be accommodated. Large land divisions — those that will create a minimum of 40 new dwelling units — create a neighborhood that is big enough to warrant a recreation area that is accessible to all in the new community. Creating the space for recreation at the time of the land division is the most efficient way to ensure that the space is created. The land division process provides the opportunity to design the recreation area so that it relates to the lot and street pattern of the land division.

33.634.100 Where These Regulations Apply

The regulations of this chapter apply to land divisions in residential zones when the proposed density is 40 or more dwelling units. In multi-dwelling zones, where no development is specifically proposed with the land division, the regulations of this chapter apply when the minimum required density for the site is 40 or more units.

33.634.200 Required Recreation Area Standards

The following standards must be met:

A. **Size.** At least 10 percent of the total site area of the land division site must be devoted to recreation area.

B. **RF-RM1 and RMP zones.** In the RF-RM1 and RMP zones, the recreation area must be in one or more recreation area tracts. Recreation area tracts must meet the requirements of Subsection D., below.

C. **RM2-RX and IR zones.** In the RM2-RX and IR zones, the recreation area may be in one or more recreation area tracts, in a roof-top garden, or in floor area improved for the purpose of passive or active recreation. Recreation area tracts must meet the requirements of Subsection D., below.

D. **Recreation area tracts.** Recreation area tracts required by this chapter must meet the following standards:

1. Size. Each tract must be at least 100 feet wide by 100 feet deep;
2. Location. No more than 50 percent of each recreation area tract may be in an Environmental Overlay Zone or in a special flood hazard area;
3. Accessibility. Each recreation area tract must have at least 30 feet of street frontage;

4. Ownership. The tracts must be owned in common by all of the owners of the land division site, owned by a Homeowners' Association, or owned by a public agency; and

5. Improvements. The applicant must submit a surety and construction timing agreement prior to final plat approval. The construction timing agreement will specify the installation schedule of all improvements.

33.634.300 Required Recreation Area Approval Criteria.
All of the following approval criteria must be met:

A. **Location.** Each recreation area must be located on a part of the site that can be reasonably developed for recreational use;

B. **Accessibility.** Each recreation area must be reasonably accessible to all those who will live on the land division site; and

C. **Improvements.** Each recreation area must be improved in order to meet the recreational needs of those who will live on the land division site. Provision for both active and passive recreation must be included. Where there is more than one recreation area, not all areas must be improved for both active and passive recreation. Recreation areas may include improvements such as children's play equipment, picnic areas, open lawn, benches, paved walkways or trails, gardens, or organized sport fields or courts. Surety may be required which specifies the timing of recreation area improvements. The recreation area improvements should be installed before any of the dwelling units on the site have received final inspection.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04; Ord. No. 184235, effective 11/26/10; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20.)

33.635 Clearing, Grading, and Land Suitability

635

Sections:

33.635.010 Purpose
33.635.020 Where These Approval Criteria Apply
33.635.100 Clearing and Grading Approval Criteria
33.635.200 Land Suitability Approval Criterion

33.635.010 Purpose

These approval criteria:

- Ensure limits of disturbance are reasonable given infrastructure needs, site conditions, and tree preservation requirements;
- Limit impacts of erosion and sedimentation;
- Protect water quality and aquatic habitat;
- Allow some site development activities to occur before Final Plat approval; and
- Ensure that new lots can be safely developed.

33.635.020 Where These Approval Criteria Apply

The approval criteria of this chapter apply to proposals for land divisions in all zones.

33.635.100 Clearing and Grading Approval Criteria

The Preliminary Clearing and Grading Plan must meet the following approval criteria:

A. Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;

B. Clearing and grading should be sufficient for construction of development shown on the Preliminary Clearing and Grading Plan;

C. Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Preliminary Clearing and Grading Plan;

D. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete;

E. Soil stockpiles must be kept on the site and located in areas designated for clearing and grading as much as is practicable; and

F. The limits of disturbance and tree protection measures shown on the Preliminary Clearing and Grading Plan must be adequate to protect trees to be retained on the tree preservation plan.

33.635.200 Land Suitability Approval Criterion
Where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development. The applicant may be required to make specific improvements in order to make the lots suitable for their intended uses and the provision of services and utilities.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by Ord. No. 184524, effective 7/1/11.)

33.636 Tracts and Easements

636

Sections:

33.636.100 Requirements for Tracts and Easements

33.636.100 Requirements for Tracts and Easements

A. Ownership of tracts. Tracts must be owned as follows unless otherwise specified in this Title or the land use decision:

1. The owners of property served by the tract, or by any other individual or group of people. When the tract is owned by more than one person it must be held in common with an undivided interest;
2. The Homeowners' Association for the area served by the tract;
3. A public or private non-profit organization; or
4. The City or other jurisdiction.

B. Maintenance agreement. The applicant must record with the County Recorder a maintenance agreement that commits the owners or owners' designee to maintain all elements of the tract or easement; however, facilities within the tract or easement that will be maintained by a specified City agency may be recorded in a separate maintenance agreement. The maintenance agreement must be approved by BDS and the City Attorney in advance of Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat. For a Planned Development not done in conjunction with a land division, the maintenance agreement must be submitted to the County Recorder to be recorded prior to issuance of the first building permit related to the development.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04.)

33.639 Solar Access

639

Sections

33.639.010 Purpose
33.639.020 Where These Approval Criteria Apply
33.639.100 Solar Access Approval Criteria

33.639.010 Purpose

The solar access regulations encourage variation in the width of lots to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties.

33.639.020 Where These Approval Criteria Apply

The approval criteria of this chapter apply to lots for single-dwelling detached development created as part of a land division proposal in all zones. Where it is not practicable to meet both the approval criteria of this chapter and the standards and approval criteria of other chapters in the 600's, the regulations of the other chapters supersede the approval criteria of this chapter.

33.639.100 Solar Access Approval Criteria

All of the following approval criteria must be met:

A. On streets that are within 30 degrees of a true east-west axis, see Figure 639-1, the narrowest lots should be:

1. Interior lots on the south side of the street. See Figure 639-2; and
2. Corner lots on the north side of the street. See Figure 639-3.

B. On streets that are within 30 degrees of a true north-south axis, the widest lots should be interior lots on the east or west side of the street. See Figure 639-4.

Figure 639-1
Axes within 30 Degrees of North-South and East-West

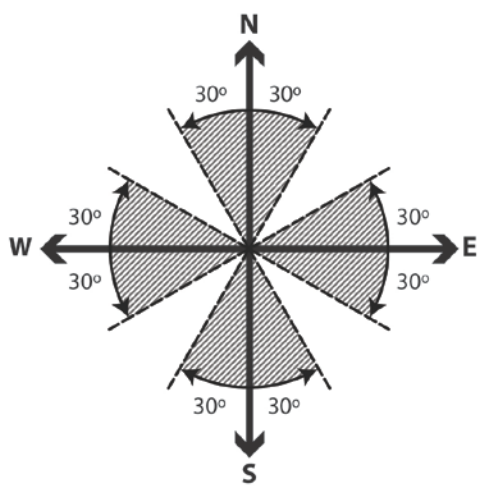


Figure 639-2
Interior Lots on South Side of Street

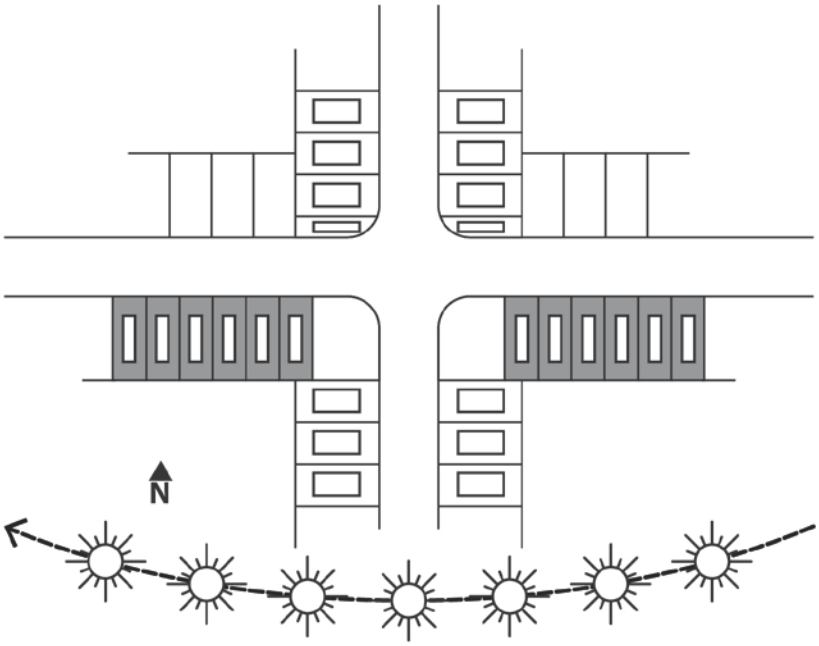


Figure 639-3
Corner Lots on North Side of Street

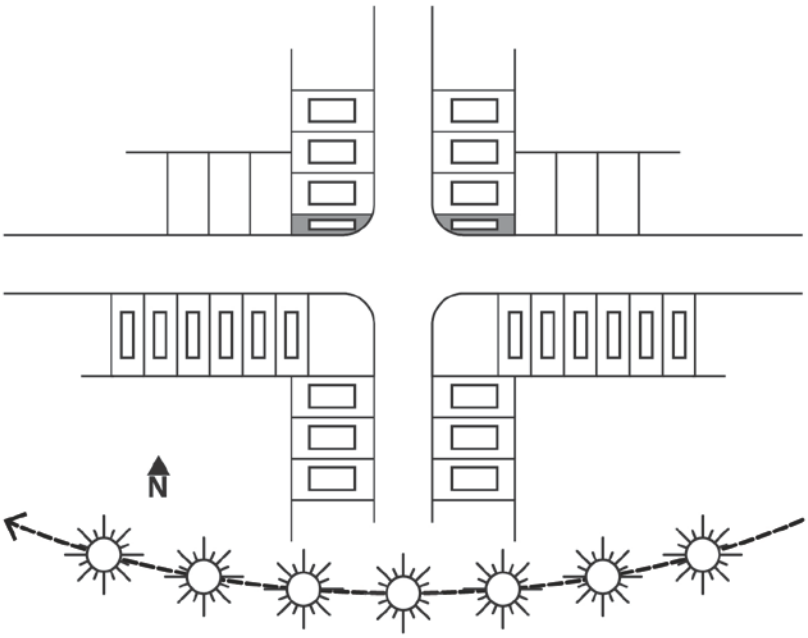
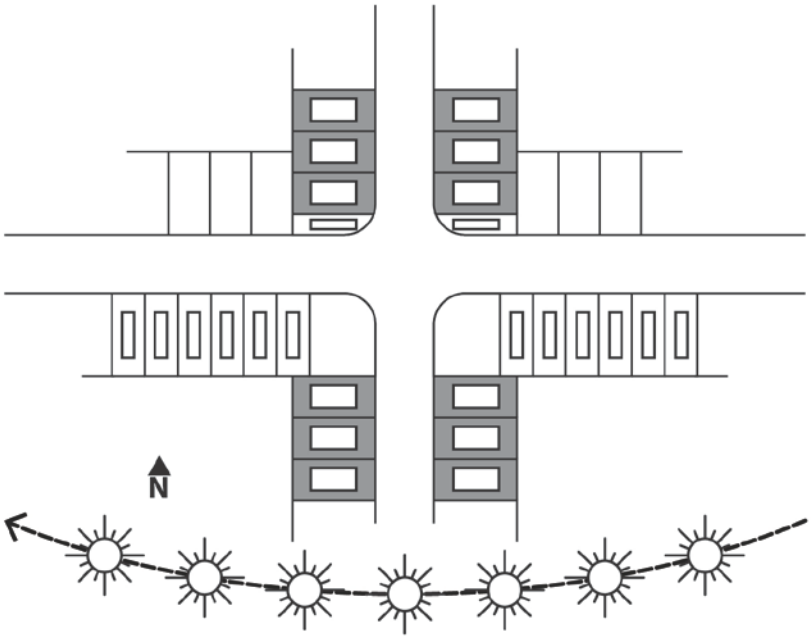


Figure 639-4
Interior Lots on East and West Side of Street



(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

33.640 Streams, Springs, Seeps, and Wetlands

640

Sections:

33.640.010 Purpose
33.640.100 Where These Standards Apply
33.640.200 Stream, Spring, Seep, and Wetland Standards

33.640.010 Purpose

The standards in this chapter ensure that important streams, springs, seeps, and wetlands that are not already protected by the Environmental Overlay Zones, are maintained in their natural state.

33.640.100 Where These Standards Apply

The standards of this chapter apply to all land divisions where a stream, spring, seep, or wetland on the site is outside of an Environmental Overlay Zone. For purposes of this chapter, the definition of stream does not include the Willamette or Columbia River.

33.640.200 Stream, Spring, Seep, and Wetland Standards

A. Preservation in a tract. Streams, springs, seeps, and wetlands must be preserved in a tract as follows:

1. The edges of the tract must be at least 15 feet from the edges of the stream, spring, seep, or wetland. The edges of a seep, spring, or wetland are determined through a wetland delineation, performed by an environmental scientist, and approved by BDS. For seeps and springs, if one or more wetland characteristics are absent from the resource, the delineation will be based on the wetland characteristics present. The edges of a stream are defined as the top-of-bank. Where the edge of the stream, spring, seep, or wetland is less than 15 feet from the edge of the site, the tract boundary will be located along the edge of the site;

2. Existing structures within the area described in Paragraph A.1 may be excluded from the tract;

3. Exception. Where the tract required by Paragraph A.1 would preclude compliance with the front lot line requirements of Chapters 33.610 through .615, the stream, seep, stream, or wetland may be in an easement that meets the other requirements of Paragraph A.1.

B. Development allowed in the tract or easement. The following development, improvements, and activities are allowed in the tract or easement:

1. Disturbance associated with discharging stormwater to the stream channel, if BES has determined that the site's storm water cannot discharge to a storm sewer and BDS has determined that on-site infiltration is not an option;

2. Removal of non-native invasive species with hand held equipment;

3. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment;

4. Erosion control measures allowed by Title 10 of Portland City Code;

5. Construction of required driveway connections or required connections to services when there is no practicable alternative to locating the driveways or service connections within the tract or easement; and

6. Maintenance and repair of existing utilities, services, and driveways;

C. When tract or easement may be crossed by a right-of-way. Public or private rights of way may cross the seep, spring, or stream tract or easement if the following approval criteria are met:

1. There is no reasonable alternative location for the right-of-way;

2. The applicant has demonstrated that it is possible to construct street improvements within the right-of-way that will meet all of the following:

   a. The street improvements will not impede the flow of the stream, spring, or seep;

   b. The street improvements will impact the slope, width, and depth of the stream channel, spring, or seep to the minimum extent practicable; and

   c. The street improvements will not impede fish passage in a stream, spring, or seep has been identified by the Oregon Department of Fish and Wildlife as fish-bearing.

D. Minimum density. Minimum density is waived in order to better meet these standards.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 188259, effective 3/31/17.)

33.641 Transportation Impacts

641

Sections:

33.641.010 Purpose
33.641.015 Where This Approval Criterion Applies
33.641.020 Approval Criterion

33.641.010 Purpose

The regulations of this chapter allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Small land divisions involving only a few dwelling units may not require a formal transportation impact study, while it might be required for larger projects. The purpose of a transportation impact study is to assess the effects of routing or volume of traffic in the vicinity of the site on traffic conditions, transit, pedestrian and bicycle movement, and neighborhood livability.

33.641.015 Where This Approval Criterion Applies

This approval criterion applies to land divisions in all zones.

33.641.020 Approval Criterion

A. The transportation system must be capable of supporting the proposed development 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 as required by 33.641.020.B.

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.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177028, effective 12/14/02. Amended by: Ord. No. 182429, effective 1/16/09; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18).

33.642 Land Divisions of Manufactured Dwelling Parks

642

Sections:

33.642.010 Purpose
33.642.020 Where These Standards Apply
33.642.030 Relationship to Other Land Division Regulations
33.642.100 Use Allowed
33.642.110 Residential Structure Types Allowed

33.642.010 Purpose

The regulations of this chapter allow owners of manufactured dwelling parks to divide their land without being subject to all of the other land division regulations of this Title. By allowing this division, owners of the individual manufactured dwellings may have the opportunity to acquire individual ownership of the lot where their dwelling is located. Allowing these land divisions is required by State law.

33.642.020 Where These Standards Apply

The standards of this chapter apply to proposals for land divisions of manufactured dwelling parks that existed on July 1, 2001.

33.642.030 Relationship to Other Land Division Regulations

Land divisions proposed under the provisions of this chapter are exempt from the regulations of chapters 33.605 through 33.635, and chapters 33.638 through 33.639.

33.642.100 Use Allowed

In manufactured dwelling parks that have been divided under the provisions of this chapter, Household Living is an allowed use. All other uses are prohibited.

33.642.110 Residential Structure Types Allowed

In manufactured dwelling parks that have been divided under the provisions of this chapter, residential structure types other than manufactured dwellings are prohibited.

(Added by: Ord. No. 177422, effective 6/7/03. Amended by: Ord. No. 182429, effective 1/16/09.)

33.651 Water Service

651

Sections:

33.651.010 Purpose
33.651.020 Water Service Standard
33.651.030 Environmental Overlay Zones

33.651.010 Purpose

Water service provides water for public health and emergency purpose, including fire suppression. These standards ensure that the public water system will serve each lot in the land division and, where appropriate, will extend through the land division to reach adjacent sites. They will result in an efficient, flexible water distribution system that can serve a variety of development configurations while minimizing overall development costs.

33.651.020 Water Service Standard

Water service must meet the standard of this section. Adjustments are prohibited. The Water Bureau or District and the Fire Bureau have verified that water facilities with adequate capacity and pressure are available to serve the proposed development.

33.651.030 Environmental Overlay Zones

If any portion of the water service is within an Environmental Overlay Zone, it is subject to the regulations of Chapter 33.430, Environmental Overlay Zones.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

33.652 Sanitary Sewer Disposal Service

652

Sections:

33.652.010 Purpose
33.652.020 Sanitary Sewer Disposal Service Standards
33.652.030 Environmental Overlay Zones

33.652.010 Purpose

The sanitary sewer disposal service standards protect the public health by providing for the safe and sanitary collection, treatment, and disposal of waste products from development in the land division. These standards will result in an efficient, flexible sewer system that can serve a variety of development configurations within reasonable overall development costs.

33.652.020 Sanitary Sewer Disposal Service Standards

Sanitary sewer disposal service must meet the standards of this section. Adjustments are prohibited.

A. Availability of sanitary sewer.

1. The Bureau of Environmental Services has verified that sewer facilities are available to serve the proposed development; or

2. BDS has approved the use of a private on-site sanitary sewage disposal system.

B. Public sanitary sewage disposal. Where public sewer facilities are available to serve the proposed development, the Bureau of Environmental Services has preliminarily approved the location, design, and capacity of the proposed sanitary sewage disposal system. The approval is based on the Sewer Design Manual; and

C. Private sanitary sewage disposal. Where private on-site sanitary sewage disposal is proposed, BDS and Environmental Services have preliminarily approved the location, design, and capacity of the proposed sanitary sewage disposal system.

33.652.030 Environmental Overlay Zones

If any portion of the sanitary sewer is within an Environmental Overlay Zone, it is subject to the regulations of Chapter 33.430, Environmental Overlay Zones.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

33.653 Stormwater Management

653

Sections:

33.653.010 Purpose
33.653.020 Stormwater Management Approval Criteria
33.653.030 Stormwater Management Approval Standards
33.653.040 Environmental Overlay Zones

33.653.010 Purpose

These regulations provide for the efficient and flexible placement of stormwater facilities serving a variety of development configurations. The standards and criteria of this chapter recognize that on-site stormwater facilities may be land intensive and site specific, consequently affecting the arrangement of lots and streets. These regulations ensure that the land division site has an adequate area and an appropriate location for stormwater facilities. The approval criteria ensure that it is feasible to develop a stormwater system that will have adequate capacity for the developed site.

33.653.020 Stormwater Management Approval Criteria

Stormwater management must meet the following approval criteria:

A. If a stormwater tract is proposed or required, an adequate amount of land and an appropriate location must be designated on the Preliminary Plan; and

B. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.

33.653.030 Stormwater Management Standards

Stormwater management facilities must meet the following standards. Adjustments are prohibited.

A. The Bureau of Environmental Services has preliminarily approved the capacity, type, location, feasibility and land area required of the proposed stormwater management system and stormwater disposal facilities as well as any connection to off-site facilities. The approval is based on the Sewer Design Manual and the Stormwater Management Manual;

B. The Bureau of Development Services has preliminarily approved the capacity, type, location, feasibility, and land area required of any proposed private on-site stormwater disposal facilities; and

C. Ownership and maintenance.

1. Generally, a stormwater facility that serves more than one lot must be in a tract or within the right-of-way; except as allowed by C.2 below. If the facility is in a tract, it must be either owned in common by all of the owners of the lots served by the facility, by a Homeowners' Association, by a public agency, or by a non-profit organization.

2. Exceptions.

   a. A private stormwater facility may be in an easement if the location of the tract would preclude compliance with the front lot line requirements of Chapters 33.610 through 33.615;

   b. An existing private stormwater facility may be in an easement, if there is a recorded maintenance agreement, or if the maintenance is addressed in the CC&Rs;

   c. A private stormwater facility serving up to five dwelling units may be in an easement, if there is a recorded maintenance agreement, or if the maintenance is addressed in the CC&Rs.

D. Driveways may cross stormwater tracts and easements.

33.653.040 Environmental Overlay Zones

If any portion of the stormwater management system or disposal system is proposed within an Environmental Overlay Zone, it is subject to the regulations of Chapter 33.430, Environmental Zones.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04.)

33.654 Rights-of-Way

654

Sections:

33.654.010 Purpose
33.654.020 Where These Regulations Apply
33.654.110 Connectivity and Location of Rights-of-Way
33.654.120 Design of Rights-of-Way
33.654.130 Additional Approval Criteria for Rights-of-Way
33.654.150 Ownership, Maintenance, and Public Use of Rights-of-Way
33.654.160 Street Classification

33.654.010 Purpose

Rights-of-way provide for movement and access to, within, and through a land division site by pedestrians, bicycles, and motor vehicles. These regulations ensure that the right-of-way system will serve each lot in the land division. Where possible, the system will extend through the land division to reach adjacent sites. Constraints, such as steep slopes or environmental zones on or near the site may influence the location or preclude connected rights-of-way. These regulations protect the public health and safety by ensuring safe movement and access for emergency and service vehicles.

33.654.020 Where These Regulations Apply

The regulations of this chapter apply to all land divisions.

33.654.110 Connectivity and Location of Rights-of-Way

A. Purpose. The regulations of this section ensure provision of efficient access to as many lots as possible, and enhance direct movement by pedestrians, bicycles, and motor vehicles between destinations. Direct routes for bicycles and pedestrians from residential areas to neighborhood facilities, such as schools and parks, are particularly important to increase the convenience of travelling by foot or bicycle. The specific location of rights-of-way is influenced by a variety of conditions, including existing development, streets and lot patterns, and environmental features.

B. Approval criteria.

1. Through streets and pedestrian connections in OS, R, C, E, CI, and IR Zones. In OS, R, C, E, CI, and IR zones, through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration:

   a. Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart;

b. Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;

c. Characteristics of the site, adjacent sites, and vicinity, such as:

(1) Terrain;

(2) Whether adjacent sites may be further divided;

(3) The location of existing streets and pedestrian connections;

(4) Whether narrow frontages will constrain creation of a through street or pedestrian connection;

(5) Whether any of the following interrupt the expected path of a through street or pedestrian connection:

- Environmental, Pleasant Valley Natural Resource, or Greenway overlay zones;
- Tree groves;
- Streams;
- Special flood hazard areas; or
- Wetlands; and

(6) Whether existing dwelling units on- or off-site obstruct the expected path of a through street or pedestrian connection. Alternative locations or designs of rights-of-way should be considered that avoid existing dwelling units. However, provision of through streets or pedestrian connections should take precedence over protection of existing dwelling units where the surrounding transportation system will be significantly affected if a new through street or pedestrian connection is not created;

d. Master street plans for the area identified in Goal 11B of the Comprehensive Plan;

e. Pedestrian connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible.

2. Dead-end streets in OS, R, C, E, CI, and IR zones. In OS, R, C, E, CI, and IR zones, dead-end streets may be provided where through streets are not required. Dead-end streets should generally not exceed 200 feet in length, and should generally not serve more than 18 dwelling units. Public dead-end streets should generally be at least 200 feet apart.

3. Pedestrian connections in I Zones. In I zones, pedestrian connections to all Regional Transitways, Major Transit Priority Streets, Transit Access Streets, Community Transit Streets, Off-Street Paths, and recreational trails within 1,300 feet of the site are required where appropriate and practicable. The connections should take the most direct route practicable. Users should be able to see the ending of the connection

from the entrance point, if possible. Only the portion of the pedestrian connection that is on the land division site is required.

4. Alleys in all zones. Alleys may be required where the provision of an alley is appropriate to mitigate transportation or development impacts. Alleys may be appropriate to move garage access away from busy streets, reduce the number of driveways crossing sidewalks, provide alternative locations on the site for parking, limit the number of garage doors facing the street, and maintain on-street parking. Where alleys are not required, applicants may choose to provide them.

33.654.120 Design of Rights-of-Way

A. Purpose. The purpose of these standards and approval criteria is to ensure that the vehicle, bicycle, and pedestrian circulation system is designed to be safe, efficient, and convenient.

B. Non-local street standard. For streets other than local service streets, the Office of Transportation has approved the right-of-way width and all elements within the street right-of-way.

C. Local street approval criteria and standards. The following approval criteria and standards apply to all local service streets except for common greens and shared courts:

1. Approval criterion for width of the right-of-way. The width of the local street right-of-way must be sufficient to accommodate expected users, taking into consideration the characteristics of the site and vicinity, such as the existing street and pedestrian system improvements, existing structures, and natural features.

2. Standard for configuration of elements within the right-of-way. For public streets, the Office of Transportation has approved the configuration of elements within the street right-of-way. For private streets, the Bureau of Development Services has approved the configuration of elements within the street right-of-way.

3. Standards for turnarounds.

   a. When a turnaround is required. A turnaround is required on a dead-end street in the following situations:

      (1) The street will serve 4 or more lots;

      (2) The street is at least 300 feet long; or

      (3) When required by the City Engineer, the Fire Bureau, or BDS.

   b. Temporary turnaround. Where a street is temporarily terminating within the land division site, the City Engineer, BDS, or Fire Bureau may require a temporary turnaround.

   c. The following approval criteria and standard applies to permanent and temporary turnarounds:

(1) Approval criteria. The turnaround must:

- Be of a size to accommodate expected users, taking into consideration the characteristics of the site such as existing structures, natural features, the length of the street, and the number of housing units served by the street;
- Minimize paved area;
- Provide adequate area for safe vehicular movement; and
- Provide adequate area for safe and convenient movement by bicyclists and pedestrians traveling on the street or traveling from the street to a pedestrian connection.

(2) Standard. For public streets, the Office of Transportation has approved the configuration of elements within the turnaround right-of-way. For private streets, the Bureau of Development Services has approved the configuration of elements within the turnaround right-of-way.

D. Common green approval criteria and standards. The purpose of the following standards is to allow streets designed to provide access for only pedestrians and bicycles to abutting properties. Common greens are also intended to serve as a common open space amenity for residents. The following approval criteria and standards apply to common greens:

1. Right-of-way.

a. Approval criteria.

(1) The size of the common green right-of-way must be sufficient to accommodate expected users and uses. The size must take into consideration the characteristics of the site and vicinity, such as the pedestrian system, structures, natural features, and the community activities that may occur within the common green.

(2) Generally, common greens should be dead-end streets. However, common greens may be through streets if a public pedestrian connection is provided directly abutting the common green, or in close proximity. See Figure 654-1. Common greens may also have frontage on more than one intersecting street, if the green is located at the corner of the intersecting streets. See Figure 654-2.

(3) Where a common green abuts a public pedestrian connection, the green must include design features that distinguish the common green from the pedestrian connection, such as perimeter landscaping, low decorative fencing, or paving materials.

(4) Where a common green is a through street, the design of the green should encourage through pedestrian and bicycle traffic to use nearby public pedestrian connections, rather than the common green.

b. Standards for configuration of elements within the right-of-way.

(1) For common greens, the Bureau of Development Services has approved the configuration of elements within the street right-of-way.

(2) Turnarounds are not required for common greens.

(3) Common Greens must include at least 400 square feet of grassy area, play area, or dedicated gardening space, which must be at least 15 feet wide at its narrowest dimension.

2. Standards for land divisions with common greens. Land divisions that include a common green must meet the following standards:

a. The Fire Bureau has approved the land division for emergency access; and

b. Lots that have a front lot line on a common green must meet Section 33.266.110, Minimum Required Parking Spaces.

Figure 654-1
Blocks with Through Common Green

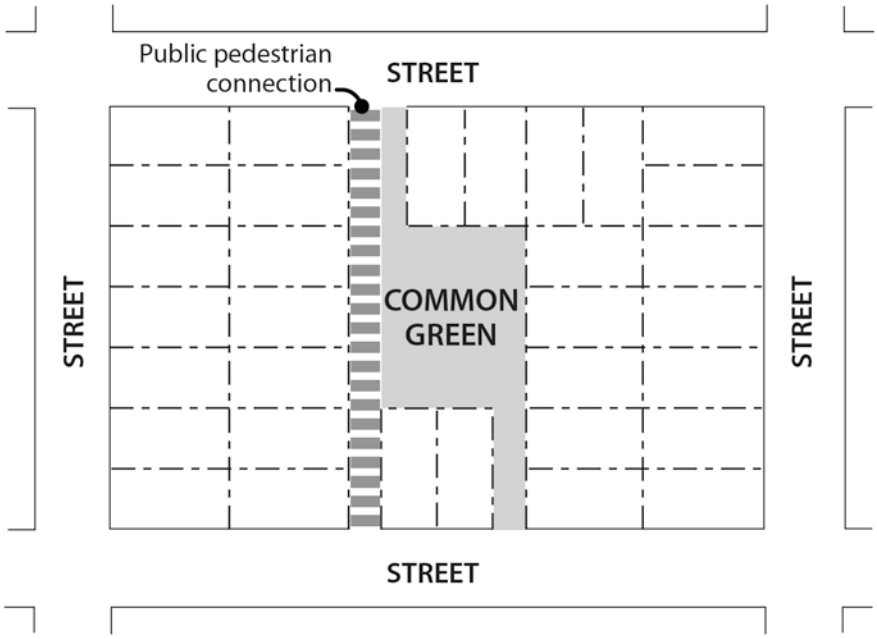
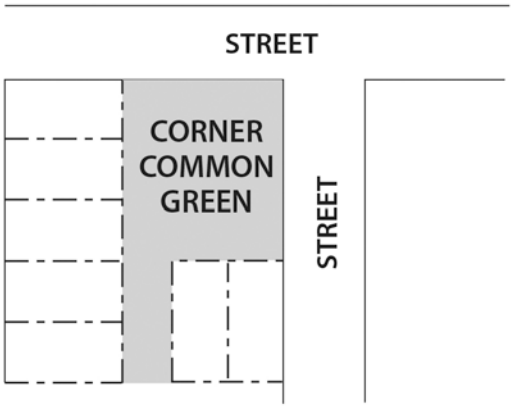


Figure 654-2
Corner Common Green



E. Pedestrian connections. The following approval criteria and standards apply to pedestrian connections:

1. Approval criterion for width of the right-of-way. The width of the pedestrian connection right-of-way must be sufficient to accommodate expected users and provide a safe environment, taking into consideration the characteristics of the site and vicinity, such as the existing street and pedestrian system improvements, existing structures, natural features, and total length of the pedestrian connection. As much as is possible, the users should be able to stand at one end of the connection and see the other end.

2. Standard for configuration of elements within the right-of-way. For public pedestrian connections, the Office of Transportation has approved the configuration of elements within the pedestrian connection right-of-way. For private pedestrian connections, the Bureau of Development Services has approved the configuration of elements within the pedestrian connection right-of-way.

F. Alleys. The following approval criteria and standards apply to alleys:

1. Approval criterion for width of the right-of-way. The width of the alley right-of-way must be sufficient to accommodate expected users, taking into consideration the characteristics of the site and vicinity such as existing street and pedestrian system improvements, existing structures, and natural features.

2. Standard for configuration of elements within the right-of-way. For public alleys, the Office of Transportation has approved the configuration of elements within the alley right-of-way. For private alleys, the Bureau of Development Services has approved the configuration of elements within the alley right-of-way.

3. Standard for turnarounds. The City Engineer, Bureau of Development Services, or Fire Bureau may require a turnaround on a dead-end alley.

G. Shared court approval criteria and standards. The purpose of the shared court standards is to allow streets that accommodate pedestrians and vehicles within the same circulation area, while ensuring that all can use the area safely. Special paving and other street

elements should be designed to encourage slow vehicle speeds and to signify the shared court's intended use by pedestrians as well as vehicles. Access from a shared court is limited to ensure low traffic volumes that can allow a safe mixing of pedestrians and vehicles. Shared courts are limited to zones intended for more intense development to facilitate efficient use of land while preserving the landscape-intensive character of lower-density zones. The following approval criteria and standards apply to shared courts:

1. Right-of-way.

   a. Approval criterion for width of the right-of-way. The size of the shared court right-of-way must be sufficient to accommodate expected users and uses. The size must take into consideration the characteristics of the site and vicinity, such as the pedestrian system, structures, traffic safety, natural features, and the community activities that may occur within the shared court.

   b. Standards for length of the right-of-way. A shared court may be up to 150 feet long.

   c. Standards for configuration of elements within the right-of-way.

      (1) The Bureau of Development Services has approved the configuration of elements within the street right-of-way, including a specific paving treatment and traffic calming measures;

      (2) Shared courts must be dead-end streets. Through shared courts are not allowed.

      (3) Shared courts must include at least 250 square feet of grassy area, play area, or dedicated gardening space, exclusive of vehicle parking areas. This area must be at least 15 feet wide at its narrowest dimension.

   d. Standards for turnarounds. Turnarounds are not required for a shared court, unless required by the City Engineer, Bureau of Development Services, or Fire Bureau.

2. Standards for land divisions with shared courts. Land divisions that include a shared court must meet the following standards:

   a. A shared court is allowed only in multi-dwelling, commercial/mixed use, employment, or campus institution zones;

   b. Up to 16 lots may have a front lot line on a shared court;

   c. Lots with a front lot line on a shared court must be developed with attached houses, detached houses, duplexes or attached duplexes; and

   d. The Fire Bureau has approved the land division for emergency access.

H. Standard for Street Trees. For existing and proposed public streets, the City Forester, in consultation with the City Engineer, has preliminarily approved the proposal and found it acceptable for the retention of existing street trees and providing adequate areas for future street tree planting. For private streets, the Bureau of Development Services has preliminarily approved the street tree planting plan.

33.654.130 Additional Approval Criteria for Rights-of-Way

A. Utilities. Telephone, cable, natural gas, electric, and telecommunication utilities must be located within rights-of-way or utility easements that are adjacent to rights-of-way to the maximum extent practicable. Utility easements up to 15 feet in width may be required adjacent to rights-of-way. To the extent practicable, utility easements needed to serve the lots must be identified during the preliminary land division plan review.

B. Extension of existing public dead-end streets and pedestrian connections. Existing public dead-end streets and pedestrian connections adjacent to the site must be extended onto the site as needed to serve the site.

C. Future extension of proposed dead-end streets and pedestrian connections. Where the land division site is adjacent to sites that may be divided under current zoning, dead-end streets and pedestrian connections must be extended to the boundary of the site as needed to provide future access to the adjacent sites. Options for access and street locations must consider the characteristics of adjacent sites, including terrain, the location of existing dwellings, environmental or Pleasant Valley Natural Resource overlay zoning, streams, wetlands, special flood hazard areas, and tree groves. The following factors are considered when determining if there is a need to make provisions for future access to adjacent sites. A need may exist if:

1. The site is within a block that does not comply with the spacing standards or adopted street plan of the Transportation Element of the Comprehensive Plan; or

2. The full development potential of adjacent sites within the block will not be realized unless a more complete street system is provided to improve access to those sites.

D. Partial rights-of-way. Partial rights-of-way and street improvements may be appropriate where the proposed right-of-way and street improvements are expected to be provided by the owner of the adjacent property. Partial rights-of-way and street improvements may also be required where needed to provide future access to adjacent sites. The Office of Transportation must approve the configuration of a partial right-of-way or public street improvement.

E. Ownership of alleys. Where the proposed alley abuts sites that may be divided or further developed under current zoning, the alley may be required to be dedicated to the public. Factors to be considered include the spacing of existing rights-of-way, whether adjacent sites are already fully developed under the current zoning, and whether the alley can provide vehicle access to adjacent developable sites. The Office of Transportation must approve the dedication and configuration of any public alley improvements.

33.654.150 Ownership, Maintenance, and Public Use of Rights-Of-Way

A. Purpose. To protect long-term access and both public and private investment in the street system, the rights and responsibilities for the street system must be clear. Public ownership of streets is preferred to provide long-term access to sites and meet connectivity goals. However, where a dead-end street serves a limited number of units, the public benefit may be very limited and the maintenance costs may be relatively high. In that limited situation, private streets may be appropriate. Where public ownership is not

feasible, property owners must know their maintenance responsibilities and what public use to expect on rights-of-way.

B. Ownership. Ownership of rights-of-way is determined through the following standards:

1. Through streets. Through streets must be dedicated to the public.

2. Partial streets. Partial streets must be dedicated to the public.

3. Dead-end streets. In general, dead-end streets and turnarounds must be dedicated to the public. A dead-end street may be privately owned if the street will abut no more than eight lots within the land division site, and the street is not proposed as, or required to be a partial street. If the street is not dedicated to the public, it must be in a tract, and owned in common by the owners of property served by the street or by the Homeowners' Association.

4. Exception for temporary turnarounds. Temporary turnarounds may be in an easement.

5. Exceptions for common greens and shared courts. Common greens and shared courts must be privately owned. They must be in a tract, and owned by the Homeowners' Association or owned in common by the owners of property served by the common green or shared court.

6. Pedestrian connections.

   a. Pedestrian connections that connect or are intended to eventually connect two through streets, must be dedicated to the public.

   b. Pedestrian connections that connect or are intended to eventually connect to a public school, park or library, must be dedicated to the public.

   c. Pedestrian connections that are not dedicated to the public may be privately owned in common by the owners of the property within the land division site or the Homeowners' Association. If the pedestrian connection will not be dedicated to the public, it must be in a tract.

7. Alleys.

   a. Determination of whether an alley must be dedicated to the public or may be privately owned is made under 33.654.130.E.

   b. If an alley is not dedicated to the public and serves more than 5 lots, it must be owned in common by the owners of property within the land division site or the Homeowners' Association.

   c. If an alley is not dedicated to the public and serves 5 or fewer lots, it must either be placed in an easement, or owned in common by the owners of the property within the land division site or the Homeowners' Association.

8. Public rights-of-way. All elements of public rights-of-way must be dedicated to the public, except as allowed by paragraph B.10, below.

9. Private rights-of-way. For rights-of-way held in common ownership or owned by the Homeowners' Association, all elements of the right-of-way must be in a tract, except as allowed by paragraph B.10, below.

10. Right-of-way elements in easements. Right-of-way elements may be in an easement if the following standards are met:

    a. Temporary turnarounds. Temporary turnarounds allowed under this Chapter may be placed in easements that also include a public access easement that allows public access on all parts of the turnaround;

    b. Street elements. Sidewalks and other street elements may be placed in easements adjacent to a right-of-way if the following standards are met:

        (1) A tree, rock outcropping, or other natural feature within the right-of-way precludes construction of the sidewalk or other element within the right-of-way;

        (2) The easement may be up to 50 feet long, measured along the right-of-way, and up to 10 feet wide. See Figure 654-3;

        (3) The easement must also include a public access easement that allows public access on all parts of the easement; and

        (4) The City Engineer has approved the use of an easement adjacent to a public street or the Bureau of Development Services has approved the use of an easement adjacent to a private street.

    c. Alleys. Alleys serving 5 or fewer lots may be placed in an easement.

C. Maintenance. If the right-of-way is privately owned, a maintenance agreement must be recorded that commits the owner to maintain all elements of the right-of-way.

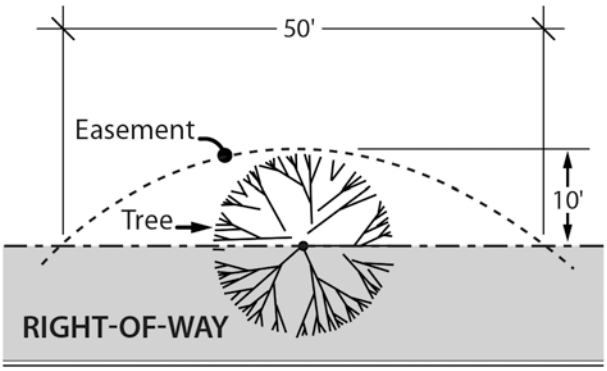
D. Public use of right-of-way.

1. Street tracts must include a public access easement that allows public access on all parts of the sidewalks;

2. Pedestrian connections must include a public access easement that allows public access on all parts of the connection; and

3. Public access easements must be recorded with the County Recorder.

Figure 654-3
Street Elements in Easements



33.654.160 Street Classification

A. **Purpose.** As streets are created or extended through the land division process, these streets should receive a classification in the Transportation Element of the Comprehensive Plan. The street classifications guide decisions on the design of streets and intersections, traffic operations, and the appropriate types of development along the street.

B. **New streets and street extensions.** New streets, street extensions, and pedestrian connections within the land division site will automatically be classified as local service streets for all modes unless the Transportation Element of the Comprehensive Plan designates them for other classifications.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177028, effective 12/14/02; Ord. No. 178657, effective 9/3/04 Ord. No. 179845, effective 1/20/06; Ord. No. 179980, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 186053, effective 1/1/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18).

33.655 School District Enrollment Capacity

655

Sections:

33.655.010 Purpose
33.655.020 Where These Regulations Apply
33.655.100 School District Enrollment Capacity Standard

33.655.010 Purpose

In some areas of the City, growth and development have outpaced the ability for a school district to accommodate increasing student population. This regulation ensures that there is adequate enrollment capacity within school districts to accommodate the student population that is projected to be generated from a land division site.

33.655.020 Where These Regulations Apply

The standard of this chapter applies to all land divisions that will result in eleven or more lots within the boundaries of a school district that has an adopted school facility plan that has been acknowledged by the City of Portland.

33.655.100 School District Enrollment Capacity Standard

The school district within whose boundaries the land division site lies has verified that enrollment capacity for the district is adequate to serve the proposed development. Adjustments are prohibited.

(Added by Ord. No. 188177, effective 5/24/18.)

33.660 Review of Land Divisions in Open Space, Residential, and IR Zones

660

Sections:

General
33.660.010 Purpose
33.660.020 Where These Regulations Apply
Review of Preliminary Plan
33.660.110 Review Procedures
33.660.120 Approval Criteria
Review of Changes to an Approved Preliminary Plan
33.660.300 When Review is Required
33.660.310 Review Procedures
33.660.320 Approval Criteria

General

33.660.010 Purpose

These regulations ensure that land divisions in residential, open space, and IR zones will be processed with the appropriate level of city and public review. This chapter establishes clear procedures and approval criteria for the land division proposal.

33.660.020 Where These Regulations Apply

The regulations of this chapter apply to proposals for land divisions on sites in Open Space, Residential, and IR Zones.

Review of Preliminary Plan

33.660.110 Review Procedures

Procedures for review of Preliminary Plans vary with the type of land division proposal being reviewed.

A. Type III. Land divisions that include any of the following elements are processed through a Type III procedure:

1. Eleven or more lots;
2. Four or more lots, where any portion of the lots, utilities, or services are proposed within a Potential Landslide Hazard Area;
3. Environmental review;
4. A phased land division, as described in Chapter 33.633, Phased and Staged Plans;
5. Any portion of the site is in an Open Space zone.

B. **Type IIx.** Except as provided in Subsection A, above, land division proposals that include any of the following elements are processed through a Type IIx procedure:

1. Four to ten lots;
2. Two or three lots, where any portion of the lots, utilities, or services are proposed within a Potential Landslide Hazard Area;
3. Lots, utilities, or services are proposed within a special flood hazard area; or
4. The proposal includes a concurrent land use review assigned to a Type I, Type 1x, Type II, or Type IIx procedure except environmental review. If environmental review is required, then the application is processed through a Type III procedure.

C. **Type Ix.** All land divisions not assigned to a Type IIx or Type III, are processed through a Type Ix procedure.

33.660.120 Approval Criteria

The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met. The approval criteria are:

A. **Lots.** The standards and approval criteria of Chapters 33.605 through 33.612 must be met;

B. **Trees.** The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met;

C. **Special flood hazard area.** If any portion of the site contains special flood hazard area, the approval criteria of Chapter 33.631, Sites in Special Flood Hazard Areas, must be met;

D. **Potential Landslide Hazard Area.** If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met;

E. **Phased Plans and Staged Final Plat.** If the Preliminary Plan will be phased or if the Final Plat will be staged, the standards of Chapter 33.633, Phased Land Divisions and Staged Final Plat, must be met;

F. **Required recreation area.** If 40 or more lots or dwelling units are proposed, the standards and approval criteria of Chapter 33.634, Required Recreation Areas, must be met;

G. **Clearing, grading, and land suitability.** The approval criteria of Chapter 33.635, Clearing, Grading, and Land Suitability must be met;

H. **Tracts and easements.** The standards of Chapter 33.636, Tracts and Easements must be met;

I. **Solar access.** If single-dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met;

J. **Streams, springs, seeps, and wetlands.** The approval criteria of Chapter 33.640, Streams, Springs, Seeps, and Wetlands must be met;

K. **Transportation impacts.** The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and,

L. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.655, which address services and utilities, must be met.

Review of Changes to an Approved Preliminary Plan

33.660.300 When Review is Required

Changes to an approved Preliminary Plan may be considered under the provisions of Sections 33.660.300 through 33.660.320. Some changes, listed in Section 33.663.200, may be approved as part of the Final Plat review. In addition, a decision on a Preliminary Plan may include conditions that require a different level of review for changes.

If the Final Plat differs from the approved Preliminary Plan, and the change is not one that may be approved under Section 33.663.200, and is not specifically allowed by the Preliminary Plan approval, review is required.

33.660.310 Review Procedures

Procedures for review of changes to an approved Preliminary Plan vary with the type of change proposed.

A. Type Ix. Changes not listed in Subsections B or C, below, are processed through a Type Ix procedure.

B. Same procedure as was used for Preliminary Plan. The following proposals are processed through the same procedure type as was used for the Preliminary Plan approval:

1. An increase in the site area of more than 5 percent;
2. An increase in the number of lots;
3. A decrease in the number of lots by more than one lot;
4. A decrease in the area of any lot by more than 10 percent;
5. A decrease in the width or depth of any lot by more than 10 percent. Width is measured at the front setback line;
6. Changing a through street to a dead-end street;
7. Changing a dead-end street to a through street;
8. Deleting a street or pedestrian connection;
9. Deleting or changing a condition of the Preliminary Plan approval;
10. Changing the purpose of, or deleting, the following tracts or easements:
    a. Shared parking tracts;
    b. Environmental resource tracts;
    c. Stormwater tracts;
    d. Special flood hazard area easements or tracts;

e. Tree preservation tracts;

f. Landslide hazard easements or tracts; or

g. Recreation area tracts;

11. Reducing the area or changing the location of the following tracts:

a. Environmental resource tract;

b. Special flood hazard area tract; or

c. Landslide hazard tract;

12. Decreasing the area of a recreation area tract by more than 10 percent;

13. Any change that the Director of BDS determines:

a. Is a significant change from the Preliminary Plan; or

b. Will have a significant impact on the surrounding area.

C. Changes to tree preservation requirements. Changes to tree preservation requirements are processed as described in Chapter 33.853, Tree Review.

33.660.320 Approval Criteria

Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met:

A. Approval criteria for changes listed in Subsection 33.660.310.B. Changes to the Preliminary Plan that are listed in Subsection 33.660.310.B must meet the approval criteria of Section 33.660.120, Approval Criteria.

B. Approval criteria for other changes. All other changes to the Preliminary Plan must meet the following approval criteria:

1. The proposed changes are not substantial enough, singly or in combination, to warrant a new review of the entire Preliminary Plan;

2. The approval criteria addressed by the approval of the Preliminary Plan can still be met, with appropriate conditions of approval.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 184235, effective 11/26/10, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185915, effective 5/1/13; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 189488, effective 12/2/19.)

33.662 Review of Land Divisions in CI, Commercial/Mixed Use, Employment, and Industrial Zones

662

Sections:

General
33.662.010 Purpose
33.662.020 Where These Regulations Apply
Review of Preliminary Plan
33.662.110 Review Procedures
33.662.120 Approval Criteria
Review of Changes to an Approved Preliminary Plan
33.662.300 When Review is Required
33.662.310 Review Procedures
33.662.320 Approval Criteria

General

33.662.010 Purpose

These regulations ensure that land divisions in non-residential zones will be processed with the appropriate level of city and public review. This chapter establishes clear procedures and approval criteria for the land division proposal.

33.662.020 Where These Regulations Apply

A. Generally. The regulations of this chapter apply to proposals for land divisions on sites in CI, commercial, employment, and industrial zones.

B. Alternative process for large sites in I zones. Sites in industrial zones that meet the minimum size requirements of this subsection are eligible to use the regulations and procedures of Chapter 33.664, Review of Land Divisions on Large Sites in Industrial Zones, instead of the regulations and procedures of this chapter. The applicant may choose which chapter to use. The minimum size thresholds for this alternative process are:

1. IG1 zone. Sites in the IG1 zone that are at least 200,000 square feet in area; and
2. IG2 and IH zones. Sites in the IG2 and IH zones that are at least 340,000 square feet in area.

Review of Preliminary Plan

33.662.110 Review Procedures

Procedures for review of Preliminary Plans vary with the type of land division proposal being reviewed.

A. **Type III.** Land divisions that include any of the following elements are processed through a Type III procedure:

1. Eleven or more lots, regardless of zone;
2. Four or more lots where any portion of the lots, utilities, or services are proposed within a Potential Landslide Hazard Area; or
3. Environmental review.

B. **Type IIx.** Except as provided in Subsection A above, land divisions that include any of the following elements are processed through a Type IIx procedure:

1. Four to ten lots;
2. Two or three lots where any portion of the lots, utilities, or services are proposed within a Potential Landslide Hazard Area;
3. Lots, utilities or services are proposed within a special flood hazard area; or
4. The proposal includes a concurrent land use review assigned to a Type I, Type 1x, Type II, or Type IIx procedure except environmental review. If environmental review is required, then the application is processed through a Type III procedure.

C. **Type Ix.** All land divisions not assigned to a Type IIx or Type III in Sections A and B above, are processed through a Type Ix procedure.

33.662.120 Approval Criteria

The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met. The approval criteria are:

A. **Lots.** The standards and approval criteria of Chapters 33.613 through 33.615 must be met;

B. **Trees.** The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met;

C. **Special flood hazard area.** If any portion of the site contains special flood hazard area, the approval criteria of Chapter 33.631, Sites in Special Flood Hazard Areas, must be met;

D. **Potential Landslide Hazard Area.** If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met;

E. **Phased Plans and Staged Final Plat.** If the Preliminary Plan will be phased or if the Final Plat will be staged, the standards of Chapter 33.633, Phased Land Divisions and Staged Final Plat, must be met;

F. **Clearing, grading, and land suitability.** The approval criteria of Chapter 33.635, Clearing, Grading, and Land Suitability must be met;

G. **Tracts and easements.** The standards of Chapter 33.636, Tracts and Easements must be met;

H. **Solar access.** If single dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met; and

I. **Streams, springs, seeps, and wetlands.** The approval criteria of Chapter 33.640, Streams, Springs, Seeps, and Wetlands must be met.

J. **Transportation Impacts.** The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and

K. **Services and utilities.** The regulations and criteria of Chapters 33.651 through 33.655, which address services and utilities, must be met.

Review of Changes to an Approved Preliminary Plan

33.662.300 When Review is Required

Changes to an approved Preliminary Plan may be considered under the provisions of Sections 33.662.300 through 33.662.320. Some changes, listed in Section 33.663.200, may be approved as part of the Final Plat review. In addition, a decision on a Preliminary Plan may include conditions that require a different level of review for changes.

If the Final Plat differs from the approved Preliminary Plan, and the change is not one that may be approved under Section 33.663.200, and is not specifically allowed by the Preliminary Plan approval, review is required.

33.662.310 Review Procedures

Procedures for review of changes to an approved Preliminary Plan vary with the type of change proposed.

A. **Type Ix.** Changes not listed in Subsections B or C, below, are processed through a Type Ix procedure.

B. **Same procedure as was used for Preliminary Plan.** The following proposals are processed through the same procedure type as was used for the Preliminary Plan approval:

1. An increase in the site area of more than 5 percent;
2. A decrease in the area of any lot by more than 10 percent;
3. Changing a through street to a dead-end street;
4. Changing a dead-end street to a through street;
5. Deleting a street or pedestrian connection;
6. Deleting or changing a condition of the Preliminary Plan approval;
7. Deleting any of the following:

    a. Shared parking tracts;

    b. Environmental resource tracts;

c. Stormwater tracts;

d. Special flood hazard area easements or tracts;

e. Tree preservation tracts; or

f. Landslide hazard easements or tracts;

8. Reducing the area or changing the location of any of the following:

a. Environmental resource tract;

b. Special flood hazard area tract; or

c. Landslide hazard area tract.

9. Any change that the Director of BDS determines:

a. Is a significant change from the Preliminary Plan; or

b. Will have a significant impact on the surrounding area.

C. Changes to tree preservation requirements. Changes to tree preservation requirements are processed as described in Chapter 33.853, Tree Review.

33.662.320 Approval Criteria

Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met:

A. Approval criteria for changes listed in Subsection 33.662.310.B. Changes to the Preliminary Plan that are listed under Section 33.662.310.B must meet the approval criteria of Section 33.662.120.

B. Approval criteria for other changes. All other changes to the Preliminary Plan must meet the following approval criteria:

1. The proposed changes are not substantial enough, singly or in combination, to warrant a new review of the entire Preliminary Plan;

2. The proposed changes continue to comply with the findings made for the approval of the Preliminary Plan; and

3. The approval criteria addressed by the approval of the Preliminary Plan can still be met, with appropriate conditions of approval.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178509, effective 7/16/04; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 184235, effective 11/26/10, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185915, effective 5/1/13; Ord. No. 186053, effective 1/1/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189488, effective 12/2/19.)

33.663 Final Plats

663

Sections:

General
33.663.010 Purpose
33.663.020 Where These Regulations Apply
Review of Final Plats
33.663.100 Review Procedures
33.663.110 Voiding of Final Plat Application
Standards for Approval
33.663.200 Approval Standards
33.663.210 Staged Final Plat
Changes to Final Plat
33.663.310 Changes to Final Plat Before Recording
33.663.320 Changes to Final Plat Survey After Recording

General

33.663.010 Purpose

These regulations ensure that Final Plats are processed with the appropriate level of city review. This chapter contains clear procedures and approval standards for Final Plats.

33.663.020 Where These Regulations Apply

A. Generally. The regulations of this chapter apply to proposals for Final Plats in all zones, except those listed in Subsection B and C.

B. Final Plats of Manufactured Dwelling Parks. The regulations for the review of Final Plats of Manufactured Dwelling Parks are in Chapter 33.670, Review of Land Divisions of Manufactured Dwelling Parks.

C. Final Plats for Large Sites in Industrial Zones. The regulations for the review of Final Plats for Large Sites in Industrial Zones are in Chapter 33.664, Review of Land Divisions on Large Sites in Industrial Zones.

Review of Final Plats

33.663.100 Review Procedure

Final Plats are reviewed through a non-discretionary, administrative procedure. The decision of the Director of BDS is final and is indicated through a signature on the Final Plat.

33.663.110 Voiding of Final Plat Application

A. Generally. An application for Final Plat review will be voided when:

1. The Director of BDS has sent written comments to the applicant, requesting additional information or identifying outstanding requirements that must be completed prior to final plat approval and the applicant has not provided any of the requested information or completed any steps toward meeting the outstanding requirements

within 180 days. If the applicant provides some information or completes some steps toward meeting the outstanding requirements within 180 days the application of final plat review will not be voided; or

2. It has been more than 3 years since the Director of BDS has sent the initial set of written comments requesting additional information or identifying outstanding requirements that must be completed prior to final plat approval and the applicant has not provided all of the requested information and completed all of the steps necessary to meet the outstanding requirements. This paragraph does not apply to applications for final plat review submitted on or before May 16, 2012.

B. Exception. For final plat applications that were submitted before January 1, 2021, the 180-day period identified in A.1, above, is extended to 365 days. This exception applies only to applications that have not expired or been voided as of August 10, 2020.

Standards for Approval

33.663.200 Approval Standards

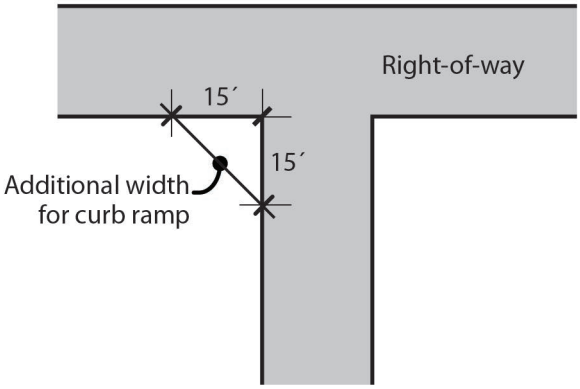
These approval standards apply to land divisions where the Preliminary Plan was reviewed under the regulations of Chapter 33.660 or Chapter 33.662. The Final Plat for land divisions will be approved if the Director of BDS finds that the applicant has shown that all of the approval standards have been met. The approval standards are:

A. Conformance with Preliminary Plan. The Final Plat must conform to the approved Preliminary Plan. The Preliminary Plan approval, through its conditions of approval, may provide for a specific range of variations to occur with the Final Plat. If the Preliminary Plan does not state otherwise, and the regulations of this Title continue to be met, variations within the following limits are allowed and are considered to be in conformance with the Preliminary Plan. Allowed variations are:

1. A decrease in the number of lots by one, if minimum density requirements continue to be met;
2. An increase or decrease in the width or depth of any lot by less than 5 percent;
3. A decrease in the area of any lot by less than 5 percent;
4. An increase in the area of any lot;
5. An increase or decrease of up to 5 percent in the area of a stormwater tract;
6. An increase of up to 5 percent in the area of a shared parking tract;
7. An increase in the area of the following tracts or easements:
   a. Environmental resource tracts;
   b. Tree preservation tracts;
   c. Flood hazard easements or tracts;
   d. Landslide hazard easements or tracts; and
   e. Recreation area tracts.
8. Moving a public or private right-of-way if approved by the appropriate service bureau;

9. Changes to a stormwater facility if approved by the appropriate service bureau;
10. An increase of up to 5 percent in the area approved for clearing and grading.
11. A decrease in the area approved for clearing and grading.
12. Increasing the width of a right-of-way within 15 feet of an intersection to accommodate curb ramps, if approved by the appropriate service bureau. See Figure 663-1.
13. Changes or deletions, other than those listed in this subsection, to a tract or easement for a service, if approved by the appropriate service bureau; and
14. Changes or deletions, other than those listed in this subsection, to a tract or easement for a utility.

Figure 663-1
Allowed Increase to Right-of-Way Width



B. Conditions of approval. The Final Plat must comply with all conditions of approval that apply to the Final Plat. All other conditions of approval remain in effect;

C. Services. All services must meet the requirements of the City Code;

D. Dedications, tracts, and easements.

1. Dedications. All dedications of property to the City or the public must be shown on the Final Plat, and must be made at the time the Final Plat is recorded; and
2. Tracts and easements. All tracts and easements must be shown on the Final Plat, and the requirements of Chapter 33.636, Tracts and Easements, must be met;

E. Sureties. All sureties, including performance guarantees and improvement guarantees, required by the Portland City Code must be approved by the appropriate City bureau prior to Final Plat approval;

F. Legal documents. Required legal documents, such as maintenance agreements, Conditions, Covenants and Restrictions (CC&Rs), and acknowledgements of tree preservation requirements or other conditions of approval, must be reviewed and approved by the Bureau of Development Services prior to Final Plat approval. These documents must also be reviewed and approved by the City Attorney prior to final plat approval or submitted on forms approved by the City Attorney. The required legal documents must be submitted to

the County Recorder to be recorded with the Final Plat within 90 days of the Final Plat approval; and

G. Variations beyond the limits allowed in this Section.

1. Generally. If the Final Plat contains variations that exceed the limits listed in this section and that were not specifically allowed under the Preliminary Plan approval, the land division is subject to a review of changes to an approved preliminary plan stated in Section 33.660.300 for land divisions in Open Space and Residential zones or Section 33.662.300 for land divisions in Commercial, Employment and Industrial Zones. If a Land Use Review is required for the changes to the approved preliminary plan, the revised Final Plat must also undergo a Final Plat Review.
2. Changes to tree preservation requirements. If the only changes proposed are to tree preservation requirements, the changes are processed as described in Chapter 33.853, Tree Review.

33.663.210 Staged Final Plat

If approved as part of the Preliminary Plan review, the applicant may stage the Final Plat. Staged Final Plats are defined in Chapter 33.633, Phased Land Divisions and Staged Final Plats. Each stage must meet the all of the Final Plat approval standards of Section 33.663.200.

Changes to Final Plat

33.663.310 Changes to Final Plat Before Recording

Before the Final Plat has been recorded with the County Recorder and Surveyor, changes are processed as changes to an approved Preliminary Plan. Where a land use review of the changes is required by Section 33.660.300 for land divisions in Open Space and Residential Zones or Section 33.662.300 for land divisions in Commercial, Employment and Industrial Zones, the revised Final Plat must undergo Final Plat review again.

33.663.320 Changes to Final Plat Survey After Recording

After the Final Plat Survey has been recorded with the County Recorder and Surveyor, changes are processed as a new land division or alternative process, such as a Replat under 33.675, or Property Line Adjustment under Chapter 33.667, if allowed.

(Added by: Ord. No. 179980, effective 4/22/06. Amended by: Ord. No. 182429, effective 1/16/09; Ord. No. 182810, effective 5/27/09; Ord. No. 184524, effective 7/1/11; Ord. No. 185333, effective 5/16/12; Ord. No. 186639, effective 7/11/14; Ord. No. 188259, effective 3/31/17; Ord. No. 190076, effective 8/10/20; Ord. No. 190093, effective 9/11/20.)

33.664 Review of Land Divisions on Large Sites in Industrial Zones

664

Sections:

General
33.664.010 Purpose
33.664.020 Where These Regulations Apply
Review of Preliminary Plan
33.664.110 Review Procedures
33.664.120 Approval Criteria
Review of Final Plat
33.664.210 Review Procedures
33.664.215 Voiding of Final Plat Application
33.664.220 Approval Criteria
Changes to Final Plat
33.664.610 Changes to Final Plat Before Recording
33.664.620 Changes to Final Plat After Recording

General

33.664.010 Purpose

These special land division review procedures accommodate the unique needs of industrial developments on large sites. Lot dimensions and service and utility needs may vary widely among different industrial users, and the needs of industrial users are often not known until the Final Plat phase of a land division. This chapter allows applicants with larger sites to set only the basic pattern of streets and blocks during the Preliminary Plan phase, and show that it is feasible to meet service, utility, and other requirements at Final Plat. Lot lines may be created at either the Preliminary Plan phase or Final Plat phase. The Final Plat may be reviewed and recorded in several phases, as individual lot lines are drawn.

33.664.020 Where These Regulations Apply

Sites in industrial zones that meet the minimum size thresholds of this section are eligible to use the regulations and procedures of this chapter. If the applicant chooses, the regulations and procedures of Chapter 33.662, Review Of Land Divisions In Commercial, Employment, and Industrial Zones, may be met instead of the regulations and procedures of this chapter. The applicant may choose which chapter to use. The minimum size thresholds for use of this chapter are:

A. **IG1 zone.** Sites in the IG1 zone that are at least 200,000 square feet in area; and

B. **IG2 and IH zones.** Sites in the IG2 and IH zones that are at least 340,000 square feet in area.

Review of Preliminary Plan

33.664.110 Review Procedures
Review of Preliminary Plans are processed through a Type III procedure.

33.664.120 Approval Criteria
A Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met. The approval criteria are:

A. The applicant must show that the proposal can meet the following standards and approval criteria at the time of Final Plat. These standards and criteria do not have to be met as part of the Preliminary Plan, but the proposal must show that the standards and criteria can be met using the proposed configuration of blocks and the approaches included in the proposal:

1. Lots. The standards of Chapter 33.615 can be met using the proposed configuration of blocks;
2. Trees. The standards and approval criteria of Chapter 33.630, Tree Preservation, can be met by the proposal;
3. Special flood hazard area. If any portion of the site contains special flood hazard area, the approval criteria of Chapter 33.631, Sites in Special Flood Hazard Areas, can be met by the proposal;
4. Potential Landslide Hazard Area. If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, can be met by the proposal;
5. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, can be met by the proposal.

B. The following standards and criteria must be met as part of the Preliminary Plan:

1. Clearing, grading, and land suitability. The approval criteria of Chapter 33.635, Clearing, Grading, and Land Suitability must be met;
2. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements, must be met; and
3. Streams, springs, seeps, and wetlands. The approval criteria of Chapter 33.640, Streams, Springs, Seeps, and Wetlands must be met.

Review of Final Plat

33.664.210 Review Procedure
Final Plats are reviewed through a Type Ix procedure.

33.664.215 Voiding of Final Plat Application
An application for Final Plat review will be voided where:

A. The Director of BDS sends a letter to the applicant, requesting additional information; and

B. The applicant does not provide the requested information within 180 days of the date the Director's letter was mailed.

33.664.220 Approval Criteria

These approval standards apply to land divisions where the Preliminary Plan was reviewed under the regulations of this chapter. The Final Plat for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met. The approval criteria are:

A. **Conformance with Preliminary Plan.** Each Final Plat must conform to the approved Preliminary Plan. Variations are allowed only as specified by the Preliminary Plan approval.

B. **Conformance with requirements of this Title.** Where lot lines are proposed as part of the Final Plat process:

1. The following must be met for the portion of the site where lot lines are proposed:

   a. Lots. The standards of Chapter 33.615, must be met;

   b. Trees. The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met;

   c. Special flood hazard area. If any portion of the site contains special flood hazard area, the approval criteria of Chapter 33.631, Sites in Special Flood Hazard Areas, must be met;

   d. Landslide Hazard Area. If any portion of the site is in an Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Landslide Hazard Areas, must be met;

   e. Clearing and grading. The approval criteria of Chapter 33.635, Clearing and Grading, must be met;

   f. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements, must be met;

   g. Springs, streams, seeps, and wetlands. The approval criterion of Chapter 33.640, Springs, Streams, Seeps, and Wetlands must be met;

   h. Transportation impacts. The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and

   i. Services and utilities. The regulations and criteria of Chapters 33.650 through 33.654, which address services and utilities, must be met.

2. The approval criteria of Section 33.664.120 must be met for the balance of the site, where a Final Plat has not yet been approved.

C. **Conditions of approval.** All conditions of approval that apply to the Final Plat must be met. All other conditions of approval remain in effect;

D. **Services.** All services must meet the requirements of the City Code;

E. Dedications, Tracts, and Easements

1. Dedications. All dedications of property to the City or the public must be shown on the Final Plat, and must be made before the Final Plat is recorded; and

2. Tracts and easements.

   a. All tracts and easements must be shown on the Final Plat, and the requirements of Chapter 33.636, Tracts and Easements, must be met.

   b. All environmental resource tracts, special flood hazard area tracts, and landslide hazard tracts for the entire site must be met with the first Final Plat.

F. Sureties. All sureties, including performance guarantees and improvement guarantees, required by the Portland City Code must be approved by the appropriate City bureau prior to Final Plat approval; and

G. Legal Documents. Required legal documents, such as maintenance agreements, Conditions, Covenants and Restrictions (CC&Rs), and acknowledgements of tree preservation requirements or other conditions of approval, must be reviewed and approved by the Bureau of Development Services prior to Final Plat approval. These documents must also be reviewed and approved by the City Attorney prior to final plat approval or submitted on forms approved by the City Attorney. The required legal documents must be submitted to the County Recorder to be recorded with the Final Plat within 90 days of the Final Plat approval.

Changes to Final Plat

33.664.610 Changes to Final Plat Before Recording

Before a Final Plat has been recorded with the County Recorder and Surveyor, changes may be processed as a new Final Plat review.

33.664.620 Changes to Final Plat After Recording

After a Final Plat has been recorded with the County Recorder and Surveyor, changes are processed as a new land division.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178509, effective 7/16/04; Ord. No. 181357, effective 11/9/07; Ord. No. 184235, effective 11/26/10; Ord. No. 185915, effective 5/1/13; Ord. No. 186053, effective 1/1/15; Ord. No. 188259, effective 3/31/17; Ord. No. 189488, effective 12/2/19.)

33.667 Property Line Adjustment

667

Sections:

33.667.010 Purpose
33.667.050 When these Regulations Apply
33.667.100 Prohibited Property Line Adjustments
33.667.150 Method of Review
33.667.200 Application Requirements
33.667.300 Standards
33.667.400 Recording an Approval

33.667.010 Purpose

This chapter states the procedures and regulations for property line adjustments. A Property Line Adjustment (PLA) is the relocation of a common property line between two abutting properties. A Property Line Adjustment does not create lots. The regulations ensure that:

- A Property Line Adjustment does not result in properties that no longer meet the requirements of this Title;
- A Property Line Adjustment does not alter the availability of existing services to a site;
- A Property Line Adjustment does not result in properties that no longer meet conditions of approval; and
- A Property Line Adjustment does not make it difficult to delineate property boundaries or apply use and development standards predictably and uniformly.

33.667.050 When These Regulations Apply

A Property Line Adjustment is required to relocate a common property line between two properties. If a public agency or body is selling or granting excess right-of-way to adjacent property owners, the excess right-of-way may be incorporated into abutting property through a Property Line Adjustment.

33.667.100 Prohibited Property Line Adjustments

The following are prohibited as part of a Property Line Adjustment:

A. A Property Line Adjustment that configures either property as a flag lot, unless the property was already a flag lot;

B. A Property Line Adjustment that results in the creation of a buildable property from an unbuildable lot remnant;

C. A Property Line Adjustment that results in the creation of street frontage for property that currently does not have frontage on a street; and

D. A Property Line Adjustment that creates a nonconforming use.

33.667.150 Method of Review

Property Line Adjustments are reviewed through a non-discretionary, administrative procedure. The decision of the Director of BDS is final.

33.667.200 Application Requirements

No more than three Property Line Adjustments may be requested on a site within one calendar year. The application must contain the following:

A. Application form. Two copies of the completed application form bearing an accurate legal description, tax account numbers and location of the property. The application must include the name, address, telephone number, and original signatures of the applicant and all property owners and the nature of the applicant's interest in the property.

B. Surveys.

1. Three paper copies of a property line survey. The survey must be prepared, stamped and signed by a registered land surveyor to meet ORS 92.050. The survey must show all existing and proposed property lines and all existing lot lines. The survey may not be larger than 18 inches by 24 inches in size. The survey must be drawn to a scale no less than 1 inch = 200 feet, and no greater than 1 inch = 20 feet;
2. One copy of the property line survey that is 8-1/2 by 11 inches in size; and
3. One paper copy of a survey of the proposed PLA prepared, stamped, signed, and attested to for accuracy by a registered land surveyor, showing the location, dimensions and setbacks of all improvements on the site. This survey map must be drawn to a scale at least 1 inch = 200 feet.

C. Legal description. Two copies of the legal description for each adjusted property and each exchange parcel. The legal descriptions must be prepared and signed by a registered land surveyor.

33.667.300 Standards

The site of a Property Line Adjustment is the two properties affected by the relocation of the common property line. A request for a Property Line Adjustment will be approved if all of the following are met:

A. Conformance with regulations. Properties will remain in conformance with regulations of this Title, including those in Chapters 33.605 through 33.615, except as follows:

1. If a property or development is already out of conformance with a regulation in this Title, the Property Line Adjustment will not cause the property or development to move further out of conformance with the regulation;
2. If both properties are already out of conformance with maximum lot area standards, they are exempt from the maximum lot area standard;
3. If one property is already out of conformance with maximum lot area standards, it is exempt from the maximum lot area standard;
4. Lots with an institutional use are exempt from maximum lot size standards; and
5. If at least one lot is already out of conformance with the minimum lot area standards and the site is in the R5 zone, the minimum lot area is 1600 square feet and the minimum width is 36 feet, if:

a. At least one lot is a corner lot;

b. The adjusted property line must be perpendicular to the street lot line for its entire length; and

c. New houses must meet the standards of 33.110.213. Existing houses are exempt from the standards of 33.110.213.

See Figure 667-1.

B. Regular lot lines. In the R10 through RM4, and RMP zones, the adjusted property line must be a straight line or up to 20 percent shorter or 20 percent longer than the existing lot line. Lines that are adjusted to follow an established zoning line or the boundary of the special flood hazard area or floodway are exempt from this requirement. In addition, if both properties are part of a site with an institutional use on it, this standard does not apply.

C. Split zoning. The Property Line Adjustment will not result in a property that is in more than one base zone, unless that property was already in more than one base zone.

D. Environmental overlay zones. If any portion of either property is within an environmental overlay zone, the provisions of Chapter 33.430 must be met. Adjustments are prohibited.

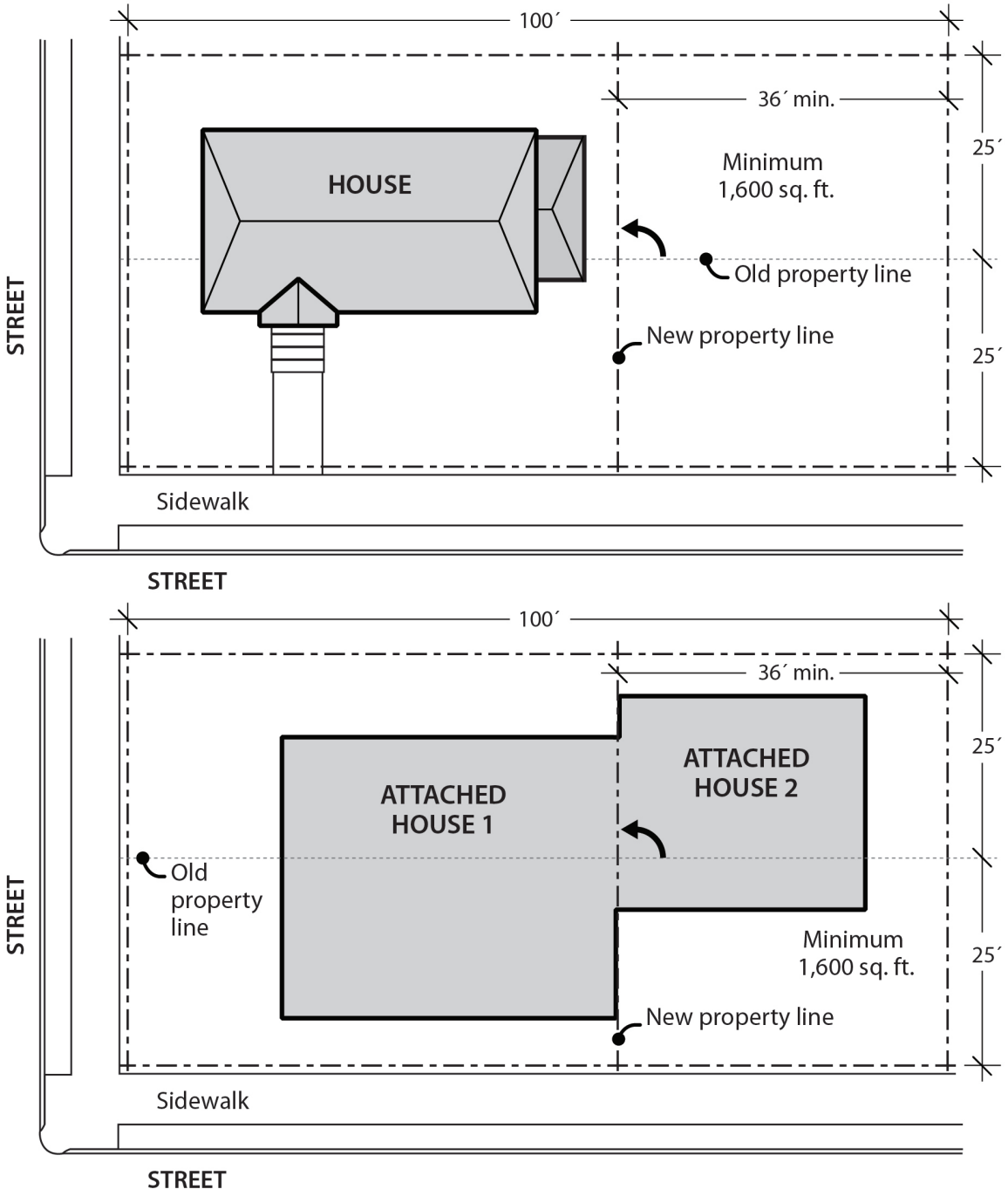
E. Services. The adjustment of the property line will not eliminate the availability of services to the properties and the properties will not move out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management. Adjustments are prohibited.

F. Conditions of previous land use reviews. All conditions of previous land use reviews must be met. Adjustments are prohibited.

33.667.400 Recording an Approval

The Property Line Adjustment application, survey, legal descriptions, and the deed for the exchange parcel must be recorded with the County Recorder and Surveyor within 90 days of the final decision.

Figure 667-1
Property Line Adjustment on Corner Site in R5 Zone



(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 178657, effective 9/3/04; Ord. No. 180619, effective 12/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 188259, effective 3/31/17; Ord. No 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190000, effective 6/18/20.)

33.668 Review of Changes to an Approved Planned Unit Development

668

Sections:

33.668.010 Purpose
33.668.050 Types of Changes
33.668.100 Review Procedure
33.668.150 Application Requirements
33.668.170 Development Standards
33.668.200 Approval Criteria

33.668.010 Purpose

This chapter provides a process and criteria to evaluate proposed changes to Planned Unit Developments (PUD) initially approved under regulations that may no longer be in effect. The approval criteria ensure that the PUD continues to be in conformance with the purpose of the regulations in place when the PUD was approved, and also conforms to the purposes of regulations that have been approved since the PUD was approved.

33.668.050 Types of Changes

There are two types of changes; major and minor. A major change is one that will have significant impacts on the development in the PUD, or on the site surrounding the PUD. Major changes include:

A. An increase in the site area of more than 5 percent;

B. An increase in density, including the number of housing units;

C. In residential zones, a change in the mix of single-dwelling and multi-dwelling structures;

D. An increase in the amount of land in nonresidential uses;

E. A reduction in the amount of open area;

F. Deleting or changing the purpose of flood hazard or landslide hazard easements; or

G. Changes to the vehicular system which result in a significant change in the amount or location of streets and shared driveways, common parking areas, circulation patterns, and access to the PUD.

33.668.100 Review Procedure

Requests for changes to an approved PUD will be processed as follows:

A. **Major changes.** Major are processed as follows:

1. If the original PUD application was processed through a Type III procedure then the change is processed through a Type III procedure;
2. If the original PUD application was processed through a Type II procedure then the change is processed through a Type IIx procedure.

B. **Minor changes.** Minor are processed through a Type IIx procedure.

33.668.150 Application Requirements
The application for a change to an approved PUD must contain all of the information listed in Paragraph 33.730.060.D.1; however the Director of BDS may waive items that are not applicable to a specific proposal.

33.668.170 Development Standards
The current development standards of this Title apply unless other standards are requested in the proposed amendment or the previously approved Planned Unit Development. Density calculations are based upon the gross site area as approved in the original PUD, after subtracting out streets and land set aside for schools, religious institutions, and commercial uses or land donated for parks.

33.668.200 Approval Criteria
Requests for changes to an approved PUD will be approved if the review body finds that the applicant has shown that all of the following criteria are met:

A. On balance, compared to the approved PUD, the change will equally or better meet the following:

1. Promote an attractive and safe living environment in residential zones;
2. Provide for efficient use of services and improvements;
3. Minimize site grading;
4. Provide energy efficient development;
5. Allow for conservation of natural features;
6. Provide an opportunity for innovative and creative development;
7. Be integrated into the neighborhood; and
8. Where the PUD includes commercial uses, promote attractive and functional business environments in nonresidential zones which are compatible with the development intended for the zone and neighborhood; and

B. Any significant adverse impacts caused by the change are mitigated.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04.)

33.669 Review of Changes to an Approved Industrial Park

669

Sections:

33.669.010 Purpose
33.669.100 Review Procedure
33.669.200 Approval Criterion

33.669.010 Purpose

This chapter provides a process and criteria to evaluate proposed changes to an Industrial Park initially approved under regulations that are no longer in effect. The approval criterion ensures that the Industrial Park continues to be in conformance with the purpose of the regulations in place when the Industrial Park was approved, and the conditions of approval.

33.669.100 Review Procedure

Requests for changes to an approved Industrial Park will be processed through a Type II procedure.

33.669.200 Approval Criterion

Requests for changes to an approved Industrial Park will be approved if the review body finds that the applicant has shown that the requirements in place at the time the Industrial Park was approved continue to be met and that the intent of all conditions of approval continue to be met.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

33.670 Review of Land Divisions of Manufactured Dwelling Parks

670

Sections:

General
33.670.010 Purpose
33.670.020 Where These Regulations Apply
33.670.030 Application Requirements
Review of Preliminary Plan
33.670.110 Review Procedures
33.670.130 Approval Criteria
Review of Final Plat
33.670.210 Review Procedure
33.670.215 Voiding of Final Plat Application
33.670.220 Approval Standards
Review of Changes to an Approved Preliminary Plan
33.670.300 Review Procedures
33.670.310 Approval Criteria
Changes to Final Plat
33.670.400 Changes to Final Plat Before Recording
33.670.410 Changes to Final Plat After Recording

General

33.670.010 Purpose

These regulations assign each phase of a land division request to an appropriate procedure type for review, and establish standards for each phase and each review.

33.670.020 Where These Regulations Apply

The regulations of this chapter apply to proposals for land divisions of manufactured dwelling parks that existed on July 1, 2001. The regulations apply in all zones. Sites with manufactured dwelling parks are eligible to use the regulations and procedures of chapter 33.660 through 33.665 instead of the regulations and procedures of this chapter. The applicant may choose which chapter to use.

33.670.030 Application Requirements

A complete application for a land division of a manufactured dwelling park under the provisions of this chapter consists of the materials listed below. The Director of BDS may waive items listed if they are not applicable. The applicant is responsible for the accuracy of all information submitted with the request. At least one copy of each plan/map submitted with the application must be 8-1/2 by 11 inches in size, and be suitable for reproduction.

A. Preliminary Plan. An application for Preliminary Plan must include all of the following:

1. Application form. Three copies of the completed application form bearing an accurate legal description, tax account numbers and location of the site. The application must

include the name, address, telephone number, and signature of the applicant and all property owners, and the nature of the applicant's interest in the site;

2. Written statement. Two copies of a written statement that includes the following:
   - A complete list of all land use reviews requested;
   - A complete description of the proposal including site layout and circulation, natural features, existing and proposed development and uses, and changes to the site or existing buildings;
   - A description of how all approval standards are met;
   - Additional information needed to understand the proposal;
   - Names and addresses of land division designer or engineer and surveyor;
   - Proposed maintenance agreements or Conditions, Covenants and Restrictions; and
   - If more than 3 lots are proposed, the proposed name of the land division;
   - Proposed names of all streets
3. Vicinity map. Three copies of a vicinity map. The map must cover an area extending at least 200 feet in each direction from the land division site, and show the following existing conditions for both the site and the vicinity:
   - Streets;
   - Pedestrian and bicycle facilities and connections; and
   - Location of utilities and services;
4. Copies of the proposed land division, drawn to scale and of a format, material, and number acceptable to the Director of BDS. The required information may be grouped on several maps. The location of items not required to be surveyed must be accurately shown on the maps. The proposed land division maps must include the following information:
   a. Surveyed information:
      - Boundary lines of the site with dimensions and total site area;
      - Proposed lot layout with sizes, dimensions, and lot and block numbers;
      - Proposed tract layout with sizes, dimensions, purpose, and name;
      - Proposed layout and widths of all rights-of-way including dimensioning and roadway width;
      - Dimensions of proposed right-of-way dedications, including those to be added to existing rights-of-way;
      - Proposed location, dimensions, and purpose of all easements;
      - North arrow and scale of map;
      - Identification as the Preliminary Plan Map;
      - Stamp of surveyor;
      - If more than 3 lots are proposed, the proposed name of the land division;

- Existing development, including dimensions and distances to property lines. Structures and facilities to remain must be identified; and
- Location and dimensions of existing driveways, curb cuts, and sidewalks on and abutting the site;

b. Additional information:

- Zoning and Comprehensive Plan designations;
- Location, dimensions, and purpose of existing easements on and abutting the site;
- Existing and proposed services and utilities; and
- Any information necessary to show that the approval criteria are met.

5. Fees. The applicable filing fees.

B. Final Plat. An application for a Final Plat must include all of the following:

1. Final Plat survey. Copies of a Final Plat survey drawn to scale and of a format, material, and number acceptable to the Director of BDS. The following information must be on the Final Plat survey:

   a. The statements:

   - "This plat is subject to the conditions of City of Portland Case File No. LUR…"; and
   - "Additional City review is required for any changes made to this plat after the signature date of the BDS representative. Such changes may require an additional review procedure"; and

   b. Easements and tracts, including their purpose;

2. Supplemental plan. A supplemental plan, the number determined by the Director of BDS, that uses the Final Plat survey map as a base map. The supplemental plan must show how all conditions of approval that may restrict the use of all or part of the land division site are met. This includes the information from the Preliminary Plan that shows the proposal does not move the site out of conformance, or further out of conformance, with the standards of Chapter 33.251, Manufactured Homes and Manufactured Dwelling Parks;

3. Compliance with conditions of approval. Documentation of compliance with all conditions of the Preliminary Plan approval, including all supporting documents or drawings required by conditions of approval;

4. Maintenance agreements and CC&Rs. Three copies of each required maintenance agreement or Conditions, Covenants and Restrictions;

5. Title report. Current title report issued by a title insurance company verifying ownership and detailing any deed restrictions; and

6. Fees. The applicable filing fees.

Review of Preliminary Plan

33.670.110 Review Procedures
Review of Preliminary Plans is processed through a Type Ix procedure.

33.670.130 Approval Criteria
The Preliminary Plan for a land division of a manufactured dwelling park will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met. The approval criteria are:

A. Legal status of manufactured dwelling park. One of the following must be met:

1. The manufactured dwelling park is a legal nonconforming use; or
2. The BDS Code Compliance Division has not issued a written code violation notice as of July 2, 2001.

B. Number of lots. The number of lots proposed is the same or less than the number of manufactured dwelling spaces previously approved or legally existing in the manufactured dwelling park.

C. Development standards. The Preliminary Plan does not move the site out of conformance, or further out of conformance, with the standards of Chapter 33.251, Manufactured Homes and Manufactured Dwelling Parks.

D. Boundary. The proposal does not change the boundary of the manufactured dwelling park.

E. Services and utilities.

1. Areas that are used for vehicle access, such as driveways, and that serve more than four lots, must be in a tract. The tract must be shown on the Preliminary Plan;
2. All other services and utilities that serve more than one lot must be in a tract or easement. Where a service or utility serves only one lot, but crosses another, it also must be in a tract or easement. The tracts and easements must be shown on the Preliminary Plan;

F. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements, must be met.

Review of Final Plat

33.670.210 Review Procedure
Final Plats are reviewed through a non-discretionary, administrative procedure. The decision of the Director of BDS is final.

33.670.215 Voiding of Final Plat Application
A complete application for Final Plat review will be voided where:

A. The Director of BDS has sent written comments to the applicant, requesting additional information; and

B. The applicant has not provided the requested information within 180 days of the date the Director's letter was mailed.

33.670.220 Approval Standards

The Final Plat for land divisions will be approved if the Director of BDS finds that the applicant has shown that all of the approval standards have been met. The approval standards are:

A. **Conformance with Preliminary Plan.** The Final Plat must conform to the approved Preliminary Plan;

B. **Conditions of approval.** The Final Plat must comply with all conditions of approval that apply to Final Plat approval. All other conditions of approval remain in effect;

C. **Dedications, tracts, and easements.**

1. Dedications. All dedications of property to the City or the public must be shown on the Final Plat, and must be made at the time the Final Plat is recorded; and

2. Tracts and easements. All tracts and easements must be shown on the Final Plat, and the requirements of Chapter 33.636, Tracts and Easements, must be met;

D. **Sureties.** All sureties, including performance guarantees and improvement guarantees, required by the Portland City Code must be approved by the appropriate City bureau prior to Final Plat approval; and

E. **Maintenance agreements and CC&Rs.** All maintenance agreements and Conditions, Covenants and Restrictions must be reviewed and approved by the Director of BDS and the City Attorney prior to Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat within 90 days of the Final Plat approval.

Review of Changes to an Approved Preliminary Plan

33.670.300 Review Procedure

Changes to an approved Preliminary Plan are reviewed through a Type Ix procedure. The decision of the Director of BDS is final.

33.670.310 Approval Criteria

Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the approval criteria of Section 33.670.130 have been met.

Changes to Final Plat

33.670.400 Changes to Final Plat Before Recording

Before the Final Plat has been recorded with the County Recorder and surveyor, changes are processed as changes to an approved Preliminary Plan. The revised Final Plat must undergo Final Plat review again.

33.670.410 Changes to Final Plat After Recording

After the Final Plat has been recorded with the County Recorder and Surveyor, changes are processed as a new land division.

(Added by: Ord. No. 177422, effective 6/7/03. Amended by: Ord. No. 179980, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 185915, effective 5/1/13.)

33.675 Replat

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Sections:

33.675.010 Purpose
33.675.050 When These Regulations Apply
33.675.100 Review Procedure
33.675.200 Application Requirements
33.675.300 Approval Criteria
33.675.400 Recording an Approval

33.675.010 Purpose

This chapter states the procedures and regulations for removing or reconfiguring lot lines within a site to combine into one to three lots. The regulations ensure that the replat does not circumvent other requirements of this Title, and that lots and sites continue to meet development standards and conditions of land use approvals.

33.675.050 When These Regulations Apply

A replat may be used to remove or reconfigure lot lines within a site to combine into no more than three lots. The perimeter of a replatted site must follow existing lot lines. Lot lines cannot be created through this process however lot lines can be moved. A replat cannot result in the creation of a flag lot or the creation of a buildable lot from an unbuildable lot remnant or lot of record. The applicant may also remove or reconfigure lot lines through a land division. A replat may be required by other provisions of this Title.

33.675.100 Review Procedure

A. Generally. Replats are reviewed through Type Ix procedure.

B. Sites in PUDs or PDs. If any portion of the site is within a Planned Unit Development (PUD) or Planned Development (PD), an amendment to the PUD or PD is also required. The amendment to the PUD or PD must be reviewed concurrently with the replat.

33.675.200 Application Requirements.

An application for a replat must contain the following:

A. Application form. One copy of the completed application form bearing an accurate legal description, tax account numbers and location of the property. The application must include the name, address, telephone number, and original signatures of the applicant and all property owners and the nature of the applicant's interest in the property.

B. Surveys.

1. Three copies of a survey of the site prepared, stamped and signed by a registered land surveyor showing all existing property lines and the location, dimensions and setbacks from property lines for all structures and other improvements and utilities on the site. The survey may not be larger than 18 inches by 24 inches in size. The survey must be drawn to a scale no less than 1 inch = 200 feet, and no greater than 1 inch = 20 feet;

2. If the site is part of an existing plat, a copy of the recorded plat; and

3. Three copies of a Final Partition Plat showing the reconfigured lot or lots. Copies of the Final Plat must be drawn to scale and of a format, material, and number acceptable to the Director of BDS. The following statement must be on the Final Plat: "This plat is subject to the conditions of the City of Portland Case File No. LUR…"

C. Other.

1. Title reports. A current title report issued by a title insurance company verifying ownership and detailing any deed restrictions; and

2. Narrative. A written narrative explaining how the regulations and approval criteria of this chapter have been met;

3. Fees. The applicable filing fees.

33.675.300 Approval Criteria

A replat will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met:

A. Lots. The replattedlots must meet the standards of Chapters 33.605 through 33.615, with the following exceptions:

1. Lot dimension standards.

a. Lots and adjusted lots that do not meet the minimum lot area required for new lots are exempt from the minimum lot area requirement if they do not move further out of conformance with the minimum lot area required for new lots, and they meet the following:

(1) No portion of the lot or adjusted lot is in an environmental protection, environmental conservation, or river environmental overlay zone;

(2) No portion of the lot or adjusted lot is in the special flood hazard area; and

(3) The lot or adjusted lot has an average slope of less than 25 percent;

b. Maximum lot area. If any of the lots within the replat site are larger than the maximum lot area allowed, the same number of lots in the replat site are exempt from maximum lot area requirements;

c. Minimum lot width. Lots and adjusted lots that do not meet the minimum lot width required for new lots are exempt from the minimum lot width requirement if they do not move further out of conformance with the minimum lot width required for new lots, and they meet the following:

(1) No portion of the lot or adjusted lot is in an environmental protection, environmental conservation, or river environmental overlay zone;

(2) No portion of the lot or adjusted lot is in the special flood hazard area; and

(3) The lot or adjusted lot has an average slope of less than 25 percent;

2. Regular lot lines. As far as is practical, all lot lines must be straight and the side lot lines of a lot or parcel must be at right angles to the street on which it fronts, or be radial to the curve of a curved street.

3. Maximum density. If the replat brings the replat site closer to conformance with maximum density requirements, the replat does not have to meet maximum density requirements;

4. Lots without street frontage. If the replat consolidates lots that do not have street frontage with lots that have street frontage, the replat does not have to meet minimum density and maximum lot area requirements;

5. Through lots. If any of the existing lots within the replat site are through lots with at least one front lot line abutting an arterial street, then the consolidated or reconfigured lots may be through lots;

6. Split zoning. If any of the existing lots within the replat site are in more than one base zone, then the consolidated or reconfigured lot may be in more than one base zone.

B. Development standards. If existing development is in conformance with the development standards of this Title, the development must remain in conformance after the replat. If existing development is not in conformance with a development standard of this title, the replat will not cause the development to move further out of conformance with the standard unless an adjustment is approved.

C. Conditions of land division approvals. The replat must meet one of the following:

1. All conditions of previous land division approvals continue to be met or remain in effect; or

2. The conditions of approval no longer apply to the site, or to development on the site, if the lots are reconfigured.

D. Conditions of other land use approvals. Conditions of other land use approvals continue to apply, and must be met.

E. Services. The replat does not eliminate the availability of services to the lots, and the reconfigured lots are not out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management.

33.675.400 Recording an Approval

The Final Plat and the deed for the replat must be recorded with the County Recorder and Surveyor within 90 days of approval by the Director of BDS.

(Added by: Ord. No. 177701, effective 8/30/03; amended by Ord. No. 185915, effective 5/1/13; Ord. No. 188259, effective 3/31/17; Ord. No. 190093, effective 9/11/20.)

33.676 Lot Confirmation

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Sections:

33.676.010 Purpose
33.676.100 Prohibited Lot Confirmations
33.676.150 Method of Review
33.676.200 Application Requirements
33.676.300 Standards
33.676.400 Finalizing the Lot Confirmation

33.676.010 Purpose

This chapter states the procedures and regulations for confirming a lot, lot of record or combination of lots or lots of record. The regulations ensure that the Lot Confirmation does not:

- Create a new lot;
- Result in development sites that no longer meet the dimensional requirements and development standards of this Title; and
- Result in sites that no longer meet conditions of approval of a previous land use review.

33.676.100 Prohibited Lot Confirmations

A Lot Confirmation cannot be used to create a buildable lot from an unbuildable plot or to create plots.

33.676.150 Method of Review

Lot Confirmations are reviewed through a non-discretionary, administrative procedure. The decision of the Director of BDS is final.

33.676.200 Application Requirements

The application for a Lot Confirmation must contain the following:

A. Application Form. One copy of the completed application form bearing an accurate legal description, tax account number and location of the property. The completed form must also include the name, address, telephone number, and original signatures of the applicant and all property owners and the nature of the applicant's interest in the property.

B. Supporting documentation. Documentation that establishes when and how the lot was created is required. For Lot Confirmations where the base zone requires that the lot was under separate ownership from abutting lots, ownership information for the lot and abutting lots is also required. This may include copies of recorded plats, historic deeds, or other documentation that provides evidence of the creation and chain of ownership of the property.

C. Site plan and supplemental survey.

1. A site plan no larger than 18 inches by 24 inches in size is required for all applications. The site plan must be drawn to scale and show:
   - The location of existing lot or property lines;
   - The boundaries of the re-established lot, lot of record, or combinations thereof;
   - All development on the site including driveways and parking areas;
   - The location of utilities and services; and
   - The location and dimensions of existing curb cuts abutting the site.

2. If existing buildings on the site will remain after the lot confirmation, a supplemental survey signed and stamped by a registered land surveyor is also required. The survey must show the distances between the buildings on the lot and the property line that is being confirmed.

33.676.300 Standards

A request for a Lot Confirmation will be approved if all of the following are met:

A. Lot or lot of record. Each lot or lot of record that will be confirmed meets the definition of lot, adjusted lot, lot remnant or lot of record.

B. Minimum lot dimension standards. The following lot dimension standards apply to each lot, adjusted lot, lot remnant, lot of record or combination thereof. The standards must be met without necessitating a property line adjustment. Adjustments are prohibited:

1. In the OS, C, EX, CI and IR zones, each lot must have a front lot line that is at least 10 feet long. There are no other minimum lot dimension standards.
2. In the single-dwelling zones, each lot must have frontage on a street, and each lot must meet the standards of 33.110.202, When Primary Structures are Allowed.
3. In the multi-dwelling zones, each lot must have frontage on a street, and each lot must meet the standards of Section 33.120.205, Development on Lots and Lots of Record.
4. In the EG zones, each lot must meet Standard B stated in Table 614-1.
5. In the I zones, each lot must meet Standard B stated in Table 615-1.
6. If the lot is in an overlay zone or plan district that regulates minimum lot dimensions, the minimum lot dimension standards of the overlay zone or plan district must be met instead of the standard that corresponds to the base zone.

C. Development standards. If existing development is in conformance with the development standards of this Title, the development must remain in conformance after the Lot Confirmation. If existing development is not in conformance with a development standard of this title, the Lot Confirmation will not cause the development to move further out of conformance with the standard unless an adjustment or Property Line Adjustment is approved.

D. Conditions of previous land use reviews. All applicable conditions of previous land use reviews must be met, see 33.700.110, Prior Conditions of Land Use Approvals. Adjustments are prohibited.

33.676.400 Finalizing the Lot Confirmation

A Lot Confirmation approval must be submitted to the appropriate county assessment and taxation office within 90 days of the City's decision. The County is responsible for creating separate tax identification numbers for each confirmed lot.

(Added by: Ord. No. 190093, effective 9/11/20.)

700s

Administration and Procedures

33.700 Administration and Enforcement

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33.710 Review Bodies

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Sections:

Implementing the Code
33.700.005 Building Permit Required
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Implementing the Code

33.700.005 Building Permit Required

New development, changes to existing development, and changes in the type or number of uses may require a permit. In addition, other land use reviews may also be required, depending upon the location, the use proposed, the site development proposed, or materials to be used on the site.

33.700.010 Uses and Development Which Are Allowed By Right

Proposals for uses or developments which are allowed by right under this Title are subject to the following regulations. For the purposes of this chapter, uses and development allowed by right includes any limited uses which are not subject to a land use review.

A. Method of review. Requests for uses and development which are allowed by right are reviewed for compliance with the zoning regulations. The review is a nondiscretionary administrative review. Decisions are made by the Director of BDS and are final. The review is done in a timely manner according to general operating procedures of the Bureau of Development Services and the City.

B. Applications.

1. Applications for nondiscretionary reviews are generally processed in conjunction with obtaining a building permit or a home occupation permit. Applicants must submit information showing that the proposal complies with this Title, including a site plan with the necessary level of detail.

2. The applicant has the responsibility to obtain the property owner's permission for the request.

3. Approvals of nondiscretionary reviews are based on the information submitted. If the information is incorrect, the approval may be voided.

C. Applications which will not be accepted.

1. Prohibited uses and development. Applications for uses or development which are listed as prohibited in this Title will not be accepted.

2. Reasonable use. The Director of BDS or a review body may refuse an application when the proposed structure has been clearly designed for a use or development different from that which is being proposed, and could not reasonably be expected to meet the needs of the proposed use or development. An example would be an application for the construction of a house, when the building has no kitchen or bathrooms.

3. Procedure. When an application is not accepted, the applicant may appeal the decision through the Type II procedure. The applicant's appeal will be considered an appeal of an administrative decision, and will be subject to all notice, hearing, and fee requirements for a Type II procedure. A letter requesting the appeal, showing how the application complies with the requirements of Title 33, and stating the reasons the appeal should be granted will substitute for an official appeal form.

33.700.015 Review of Land Divisions

Proposals for land divisions and final plats that are subject to discretionary review under this Title require a land use review. The specific land use review is stated in the 600s series of chapters. Each land use review has specified procedures. See Chapter 33.730 for a description of the quasi-judicial procedures.

A. Adjustment review required for existing development

1. Conforming development. If a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment. If an adjustment to the regulation is prohibited, the land division is prohibited.

2. Nonconforming development. If a proposed land division will cause nonconforming development to move further out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment. If an adjustment to the regulation is prohibited, the land division is prohibited.

B. Applications that will not be accepted. Applications for land divisions that include elements that are prohibited by this Title will not be accepted.

33.700.020 Uses and Development Which Are Not Allowed By Right

Requests for uses and development which are not allowed by right require a land use review. The specific land use review is stated in the base zone or other regulations of this Title. Each land use review has specified quasi-judicial procedures. See the 800s series of chapters for a description of the land use reviews and Chapter 33.730 for a description of the quasi-judicial procedures.

33.700.030 Violations and Enforcement

A. Violations. It is unlawful to violate any provisions of this Title, a land use decision, or conditions of a land use approval. This applies to any person undertaking a development or land division, to the proprietor of a use or development, or to the owner of the land underlying the development or land division. For the ease of reference in this chapter, all of these persons are referred to by the term "operator."

B. Notice of violations. BDS must give written notice of any violation of this Title, land use decision, or conditions of land use approval to the operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City.

C. Responsibility for enforcement. The regulations of this Title, land use decisions, and conditions of land use approvals may be enforced in one or more of the following ways:

1. By the Director of BDS pursuant to Chapter 3.30 and Title 22 of the City Code; or
2. By the Director of BDS pursuant to 33.700.040 below.

33.700.040 Reconsideration of Land Use Approvals

A. Purpose. The ability to publicly reconsider a land use approval provides an opportunity to determine if the use or development is in compliance with this Title. It also allows for clarification of prior land use approvals. As part of this reconsideration, the ability to add new conditions or even revoke the approval provides a strong enforcement mechanism for this code.

B. Situations when land use approvals may be reconsidered. All quasi-judicial land use approvals, except plan amendments, zone changes, and land divisions, may be reconsidered. In addition, all uses that became conditional uses or nonconforming uses due to a change of zoning regulations or mapping are also eligible for reconsideration. They may be reconsidered if there is evidence of any of the following situations:

1. One or more conditions of the land use approval have not been implemented or have been violated;
2. The activities of the use, or the use itself, are substantially different or have substantially increased in intensity from what was approved. Examples of increases in intensity are: an increase in the number of members, students, employees, visitors, or vehicle trips per event, per year, or per other comparable period of time; an increase in the hours of operation; or an increase in the number of events per year; or

3. The use is subject to the conditional use or nonconforming use regulations, has not been subject to a conditional use or nonconforming use review, and has substantially changed its activities or substantially increased the intensity of its operations since it became a conditional use or a nonconforming use. Examples of increases in intensity are: an increase in the number of members, students, employees, visitors, or vehicle trips per event, per year, or per other comparable period of time; an increase in the hours of operation; or an increase in the number of events per year.

C. Initiating the reconsideration. The Director of BDS may initiate a reconsideration if there is substantial evidence that one of the situations described in Subsection B. above applies to the use or development. The evidence relied on must be made part of the record. The reconsideration may be initiated anytime after 60 days have passed from the first notice of violation as described in 33.700.030.B. above.

D. Procedure for reconsideration.

1. Procedure. After initiation, the reconsideration is processed using a modified Type III procedure. An application does not have to be submitted, a pre-application conference is not required, and a fee is not charged.

2. Review body. The review body is the same one that is assigned to hear new requests of that review type.

3. Notice.

   a. Notice to the operator. The operator will be notified that the reconsideration process has been initiated. This notice will be mailed at least 30 days prior to the scheduled hearing. Written comments from the operator must be received 15 days prior to the public hearing date to be included in the staff report.

   b. Additional public notice. In addition to people who are mailed notice due to the Type III procedure requirements, people who have complained in writing about the use or development are also mailed notice of the hearing.

E. Possible actions at the reconsideration hearing. Depending on the situation, the review body may take any of the actions described below. The review body may not approve a new use or one more intense than originally approved unless the possibility of this change has been stated in the public notice.

1. Uses or development which are alleged to have not fulfilled conditions or which violate conditions are subject to the following actions.

   a. The review body may find that the use or development is complying with the conditions of the land use approval. In this case, the use or development is allowed to continue.

   b. The review body may find that the use or development does not fully comply with the conditions of approval, but that the violations are not substantial enough to warrant revocation, and that the use can comply with the original approval criteria if the conditions are met. In this case, the review body may modify the existing conditions, add new conditions to ensure compliance with

the approval criteria, and refer the case to the Code Hearings Officer for enforcement of the existing conditions.

c. The review body may revoke the land use approval if it finds that there are substantial violations of conditions or failure to implement conditions of prior land use decisions, such that the original approval criteria for the use or development are not being met.

2. Uses and development which are alleged to be different from what was approved are subject to the following actions.

a. The review body may find that the use or development is consistent with what was approved. In this case, the use or development is allowed to continue.

b. The review body may find that the use or development, including its intensity or scale, is not consistent with what was approved, but that the differences are not substantial enough to warrant revocation, and that the use or development can comply with the original approval criteria with appropriate conditions. In this case, the review body may modify the existing conditions or add new conditions to ensure compliance with the original approval criteria.

c. The review body may revoke the land use approval if it finds that the land use being conducted on the site is substantially different from what was approved, does not comply with the original approval criteria for the use, and it cannot be reasonably conditioned to come into compliance.

3. Conditional uses and nonconforming uses that have not been subject to a land use review are subject to the following actions:

a. The review body may find that the use and its activities, including its intensity, are consistent with what was on the site at the time it became a conditional or nonconforming use. In this case, the use is allowed to continue.

b. The review body may find that the use and its activities are substantially different or have substantially increased in intensity from what was on the site at the time it became a conditional use or nonconforming use. In this case, the review body may apply conditions or restrictions to ensure that the changes in activities or substantial increases in intensity comply with the current approval criteria for the use.

F. Enforcement of revocation. In the event that the land use approval is revoked, the use or development becomes illegal. The use or development must be terminated within 21 days of the date the revocation decision is filed with the City Auditor, unless the decision provides otherwise. Enforcement is the responsibility of BDS.

33.700.050 Performance Guarantees

A. Purpose. This section states the requirements for performance guarantees when they are required of an applicant by this Title or as a condition of a land use approval.

B. Types of guarantees. Guarantees by the applicant may be in the form of a performance bond payable to the City in cash, by certified check, time certificate of deposit, irrevocable

letter of credit, or other form acceptable to the City. Indemnity agreements may be used by other governmental agencies. Guarantees must be accompanied by a contract. The form of the guarantee and contract must be approved by the City Attorney. The Director of BDS is authorized to accept and sign the contract for the City, and to accept the guarantee. The guarantee must be filed with the City Auditor.

C. Amount of guarantee. The amount of the performance guarantee must be equal to at least 110 percent of the estimated cost of performance. The applicant must provide written estimates by three contractors with their names and addresses. The estimates must include as separate items all materials, labor, and other costs of the required action.

D. Completion. An inspection an approval of the action or improvement covered by the performance guarantee is required before the performance guarantee is returned. The inspection is done by BDS or other appropriate City bureaus. If the action or improvement is not completed satisfactorily within the stated time limits, the City may have the necessary action or improvement completed and seek reimbursement for the work from the performance guarantee. Any remaining funds will be returned to the applicant.

33.700.060 Covenants with the City

A. Content of the covenant. A covenant required by this Title or a condition of a land use approval must state that:

1. The owner will comply with all applicable code requirements and conditions of approval; and
2. If the owner fails to perform under the covenant, the City may terminate occupancy of the site and seek all necessary injunctive relief, including seeking to prevent future occupancy of the site while a violation of the covenant exists.
3. Where the development rights of one site are dependent on the performance of conditions by the owner of another site (such as the transfer of development rights), the covenants are judicially enforceable by the owner of one site against the owner of another.

B. Adopting the covenant. The form of all covenants must be approved by the City Attorney. The covenant must run with the land. The covenant must be attached to the deed and be recorded in the appropriate records of the county in which the site is located. Proof of the recording must be made prior to the issuance of any building permits.

33.700.070 General Rules for Application of the Code Language

The rules of this section apply to this Title and any conditions of a land use approval granted under this Title.

A. Reading and applying the code. Literal readings of the code language will be used. Regulations are no more or less strict than as stated. Applications of the regulations that are consistent with the rules of this section are nondiscretionary actions of the Director of BDS to implement the code. The action of the Director of BDS is final.

B. Ambiguous or unclear language. Where the language is ambiguous or unclear, the Director of BDS may issue a statement of clarification processed through a Type III procedure, or

initiate an amendment to Title 33 as stated in Chapter 33.835, Goal, Policy, and Regulation Amendments.

C. Situations where the code is silent. Proposals for uses, development, or land divisions where the Code is silent or where the rules of this section do not provide a basis for concluding that the proposal is allowed are prohibited. The Planning and Sustainability Director may initiate an amendment to Title 33 to add a new use category, or make other amendments, as stated in Chapter 33.835, Goal, Policy, and Regulation Amendments.

D. Terms.

1. Defining words. Words used in the zoning code have their dictionary meaning unless they are listed in Chapter 33.910, Definitions. Words listed in the Definitions chapter have the specific meaning stated, unless the context clearly indicates another meaning.

2. Tenses and usage.

   a. Words used in the singular include the plural. The reverse is also true.

   b. Words used in the present tense include the future tense. The reverse is also true.

   c. The words "must," "will," and "may not" are mandatory.

   d. "May" is permissive.

   e. "Prohibited" means that an adjustment, conditional use, or other land use review may not be requested in order to allow an exception to the regulation in question. This does not preclude requests for zone changes or Comprehensive Plan map amendments.

   f. When used with numbers, “Up to x,” “Not more than x” and “a maximum of x” all include x.

3. Conjunctions. Unless the context clearly indicates otherwise, the following conjunctions have the following meanings:

   a. "And" indicates that all connected items or provisions apply;

   b. "Or" indicates that the connected items or provisions may apply singly or in combination;

   c. "Either...or" indicates that the connected items or provisions apply singly, but not in combination.

4. Lists. Lists of items that state "including the following," "such as," or similar language are not limited to just those items. The lists are intended to provide examples, but not to be exhaustive of all possibilities.

E. Hierarchy of regulations.

1. Different levels of regulations. In general, an area with base zoning, overlay zoning, or an area in a plan district is subject to all of the regulations of each. Where a land division is requested, the regulations of the 33.600s series of chapters also must be met.

   When the regulations conflict, unless specifically indicated otherwise, the following rules apply:

   a. The regulations in a plan district supersede regulations in overlay zones, base zones, and regulations in the 600s series of chapters;

   b. The regulations in an overlay zone supersede regulations in base zones and regulations in the 600s series of chapters;

   c. The regulations for plan districts and overlay zones also supersede conflicting regulations for a specific use or development stated in the 200s series of chapters; and

   d. The regulations in the 200s series of chapters supersede regulations in the 600s series of chapters.

2. Regulations at the same level. When regulations at the same level conflict, those that are more specific to the situation apply. An example would be the parking space requirement for houseboats in moorages, two spaces per unit, which is stated in the Floating Structures chapter. This would supersede the standard residential requirement of one space per unit stated in the Parking chapter. When the regulations are equally specific or when it is unclear which regulation to apply, the most restrictive applies. Regulations at the same level include such situations as two different standards in a base zone or regulations from separate chapters in the 200s series of chapters.

3. Figures, tables, and maps. Where there are differences of meaning between code text and figures or tables, the code text controls. When there are differences between code text and maps, the maps control.

F. Sites in more than one zone. When a site is in more than one zone, the development standards of each zone apply to the portion of the site in that zone.

G. Applying the code to specific situations. Generally, where the code cannot list every situation or be totally definitive, it provides guidance through the use of descriptions and examples. In situations where the code provides this guidance, the descriptions and examples are used to determine the applicable regulations for the situation. If the code regulations, descriptions, and examples do not provide adequate guidance to clearly address a specific situation, the stated intent of the regulation and its relationship to other regulations and situations are considered.

H. Determining whether a land use request is quasi-judicial or legislative. Quasi-judicial and legislative are terms describing two different types of land use actions. In general, legislative actions involve the adoption of law or policy applicable Citywide or to a broad geographical area of the City. Quasi-judicial actions involve the application of existing law

or policy to a small area or a specific factual situation. There are different legal requirements for the processing of these two types of actions. In general, quasi-judicial actions require greater notice and procedural protections than do legislative actions. If there are questions as to whether a specific request for a land use review is quasi-judicial or legislative, the decision will be made by the City Attorney. The decision will be based on current law and legal precedent. Requests for decisions on this issue must be in writing and must be filed with the Director of BDS, who will forward the request to the City Attorney.

33.700.075 Automatic Changes to Specified Dollar Thresholds

The sections listed below include dollar thresholds. These thresholds will be increased or decreased each year on March 1. The change will occur automatically, and the new dollar amount will be placed in the Zoning Code without being subject to the procedures for amending the Zoning Code. The change will be based on the annual national average of the Construction Cost Index (CCI), as published in the second January issue of the Engineering News-Record.

A. The following sections are subject to this regulation. Any increase or decrease that is not a multiple of $50 will be rounded to the nearest multiple of $50:

1. 33.258.070.D.2.a;
2. 33.258.070.D.2.d(2);
3. 33.440.230.D.1;
4. 33.510.253.D.1.a;
5. 33.515.278.B.17.a(1);
6. 33.560.020
7. 33.565.310.B.2
8. Table 825-1
9. Table 846-1; and
10. Table 846-3

B. The following sections are subject to this regulation. Any increase or decrease that is not a multiple of $0.10 will be rounded to the nearest multiple of $0.10:

1. 33.510.205.C.2.f.; and
2. 33.510.210.D.2.b(6)

Timeliness of Regulations

33.700.080 Regulations That Apply at the Time of an Application

The regulations of this section apply to applications for land use reviews and building or development permits.

A. Applications.

1. Application for land use review. Applications for land use reviews will be processed based on the regulations in effect on the date an application is filed with the City, as follows:

   a. Complete at filing. If, on the date the application is filed with the City, the application contains all the information stated in 33.730.060, Application Requirements, as well as any additional information required in the pre-application conference notes, the application will be processed based on the regulations in effect on the date the application is filed;

   b. Complete within 180 days. If, on the date the application is filed with the City, the application does not contain all the information stated in Section 33.730.060, Application Requirements, as well as any additional information required in the pre-application conference notes, but the applicant provides the information within 180 days of the date the application was filed, the application will be processed based on the regulations in effect on the date the application was filed.

2. Application for building or development permit. Applications for building or development permits will be processed based on regulations in effect on the date a complete application is filed with the City. For the purposes of this section, a complete building or development permit application contains the information necessary for BDS to determine whether the proposal conforms with all applicable use regulations and development standards.

B. Revisions to building or development permit applications. Revisions will be processed based on the regulations in effect when the original complete application was received if:

1. The use remains within the same use category as in the original application;
2. The revision does not increase the total square footage of the proposed use;
3. The original application has not expired; and
4. The revised development meets all applicable development standards.

C. Use of new regulations or mapping. Applications will not be accepted for building permits or land use reviews based on regulations or changes to zoning maps that have been approved but not yet implemented, or have been adopted but have not yet become effective. However, pre-application conferences may be requested and held.

33.700.090 Regulations That Apply After Approval

The regulations of this section apply to land use approvals that are subject to expiration as provided in 33.730.130, Expiration of an Approval.

A. Building permits. Applications for building permits for development approved by a land use decision that has not expired are subject only to the regulations in effect on the date a land use application was filed with the City, as specified in 33.700.080.A.1.

B. Land divisions. Applications for Final Plat approval where the Preliminary Plan approval has not expired are subject only to the regulations in effect on the date an application for Preliminary Plan was filed with the City, as specified in 33.700.080.A.1.

33.700.100 Transfer of Approval Rights

Approvals of quasi-judicial land use reviews run with the land and are transferred with ownership. Any conditions, time limits, or restrictions apply to all subsequent operators.

33.700.110 Prior Conditions of Land Use Approvals

This section addresses situations where a use, development, or land division was approved with conditions as part of a land use review under zoning or land division regulations that no longer apply to the site. Over time, there are instances when uses or development previously approved with conditions are subject to new zoning or land division regulations. This may result from a change of the content of zoning or land division regulations or from legislative zone changes including annexation rezonings.

A. Conditions of approval prior to 1981. Conditions of approval for a land use review applied for prior to 1981 no longer apply to a site, except for conditions on all types of land divisions, Planned Unit Developments (PUD), or any other quasi-judicial review approved in association with a land division or PUD.

B. Conditions of approval after 1981. The regulations stated below apply to all prior conditions of approval for all types of land divisions, Planned Unit Developments (PUD), and any other quasi-judicial review approved in association with a land division or PUD, and for land use reviews applied for after January 1, 1981, unless the conditions of approval or the ordinance adopting the conditions provide for their continuance.

1. Zone changes. If a site is subject to conditions as the result of a zone change, the conditions continue to apply if the site is rezoned to a comparable zone as part of an annexation rezoning or as part of a legislative remapping. The conditions of the original zone change do not apply if the site is rezoned to a noncomparable zone. Comparable zone changes are single-dwelling to single-dwelling, multi-dwelling to multi-dwelling, commercial to commercial or commercial/mixed use, employment to employment, and industrial or manufacturing to industrial zones. Also, changes from a City M3 or Multnomah County LM, M3, or M4 zone to a C, E, or I zone retain all conditions of approval on the site. Other zone changes are considered noncomparable.

2. Conditional uses.

   a. An allowed conditional use. If a use was an approved conditional use under the prior regulations or had a Community Service overlay zone, and is a conditional use under the new regulations pertaining to the site, any conditions of approval continue to apply.

   b. Use allowed by right. If the use is now allowed by right, the conditions of approval no longer apply, except for the following:

(1) Colleges and Medical Centers in the CI1 and CI2 zones.
- Conditions of approval that mandate a Transportation Demand Management plan or address parking, vehicle trips or any other transportation system related issue continue to apply until superseded by an approved Transportation Impact review;
- If a College or Medical Center in a CI1 or CI2 zone was approved through a conditional use, conditional use master plan, or impact mitigation plan under the prior regulations, and the conditional use, conditional use master plan, or impact mitigation plan has not expired, the applicant can continue to develop under the approved conditional use review, the conditional use master plan, or the impact mitigation plan until the review expires, or December 31, 2023, whichever comes first. If the applicant chooses to develop under the approved conditional use, the conditional use master plan, or the impact mitigation plan, they must develop under the zoning code regulations that were in effect on the date the land use application was deemed complete. Amendments to the conditional use are prohibited.

(2) Conditions of approval continue to apply to outdoor sports facilities that are on a site with a College or Medical Center that was an approved use under the prior regulations.

c. Use no longer allowed. If the use was a conditional use without an expiration date and is no longer allowed, it becomes a nonconforming use under the new regulations, and must continue to meet the conditions as well as the nonconforming use regulations. If the use was a conditional use with an expiration date and is no longer allowed, it is subject to the same regulations as revocable permits, as stated in Paragraph 120.C.1 below.

3. Variances and adjustments. If the variance or adjustment was for development that is now allowed by right, and the development on the site conforms with the current regulations, then the prior conditions of approval no longer apply.

4. Greenway review. If a use or development is subject to conditions under a greenway review, the conditions continue to apply.

5. Other land use actions. If the use or development was approved with conditions under a review that is no longer in effect on the site (such as site review, design review, significant environmental concern review), the conditions no longer apply.

33.700.115 Expiration of Tree Preservation Requirements

The regulations of this section apply to tree preservation required as a condition of a land use review or required in a tree preservation plan approved in conjunction with a land use review for sites within the City Limits. These regulations do not apply outside the City Limits. Although tree preservation requirements may expire for a site, the site is still subject to the tree requirements of this Title and Title 11, Trees.

A. Generally. Tree preservation requirements expire 10 years from the effective date of the land use approval, unless otherwise stated in the land use approval or as specified in B and C;

B. **Land divisions.** Tree preservation requirements for land divisions expire 10 years from the date the final plat is approved, unless otherwise stated in the conditions of approval; and

C. **Master plans and IMPs.** Multi-year Conditional Use Master Plans and Impact Mitigation Plans may establish an expiration date through conditions of approval.

33.700.120 Status of Prior Revocable Permits

Land use revocable permits approved prior to January 1, 1991 are subject to the regulations stated below.

A. **Uses that are now allowed.** Revocable permits for uses that are now an allowed use are revoked and the uses are subject to the zoning regulations. Specific activities of the use which were allowed by the revocable permit but that do not conform to the code may continue and are limited by any conditions of approval from the prior revocable permit. Any other conditions of approval no longer apply.

B. **Uses that are now conditional uses.** Revocable permits for uses that are now regulated as a conditional use are revoked and the uses are subject to the conditional use regulations. Any conditions of approval continue to apply. Specific activities of the use that were allowed by the revocable permit but do not conform to the code may continue and are limited by any conditions of approval from the prior revocable permit.

C. **Uses that are prohibited.** Revocable permits for uses that are prohibited by this Title may continue under the conditions of the permit as provided below.

1. Revocable permits with a specified expiration date.

   a. A revocable permit that has a specified expiration date continues to be in effect until the expiration date, the use that was approved changes, or the owner changes. Transfers of permit rights or modifications to the permit are prohibited. The holder of the revocable permit may ask to have a one-time extension of the expiration date of up to 3 years. Approval of more than one extension is prohibited. Extensions are processed through a Type III procedure. An extension will be granted if the review body finds that all of the following approval criteria are met:

      (1) The use has no adverse impacts on surrounding uses; and

      (2) The extension is necessary to allow the use time to cease operation or to move to a location where the use is allowed.

   b. Exception. If the revocable permit granted additional residential dwelling units, then the extra dwelling units become nonconforming residential density, and must meet nonconforming residential density regulations. In this case, any conditions of approval of the revocable permit no longer apply.

2. Revocable permits without an expiration date.

   a. A revocable permit that does not have a specified expiration date continues to be in effect until the use that was approved changes or the owner changes. Extensions, transfers of permit rights, or modifications to the permit are prohibited.

b. Exceptions.

(1). If the revocable permit granted additional residential dwelling units, then the extra dwelling units become nonconforming residential density and must meet nonconforming residential density regulations. In this case, any conditions of approval of the revocable permit no longer apply.

(2) If the use established by the revocable permit has been maintained over time, and the applicant can document that the use has been maintained over time using standard evidence per 33.258.038.B or through a review per 33.258.075, then the use becomes a nonconforming use and must meet nonconforming use regulations. If the use approved through the revocable permit has been discontinued for 3 consecutive years, it has not been maintained over time. The use is considered to be discontinued when the use approved ceases to operate, even if the structure or materials related to the use remain. Conditions of approval of the revocable permit continue to apply, except for any conditions that limit the transfer of ownership.

33.700.130 Legal Status of Lots

A. A lot shown on a recorded plat remains a legal lot except as follows:

1. The plat, or the individual lot or parcel lines have been vacated as provided by City Code; or

2. The lot has been further divided, or consolidated, as specified in the 600 series of chapters in this Title, or as allowed by the former Title 34.

B. Where a portion of the lot has been dedicated for public right-of-way, the remaining portion retains its legal status as a lot, unless it has been further altered as specified in Subsection A, above.

C. The determination that a lot has legal status does not mean that the lot may be developed, unless all requirements of this Title are met.

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 166702, effective 7/30/93; Ord. No. 167386, effective 2/23/94; Ord. 169535, effective 1/8/96; Ord. No. 169917, effective 3/27/96; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 5/14/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177368, effective 5/17/03; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 183518, effective 03/05/10; Ord. No. 183598, effective 4/24/10; Ord. No. 184521, effective 5/13/11; Ord. No. 185333, effective 5/16/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189488, effective 12/2/19; Ord. No. 190023, effective 8/10/20.)

Chapter 33.705 Neighborhood Contact

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Sections:

33.705.010 Purpose
33.705.020 Neighborhood Contact Steps

33.705.010 Purpose

The neighborhood contact process provides an opportunity for people who live, work or otherwise pass by a development site to learn about a project before construction begins. It makes the same information accessible online to interested community members. The neighborhood contact steps provide an opportunity for members of the community to provide feedback to the property owner or developer on the design and other aspects of the development. In most cases, the neighborhood contact steps involve a sign posted on the site, but in some larger development scenarios, the property owner or developer will be required to host a public meeting. While the neighborhood contact outreach steps are required prior to submitting for a land use review or building permit, any feedback provided to the property owner or developer is informal and non-binding. By engaging with members of the community early, prior to applying for a review or permit, the property owner or developer has an opportunity to tailor the proposal in response to community comments, ideas or concerns.

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. 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 site plan that includes the proposed development.

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 neighborhood coalition that includes the site;

(4) A written summary of the proposed development;

(5) A site plan that includes the proposed development; 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 A.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. 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 email or letter that was sent as required by Paragraph A.1.;

b. A list of the email or postal addresses to which the email or letter required by Paragraph A.1.was sent;

c. A photograph of the sign required by Paragraph A.2. posted on the site;

d. A signed statement certifying that the required email or letter was sent, and the required signs were posted, at least 35 days, but not more than one year, before applying for a land use review or building permit.

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. The name, telephone number and email address of the applicant;

   b. The address of the site of the proposed development;

   c. The date, time and location of the required public meeting; and

   d. A summary of the proposed development; and

   e. A site plan that includes the proposed development.

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) The date, time and location of the required public meeting;

(5) A written summary of the proposed development;

(6) A site plan that includes the proposed development; and

(7) 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 B.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. 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 B.2. and B.3.

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. Meetings held between March 8, 2020 and January 1, 2024 may be held remotely using online video conferencing technology. The selected technology must have a phone-in option available to those without access to a computer or mobile device;

c. Be held at a time between 6 p.m. and 9 p.m. Monday through Friday, or between 1 p.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;

d. Be open to the public; and

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.

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 email or letter that was sent as required by Paragraph A.1.;

   b. A list of the email or postal addresses to which the email or letter required by Paragraph A.1.was sent;

   c. A photograph of the sign required by Paragraph A.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 was held at least 14 days before applying for the land use review or building permit, and at least 14 days after sending the email or letter and posting the required signs; and

      (4) That the notes from the required public meeting 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.

C. Neighborhood contact III. Neighborhood contact III 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. 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

      (7) 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. Meetings held between March 8, 2020 and January 1, 2024 may be held remotely using online video conferencing technology. The selected technology must have a phone-in option available to those without access to a computer or mobile device;

   c. Be held at a time between 6 p.m. and 9 p.m. Monday through Friday, or between 1 p.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; and

   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.

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.

(Adopted by Ord. No. 189488, effective 12/2/19; Amended by: Ord. No. 190076, effective 8/10/20.)

33.710 Review Bodies

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Sections:

33.710.010 Purpose
33.710.020 Delegation of Authority
33.710.030 Commissions, Committees, and Boards Generally
33.710.040 Planning and Sustainability Commission
33.710.050 Design Commission
33.710.060 Historic Landmarks Commission
33.710.070 Adjustment Committee
33.710.080 Land Use Hearings Officer
33.710.090 Director of the Bureau of Development Services
33.710.100 City Council
33.710.120 Healy Heights Radiofrequency Advisory Board

33.710.010 Purpose

Review bodies are established to make decisions on land use actions and to recommend land use policy to the City Council. The review bodies provide an opportunity for citizen involvement and provide expertise for specialized topic areas. Review bodies that make quasi-judicial decisions do so on authority delegated by the City Council. The provisions of this chapter define the powers and duties for each review body and state how each body will operate.

33.710.020 Delegation of Authority

The commissions, committees, boards, and officers established in this chapter are empowered to perform all duties assigned to them by State law or this Title on behalf of the City Council.

33.710.030 Commissions, Committees, and Boards Generally

A. **Length of terms.** Members of commissions, committees, and boards provided under this chapter may be appointed to terms of not more than 4 years. Initial appointments for newly formed commissions, committees, and boards must include a sufficient number of appointments for less than the maximum 4 year term of office to provide overlap and a continuity of membership. Members of commissions are limited to a maximum of two full terms. Vacancies which may occur must be filled for the unexpired terms.

B. **Required attendance.** If a member fails to attend three consecutive meetings or misses 20 percent or more of the meetings held during a calendar year, the Mayor may declare the position vacant.

C. **Officers and rules.** Each commission, committee, or board elects its own presiding officers and adopts rules of procedure that are necessary to fulfill its duties. The rules of procedure must be in writing and comply with the Oregon Public Meetings law, Statutory land use hearing requirements, and this Title.

D. **Voting.** A majority of the members present must vote affirmatively in order to take action. Individual members may not have more than one vote for the conduct of commission or committee business.

E. **Pay.** All members on a commission, committee, or board serve without pay.

F. **Public meetings.** All meetings, including briefing sessions, must be open to the public and comply with the Oregon Public Meetings law.

G. **Staff.**

1. Planning and Sustainability Commission. The Director of the Bureau of Planning and Sustainability must provide the Planning and Sustainability Commission with staff assistance necessary to enable it to discharge its duties.

2. Design Commission, Historic Landmarks Commission, Adjustment Committee. The Director of the Bureau of Development Services must provide the Design Commission, Historic Landmarks Commission, and Adjustment Committee with staff assistance necessary to enable them to discharge their duties.

H. **Records.**

1. Planning and Sustainability Commission. The Director of the Bureau of Planning and Sustainability keeps an accurate record or minutes of all proceedings of the Planning and Sustainability Commission.

2. Design Commission, Historic Landmarks Commission, Adjustment Committee. The Director of the Bureau of Development Services keeps an accurate record or minutes of all proceedings of the Design Commission, Historic Landmarks Commission, and Adjustment Committee.

I. **Conflict of interest.** A member of any commission, committee, board, or review body except City Council may not participate as a member in deciding any land use action in which the member has a direct or substantial financial interest. A member may not participate if the member's spouse, brother, sister, child, parent, father-in-law, or mother-in-law have a direct or substantial financial interest, or if any business in which the member is then serving or has served within the previous two years or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment, has a direct or substantial financial interest. Any actual or potential interest must be disclosed at the hearing or meeting where the action is scheduled.

J. **Commission coordination.** The chairs, or their delegates, of the Planning and Sustainability Commission, Design Commission, and Historic Landmarks Commission meet quarterly to discuss trends and issues relevant to their respective commissions and, as appropriate, to coordinate the Commissions' programs. The chairs will share a summary of their meeting with their respective Commissions.

33.710.040 Planning and Sustainability Commission

A. **Purpose.** The Planning and Sustainability Commission advises City Council on the City's long-range goals, policies, and programs for land use, planning, and sustainability. In making recommendations and decisions, it considers the economic, environmental, and social well-being of the city in an integrated fashion. The Commission has specific responsibility for the stewardship, development and maintenance of the City's

Comprehensive Plan, Climate Action Plan, and zoning code. The Commission is committed to effective public involvement and leadership in its work and in the decisions it considers.

B. Membership. The Planning and Sustainability Commission consists of eleven members, none of whom may hold public elective office. The members are appointed by the Mayor and confirmed by the City Council. The membership of the Planning and Sustainability Commission should include broad representation of Portland's community and reflect the dynamic nature of this changing city. No more than two members of the Planning and Sustainability Commission may be engaged in the same occupation, business, trade, or profession. No more than two members of the Commission may be individuals, or members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling, leasing, or developing of real estate for profit.

C. Meetings, officers, and subcommittees.

1. The Planning and Sustainability Commission meets at least once a month. Meetings are conducted in accordance with adopted rules of procedure. Six members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.

2. The Planning and Sustainability Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members.

D. Powers and duties. The Planning and Sustainability Commission has all of the powers and duties which are now or may in the future be imposed upon City planning commissions by State law, by this Title, by the City Council, or by the City Charter. The Commission's powers and duties include:

1. Holding hearings and making recommendations on all policy matters related to the Comprehensive Plan; the Climate Action Plan, the zoning code; significant transportation and sustainable development policies, projects, and issues; street vacations; sign regulations, and renaming city streets;

2. Advising the City Council on plans and policies regarding such issues as land use, zoning, housing, energy, transportation, urban renewal, urban design, equity, economic development, public buildings, climate change, sustainable development, environmental protection, resource conservation, and other policies of City-wide interest;

3. Articulating and guiding the City's long-range goals, policies, and programs for developing and achieving sustainable communities; and

4. Developing opportunities for community members to learn about principles, policies, and programs that promote sustainable practices and development.

E. Communications on appeals. The Planning and Sustainability Commission may submit written responses or appear in person on appeals of quasi-judicial land use decisions to the City Council.

F. **Annual report.** The Planning and Sustainability Commission must make an annual report of its actions and accomplishments for each fiscal year. The report must be filed with the Planning and Sustainability Director by the first working day of September. The Planning and Sustainability Director may combine the report with annual reports of other bodies for transmission to the City Council.

33.710.050 Design Commission

A. **Purpose.** The Design Commission provides leadership and expertise on urban design and architecture and on maintaining and enhancing Portland's historical and architectural heritage.

B. **Membership.** The Design Commission consists of seven members, none of whom may hold public elective office. The Commission must include a representative of the Regional Arts and Culture Council, one person representing the public at-large, and five members experienced in either design, engineering, financing, construction or management of buildings, and land development. No more than two members may be appointed from any one of these areas of expertise. The Regional Arts and Culture Council member is nominated by the Regional Arts and Culture Council chair and approved by the Mayor. The other members are appointed by the Mayor and confirmed by the City Council.

C. **Meetings, officers, and subcommittees.**

1. The Design Commission meets at least once a month and as necessary to act on reviews assigned to them by this Title. Meetings are conducted in accordance with adopted rules of procedure. Four members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.

2. The Design Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members.

D. **Powers and duties.** The Design Commission has all of the powers and duties which are assigned to it by this Title or by City Council. The Commission powers and duties include:

1. Recommending the establishment, amendment, or removal of a design district to the Planning and Sustainability Commission and City Council;

2. Developing design guidelines for adoption by City Council for all design districts except Historic Districts and Conservation Districts;

3. Reviewing major developments within design districts, except those projects involving or located within the following:

   a. Historic Districts;

   b. Conservation Districts;

   c. Historic Landmarks; and

   d. Conservation Landmarks.

4. Reviewing other land use requests assigned to the Design Commission; and

5. Providing advice on design matters to the Hearings Officer, Planning and Sustainability Commission, Historic Landmarks Commission, Portland Development Commission, and City Council.

E. Annual report. The Commission must make an annual report of its actions and accomplishments for each fiscal year. The report must be filed with the Director of BDS by the first working day of September. The Director of BDS may combine the report with annual reports of other bodies for transmission to City Council.

33.710.060 Historic Landmarks Commission

A. Purpose. The Historic Landmarks Commission provides leadership and expertise on maintaining and enhancing Portland's historic and architectural heritage. The Commission identifies and protects buildings and other properties that have historic or cultural significance or special architectural merit. The Commission provides advice on historic preservation matters, and coordinates historic preservation programs in the City. The Commission is also actively involved in the development of design guidelines for historic districts.

B. Membership. The Historic Landmarks Commission consists of seven members, none of whom may hold public elective office. The Commission must include a historian with knowledge of local history; an architectural historian; an architect; two members from the following: landscape architecture, real estate, construction, community development, urban planning, archeology, law, finance, cultural geography, cultural anthropology, or related disciplines; and two members at-large. All members must have demonstrated interest, competence, or knowledge of historic preservation. No more than two members of the Commission may be in the business of buying, selling, leasing, or developing real estate for profit, or be officers of such a business. The members are appointed by the Mayor and confirmed by the City Council.

C. Meetings, officers, and subcommittees.

1. The Historic Landmarks Commission meets at least once a month and as necessary to act on reviews assigned to them by this Title. Meetings are conducted in accordance with adopted rules of procedure. Four members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.

2. The Historic Landmarks Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members.

D. Powers and duties. The Historic Landmarks Commission has all of the powers and duties which are assigned to it by this Title or by City Council. The Commission powers and duties include:

1. Establishing or removing Historic Landmark and Conservation Landmark designations for specific buildings or sites in quasi-judicial reviews;

2. Recommending the establishment or removal of Historic Landmark and Conservation Landmark designations to the City Council in legislative actions;

3. Recommending the establishment, amendment, or removal of Historic Districts and Conservation Districts to the Planning and Sustainability Commission and the City Council;

4. Recommending and developing design guidelines for Historic Districts and Conservation Districts to the City Council;

5. Reviewing development proposals for Historic Landmarks and Conservation Landmarks and in Historic Districts and Conservation Districts;

6. Reviewing demolition and relocation requests for certain Historic landmarks and buildings in Historic Districts;

7. Providing advice on historic preservation matters to the Hearings Officer, Design Commission, Planning and Sustainability Commission, Portland Development Commission, other City commissions and committees, and City Council; and

8. Initiating and coordinating historic preservation and public outreach programs in the City, including reviewing recommendations for national register status and making recommendations to other governmental agencies regarding historic preservation programs and issues.

E. Annual report. The Commission must make an annual report of its actions and accomplishments for each fiscal year. The report must be filed with the Director of BDS by the first working day of September. The Director of BDS may combine the report with annual reports of other bodies for transmission to City Council.

33.710.070 Adjustment Committee

A. Purpose. The Adjustment Committee reviews adjustment requests to the development standards of Title 33. The Committee provides the opportunity for a public forum in the review of these requests.

B. Membership. The Adjustment Committee consists of seven members, none of whom may hold public elective office. The Committee must include three persons representing the public at large, two members in either urban design, architecture, or landscape architecture, and two members experienced in either engineering, financing, construction, management of buildings, or land development. The members are appointed by the Mayor and confirmed by the City Council.

C. Second Committee. If the Director of BDS determines that the number of adjustment requests exceeds the capacity of the Adjustment Committee to review in a timely manner, the Director of BDS may recommend to the Mayor that a second Committee be formed. The second Committee may be dissolved by the Mayor if the number of reviews can be adequately handled by one Committee. The second committee is also subject to all the regulations in this section.

D. Meeting and officers. The Adjustment Committee meets at least once a month and as necessary to act on adjustment requests. Meetings are conducted in accordance with

adopted rules of procedure. Four members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.

E. **Powers and duties.** The Adjustment Committee has all of the powers and duties which are assigned to it by this Title or by City Council. The Committee powers and duties include:

1. Reviewing requests to adjust the development standards of Title 33, when no other land use reviews are associated with the project; and

2. Providing advice on adjustment matters to the Hearings Officer, Planning and Sustainability Commission, Historic Landmarks Commission, Portland Development Commission, and City Council.

F. **Annual report.** The Committee must make an annual report of its actions and accomplishments for each fiscal year. The report must be filed with the Director of BDS by the first working day of September. The Director of BDS may combine the report with annual reports of other bodies for transmission to City Council.

33.710.080 Land Use Hearings Officer

A. **Purpose.** The position of the Land Use Hearings Officer is established to perform quasi-judicial reviews of most land use applications. This frees the City Council and Planning and Sustainability Commission from a large quasi-judicial case load and allows for prompt decision-making. It also assigns quasi-judicial reviews to a body with expertise in applying law and policy to specific situations and in meeting legal requirements for considering and processing such reviews.

B. **Short name.** The Land Use Hearings Officer is also called the Hearings Officer.

C. **Appointment.** The Hearings Officer is appointed by the City Auditor in conformance with City rules.

D. **Hearings.** The Hearings Officer must conduct hearings as necessary to review and make decisions on land use requests.

E. **Powers and duties.**

1. The Hearings Officer acts on behalf of the City Council as a review body to decide matters assigned by this Title.

2. The Hearings Officer has the power to request, receive, and examine available information; conduct public hearings; prepare a record; and enter findings and conclusions on all matters for which the Hearings Officer is assigned by this Title to act as review body.

F. **Annual report.** An annual report of the Hearings Officers' actions and accomplishments for each fiscal year must be made. The report must be filed with the Planning and Sustainability Commission by the first working day of September for transmission to the City Council. This report may contain recommendations for Planning and Sustainability Commission and City Council consideration.

33.710.090 Director of the Bureau of Development Services

The Director of BDS directs and manages the staff of BDS. The Director of BDS provides staff services to the commissions, committees, and boards as specified in this chapter. The Director of BDS is responsible for the decisions and recommendations required of the Director of BDS by this Title. The Director of BDS is in charge of implementing this Title. The Director of BDS may delegate review and decision-making authority to BDS staff.

33.710.100 City Council

The City Council acts as a review body for land use reviews which specifically need final Council action, the appeals of certain land use reviews, and for all legislative actions.

33.710.120 Healy Heights Radiofrequency Advisory Board

A. Purpose. The Healy Heights Radiofrequency (RF) Advisory Board provides technical expertise and advice to applicants and review bodies when Radio Frequency Transmission Facility development is proposed in the plan district. The board will recommend when monitoring of radiofrequency power density or surveying of radiofrequency interference (RFI) is necessary and may recommend assessment of the Radio Frequency Transmission Facility owners and operators to cover the costs incurred. The board will also provide information on radiofrequency emissions and interference in the vicinity of the Healy Heights plan district, and respond to other related citizen inquiries.

B. Membership.

1. The advisory board will consist of five members: two representatives from the recognized neighborhood associations within 2,000 feet of the plan district; two representatives from the broadcast or communications industry within the plan district; and one member at-large, not from or affiliated with the recognized neighborhood associations within 2,000 feet of the plan district or the broadcast and communications industries within the plan district. The at-large member should have either some background with the communications and broadcast industry, or in a related academic field, or related regulatory experience, or mediation experience.

2. Nominations. Before the Planning and Sustainability Director makes nominations to the Mayor for membership on the advisory board, he must solicit recommendations, by letter, from the presidents of all active neighborhood associations within 2,000 feet and from the tower owners and operators of major facilities. The four members selected from the industry and surrounding neighbors will make recommendations to the Planning and Sustainability Director for the member at-large.

3. Appointments. The Mayor must appoint board members from the nominations tendered, but may reject individuals nominated to serve on the advisory board and request additional nominations.

4. Terms. Advisory board members serve for four years, except during the initial terms. For those persons first selected to this advisory board, one neighborhood representative and one industry representative will serve for two years, the other three members will serve the full four-year term. Consecutive terms are not allowed. Multiple terms are allowed.

5. Staffing. The Planning and Sustainability Director or designee will staff the board, in accordance with 33.710.030.

C. Meetings. The advisory board will meet at least once every three months. The advisory board will meet with the City of Portland/Multnomah County Health Officer at least annually; this meeting will include a discussion of any new information regarding the human health aspects of non-ionizing electromagnetic energy.

D. Powers and duties. The duties, responsibilities, and authority of the advisory board include, but are not limited to:

- Initiation of monitoring or measurement of radiofrequency emissions in the vicinity of the plan district;
- Initiation of survey of the radiofrequency interference levels in the vicinity of the plan district;
- Recommendation to the City Council for assessment and collection of fees, for measurement or monitoring of the radiofrequency environment, survey of RFI, maintenance of records, distribution of information, liaison with the City, and other board duties;
- Advice to the Planning and Sustainability Commission, City Council, and Land Use Hearings Officer on legislative and quasi-judicial matters affecting RF operations in the plan district and to the Code Hearings Officer for enforcement;
- Provision of leadership and expertise in problem-solving;
- Counseling of citizens and facility operators when conflicts arise, such as radiofrequency interference or wind noise;
- Provision of a point of contact for citizen inquiries or complaints;
- Provision and initiation of communication, notification, and information for affected residents; and
- Maintenance of records of complaints, surveying or monitoring results, and other information pertinent to the operation of the RF facilities within the Healy Heights Plan District and/or mitigation of the effects of that operation.

(Amended by: Ord. No. 166921, effective 10/1/93; Ord. No. 169987, effective 7/1/96; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175164, effective 12/14/00; Ord. No. 184046, effective 9/10/10; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14.)

33.720 Assignment of Review Bodies

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Sections:

33.720.010 Purpose
33.720.020 Quasi-Judicial Land Use Reviews
33.720.030 Legislative Land Use Reviews

33.720.010 Purpose

This chapter assigns a review body to all land use reviews. It also specifies the procedure when more than one review is requested simultaneously.

33.720.020 Quasi-Judicial Land Use Reviews

Quasi-judicial land use reviews are assigned to the review bodies stated below.

A. Director of BDS. All land use reviews that are subject to a Type II or Type IIx procedure are assigned to the Director of BDS.

B. Hearings Officer. All appeals of land use reviews that were processed as a Type II or Type IIx procedure and all land use reviews subject to a Type III procedure, unless stated otherwise in Subsection C., or D., or E. below, are assigned to the Hearings Officer.

C. Design Commission. The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Design Commission:

1. Design review, except as provided for in Paragraph D.2 below;
2. Adjustments in a Design zone, except historic districts and historic landmarks;
3. Adjustments associated with a design review required by City Council outside of a Design zone;
4. Reviews in the Central City plan district for height and FAR bonuses and transfers; and
5. South Waterfront Greenway Reviews in the South Waterfront subdistrict of the Central City plan district; and
6. Planned developments in the commercial/mixed use zones using the Planned Development Bonus provisions of 33.130.212.E; and
7. Central City Master Plan reviews.

D. Historic Landmarks Commission. Generally, the Historic Landmarks Commission will consider matters related to historic resources. However, because they primarily involve use issues, historic preservation incentive reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Hearings Officer. The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Historic Landmarks Commission.

1. Landmark designations, and the removal of landmark designations; and

2. Historic resource review of Historic and Conservation Landmarks and structures in Historic or Conservation Districts.

E. **Adjustment Committee.** Appeals of adjustment reviews that were processed as a Type II procedure where no other land use review is involved are assigned to the Adjustment Committee.

F. **City Council.** Both Comprehensive Plan amendments and Statewide Planning Goal exceptions which are quasi-judicial require final City Council action in addition to the regular Type III procedure. All appeals of land use reviews subject to a Type III procedure are assigned to the City Council. All land use reviews subject to a Type IV procedure are assigned to the City Council.

G. **Applications for more than one land use review request on a site may be consolidated into a single application package.** If the reviews are not assigned to the same review body, they are assigned in the manner stated below;

1. When more than one review is requested and the reviews have different procedures, the overall application is reviewed by the review body assigned to the highest procedure. See 33.730.042, Concurrent Reviews.

2. When three or more different kinds of land use reviews are requested, and at least three of the land use reviews are assigned to a Type II procedure, if none of the reviews are assigned to a Type III procedure, the overall application is processed using the Type IIx procedure. If any of the reviews are assigned to a Type III procedure, the overall application is processed using the Type III procedure.

3. When the requested reviews have the same highest procedure but are assigned different review bodies, the reviews may be processed simultaneously with a joint hearing before the applicable review bodies, except in the case of adjustments. If an adjustment is being reviewed concurrently with other land use reviews, then the review body is the body or bodies assigned to the other land use reviews. For the purposes of this chapter, a joint hearing includes holding consecutive public hearings at the same location.

4. When more than one review is requested and any of the reviews are assigned to a Type IV procedure, the reviews not subject to the Type IV procedure are reviewed and assigned to review bodies as specified in Paragraphs G.1 through G.3. The review subject to the Type IV procedure is assigned to the City Council.

5. If an appeal is filed, the appellant must identify the specific approval criteria that the decision violates. The appeal hearing will be before the review body assigned to review the specified criteria that are being appealed. If approval criteria from more than one review are appealed, separate appeal hearings before the review bodies assigned the reviews may be held.

33.720.030 Legislative Land Use Reviews

A. Legislative land use reviews, unless stated otherwise in Subsections B or C, below, are assigned to the Planning and Sustainability Commission, who will make a recommendation to City Council.

B. Design Guidelines in Historic Districts and Conservation Districts are adopted by the Historic Landmarks Commission before being submitted to the City Council for adoption.

C. Design guidelines in design districts are adopted by the Design Commission before being submitted to the City Council for adoption.

D. Final action on all legislative land use reviews is by the City Council.

(Amended by: Ord. No. 169987, effective 7/1/96; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 178832, effective 10/21/04; Ord.No.183518, effective 03/05/10; Ord. No. 185915, effective 5/1/13; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20.)

33.730 Quasi-Judicial Procedures

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Sections:

General
33.730.010 Purpose
Basic Procedures
33.730.013 Expedited Land Division Procedure
33.730.014 Type I Procedure
33.730.015 Type Ix Procedure
33.730.020 Type II Procedure
33.730.025 Type IIx Procedure
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33.730.031 Type IV Procedure
33.730.040 Final Council Action Required
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33.730.042 Concurrent Reviews
33.730.050 Pre-Application Conference
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After a Final Decision
33.730.120 Recording an Approval
33.730.130 Expiration of an Approval
33.730.140 Requests for Changes to Conditions of Approval

General

33.730.010 Purpose

This chapter states the procedures and requirements for quasi-judicial reviews. It contains the step-by-step processing requirements. The chapter also describes the rules of conduct for all people involved in the quasi-judicial review process. The assignment of procedures to specific reviews is done in the chapter that establishes the review. The assignment of the review body is done in Chapter 33.720, Assignment of Review Bodies.

The regulations provide standardized methods for processing quasi-judicial land use reviews. The requirements provide clear and consistent rules to ensure that the legal rights of individual property owners and the public are protected. The rules implement state law, including the requirement that most quasi-judicial reviews must be completed within 120 days of filing a complete application. The Type II, Type IIx, Type III, and Type IV procedures, with their varying levels of review, provide the City with options when assigning procedures to each quasi-judicial review in this Title. The Type I and Type Ix procedures are administrative procedures.

The Type I and Ix procedures, or limited land use review, allows local decisions to be made administratively for such reviews as minor design and historic resource cases. The Type II procedure is the shortest and simplest of the other three quasi-judicial reviews. It is intended for reviews which involve lesser amounts of discretion, lower potential impacts, or both. The Type IIx procedure is used primarily for land divisions. It provides more time to make the administrative decision than the Type II procedure. The Type III procedure is a longer and more in-depth review. It is intended for reviews which involve substantial discretion or high impacts. The Type IV procedure is used to review proposals to demolish certain significant historic resources.

Basic Procedures

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.

1. When the ELD includes four to ten lots, the applicant is required to meet the neighborhood contact requirements specified in 33.705.020.A., Neighborhood contact I. If the proposed expedited land division is in an EG or I zone, it is exempt from the neighborhood contact requirements.

2. When the ELD includes eleven or more lots, the applicant is required to meet the neighborhood contact requirements specified in 33.705.020.B., Neighborhood contact II. If the proposed expedited land division is in the EG1, EG2, or an I zone, it is exempt from the neighborhood contact requirements.

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.

33.730.014 Type I Procedure

The Type I procedure is an administrative process with public notice but no hearing.

A. Pre-application conferences. A pre-application conference is not required.

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, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it 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, the neighborhood contact steps of 33.725.020.B., Neighborhood contact II, are required. If the proposed development is in the EG1 , EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.

C. Application. The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review. Type I procedures are intended for such reviews as minor historic resource cases.

D. Notice of a request. Upon receipt of a complete application, the Director of BDS will mail a notice of the request to the owner, the applicant if different, all property owners within 100 feet of the site, and to the recognized organization(s) in which the site is located. The notice will contain all information listed in 33.730.070.B, Type I and Type Ix notice of request.

E. Processing time. Upon determining that the application is complete the Director of BDS will make a decision on the case as follows:

1. The director of BDS will not make the decision until at least 14 days after the notice required by Subsection D is mailed; and

2. The Director of BDS will make the final decision on the case and mail a notice of decision within 21 days after the application is determined to be complete. The applicant may extend this time limit.

F. Administrative decision.

1. In making the decision the Director of BDS may consult with the owner, applicant, other citizens, City agencies, other public and private organizations, to solicit information relevant to the request. The decision is based on the Director of BDS's findings. The Director of BDS's findings are based on an evaluation of the facts, the applicable code regulations, and the applicable design guidelines.

2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.

3. The decision of the Director of BDS is final.

G. Notice of decision. The Director of BDS will mail notice of the decision to the owner, the applicant if different, and to any person or organization who submitted written comments. See 33.730.070.F, Type I, Type Ix, and Type IV notice of decision.

H. Date that decision is final and effective. The decision of the BDS Director is final and effective on the day the notice of decision is mailed.

33.730.015 Type Ix Procedure

The Type Ix procedure is an administrative process with public notice but no hearing.

A. Pre-application conferences. A pre-application conference is optional.

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, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it 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, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.

C. Application. The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review. Type Ix procedures are intended for such reviews as minor design cases.

D. Notice of a request. Upon receipt of a complete application, the Director of BDS will mail a notice of the request to the owner, the applicant if different, all property owners within 100 feet of the site, and to the recognized organization(s) in which the site is located. The notice will contain all information listed in 33.730.070.B, Type I and Type Ix notice of request.

E. Processing time. Upon determining that the application is complete the Director of BDS will make a decision on the case as follows:

1. The director of BDS will not make the decision until at least 30 days after the notice required by Subsection D is mailed; and

2. The Director of BDS will make the final decision on the case and mail a notice of decision within 45 days after the application is determined to be complete. The applicant may extend this time limit.

F. Administrative decision.

1. In making the decision the Director of BDS may consult with the owner, applicant, other citizens, City agencies, other public and private organizations, to solicit information relevant to the request. The decision is based on the Director of BDS's findings. The Director of BDS's findings are based on an evaluation of the facts, the applicable code regulations, and the applicable design guidelines.

2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.

3. The decision of the Director of BDS is final.

G. Notice of decision. The Director of BDS will mail notice of the decision to the owner, the applicant if different, and to any person or organization who submitted written comments. See 33.730.070.F, Type I, Type Ix, and Type IV notice of decision.

H. Date that decision is final and effective. The decision of the BDS Director is final and effective on the day the notice of decision is mailed.

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 is in the EG1, EG2, or an I zone, or if it 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 is in the EG1, EG2, or an I zone, or if it 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 is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.

C. Application. The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review.

D. Preliminary notice. Upon receipt of a complete application, the Director of BDS will mail a notice of the request to the owner, the applicant if different, all property owners within 150 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the lot is located, and to all recognized organizations within 400 feet of the lot. See 33.730.070.C, Type II and Type IIx notice of request.

E. Processing time. Upon determining that the application is complete, the Director of BDS will make a decision on the case as follows:

1. The Director of BDS will not make the decision until 21 days after the notice required by Subsection D, above, is mailed.
2. The Director of BDS will make a final decision on the case and mail a notice of decision within 28 days after the notice required by Subsection D. above is mailed. The applicant may extend this time limit.

F. Administrative decision.

1. In making the decision, the Director of BDS may consult with the owner, applicant, other citizens, City agencies, and other public and private organizations to solicit information relevant to the request. The decision is based on the Director of BDS's findings, which are based on an evaluation of the facts and the applicable code regulations.
2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.

G. Notice of decision (pending appeal). The Director of BDS will mail the notice of the decision to the owner, the applicant if different, all property owners within 150 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, to all recognized organizations within 400 feet of the site, and to any person who submitted written comments. See 33.730.070.G, Notice of Type II, Type IIx or Type III decision (pending appeal).

H. Ability to appeal. The Director of BDS's decision is final unless appealed. The decision may be appealed by the applicant, the owner, and those entitled to notice, and any person adversely affected or aggrieved by the decision. The appeal must be submitted to the Director of BDS within 14 days of the day the notice of decision is mailed. The review body for the appeal will be as stated in 33.720, Assignment of Review Bodies.

I. When no appeal is filed. If no one appeals the decision, the decision is final and effective on the day after the last day to appeal.

J. When an appeal is filed. Appeals must comply with this subsection.

1. Content of the appeal. The appeal must be submitted on forms provided by the Director of BDS. All information requested on the form must be submitted in order for the appeal form to be accepted. The appeal request must include:

- The file number and land use review(s) appealed;
- The appellant's name, address, signature, phone number;
- A statement of which sections of the Zoning Code or which approval criteria the decision violates; and
- The required fee.

2. Notification of appeal hearing. The Director of BDS will mail a copy of the appeal within 3 working days of its receipt to the applicant, unless the applicant is also the appellant, and the owner. Within 5 working days of the receipt of the appeal, the Director of BDS will mail a notice of the appeal hearing to the owner, the applicant if different, and all persons and recognized organizations who received the notice of the decision. See 33.730.070.H, Notice of a Type II or Type III appeal hearing.

3. Scheduling of hearing. The Director of BDS will schedule a public hearing to take place at least 21 days from the mailing of the notice of appeal.

4. Submit report to review body. The Director of BDS will forward the decision report and a copy of the appeal to the review body and make the report and copy of the appeal available to the public at least 7 days prior to the date of the hearing.

5. Appeal hearing. Appeal hearings must comply with the provisions of 33.730.100, Public Hearing Requirements, and 33.730.110, Ex Parte Contact.

6. Appeal decision. The review body may adopt the decision report of the Director of BDS, modify it, or reject it based on information presented at the hearing and in the record.

   a. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 17 days of the close of the record.

   b. Other review bodies. Other review bodies will make all deliberations and decisions at the hearing.

7. Amended decision report. If the review body modifies or rejects the decision report, an amended report with findings supporting the decision must be prepared. For review bodies other than the Hearings Officer, the Director of BDS will prepare the amended decision report and mail notice of the decision within 17 days of the hearing. The report must comply with 33.730.090, Reports and Record Keeping.

8. Notice of final decision. When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies, the Director of BDS will mail notice of the decision. Within 17 days of the close of the record, the Hearings Officer or Director of BDS will mail notice of the review body's final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070 I, Notice of final decision.

9. Date that decision is final and effective. The decision of the review body is final and effective on the day the notice of decision is mailed.

10. Appeal decision final. The appeal decision of the review body is final and may not be appealed to another review body within the City.

33.730.025 Type IIx Procedure

The Type IIx 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. 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; 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. If the proposed development is in the EG1, EG2, or an I zone, or if it 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 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, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.

C. Application. The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review.

D. Preliminary notice. Upon receipt of a complete application, the Director of BDS will mail a notice of the request to the owner, the applicant if different, all property owners within 150 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, and to all recognized organizations within 400 feet of the site. See 33.730.070 C, Type II and Type IIx notice of request.

E. Processing Time. Upon determining that the application is complete the Director of BDS will make a final decision on the case as follows:

1. The Director of BDS will not make the decision until at least 30 days after the notice required by Subsection D is mailed; and

2. The Director of BDS will make the final decision on the case and mail a notice of decision within 42 days after the application is determined to be complete. The applicant may extend this time limit.

F. Administrative decision.

1. In making the decision, the Director of BDS may consult with the owner, applicant, other citizens, City agencies, and other public and private organizations to solicit information relevant to the request. The decision is based on the Director of BDS's findings, which are based on an evaluation of the facts and the applicable code regulations.

2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.

G. Notice of decision (pending appeal). The Director of BDS will mail a notice of the decision to the owner, the applicant if different, all property owners within 150 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, to all recognized organizations within 400 feet of the site, and to any person who submitted written comments. See 33.730.070.G, Notice of Type II, Type IIx or Type III decision (pending appeal).

H. Ability to appeal. The Director of BDS's decision is final unless appealed. The decision may be appealed by the applicant, the owner, those entitled to notice, and any person adversely affected or aggrieved by the decision. The appeal must be submitted to the Director of BDS within 14 days of the day the notice of decision is mailed. The review body for the appeal will be as stated in 33.720, Assignment of Review Bodies.

I. When no appeal is filed. If no one appeals the decision, the decision is final and effective on the day after the last day to appeal.

J. When an appeal is filed. Appeals must comply with this subsection.

1. Content of the appeal. The appeal must be submitted on forms provided by the Director of BDS. All information requested on the form must be submitted in order for the appeal form to be accepted. The appeal request must include:
   - The file number and land use review(s) appealed;
   - The appellant's name, address, signature, and phone number;
   - A statement of which sections of the Zoning Code or which approval criteria the decision violates; and
   - The required fee.

2. Notification of appeal hearing. The Director of BDS will mail a copy of the appeal within 3 working days of its receipt to the applicant, unless the applicant is also the appellant, and the owner. Within 5 working days of the receipt of the appeal, the Director of BDS will mail a notice of the appeal hearing to the owner, the applicant if

different, and all persons and recognized organizations that received the notice of the decision. See 33.730.070 H, Notice of an appeal hearing.

3. Scheduling of hearing. The Director of BDS will schedule a public hearing to take place at least 21 days from the mailing of the notice of an appeal hearing.

4. Submit report to review body. The Director of BDS will forward the decision report and a copy of the appeal to the review body and make the report and copy of the appeal available to the public at least 7 days prior to the date of the hearing.

5. Appeal hearing. Appeal hearings must comply with the provisions of 33.730.100, Public Hearing Requirements, and 33.730.110, Ex Parte Contact.

6. Appeal decision. The review body may adopt the decision report of the Director of BDS, modify it, or reject it based on information presented at the hearing and in the record.

   a. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 14 days of the close of the record.

   b. Other review bodies. Other review bodies will make all deliberations and decisions at the hearing.

7. Amended decision report. If the review body modifies or rejects the decision report, an amended report with findings supporting the decision must be prepared. For review bodies other than the Hearings Officer, the Director of BDS will prepare the amended decision report and mail notice of the decision within 14 days of the hearing. The report must comply with 33.730.090, Reports and Record Keeping.

8. Notice of final decision. When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies, the Director of BDS will mail notice of the decision. Within 14 days of the close of the record, the Hearings Officer or Director of BDS will mail notice of the review body's final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070 I, Notice of final decision.

9. Date that decision is final and effective. The decision of the review body is final and effective on the day the notice of decision is mailed.

10. Appeal decision final. The appeal decision of the review body is final and may not be appealed to another review body within the City.

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 is in the EG1, EG2, or an I zone, or if it 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 is in the EG1, EG2, or an I zone, or if it 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. If the proposed development is in the EG1, EG2, or an I zone, it is exempt from the neighborhood contact requirements.

C. Application. The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review.

D. Processing time. Upon determining that the application is complete, the Director of BDS will schedule a public hearing to take place within 51 days. The applicant may extend the time limit.

E. Notice of a request.

1. Mailed notice. At least 20 days before the scheduled hearing, the Director of BDS will mail a notice of the request to the regional transit agency, Metro, the Oregon Department of Transportation, the owner, the applicant if different, all property owners within 400 feet of the site when inside the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the lot is located, and to all recognized organizations within 1,000 feet of the lot. See 33.730.070 D, Type III and Type IV notice of request.

2. Posting notice on the site. The applicant must place a public notice about the request on the site. The posting must meet the standards of 33.730.080 below.

F. Decision by review body if site is in City of Portland.

1. BDS recommendation. The Director of BDS will prepare a report with recommendations, and file the report with the review body and make the report available to the public at least 10 days prior to the hearing. A copy will be mailed to the applicant and to any recognized organizations whose boundaries include the site.

2. Public hearing. The public hearing will be conducted by the assigned review body. It will be held in accordance with the requirements of 33.730.100, Public Hearing Requirements.

3. Review body decision. The review body may adopt the Director of BDS's report and recommendation, modify it, or reject it based on information presented at the hearing and in the record.

   a. Hearings Officer.

      (1) Generally. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 17 days of the close of the record;

      (2) Comprehensive Plan Map Amendments. For Comprehensive Plan Map Amendments and land use reviews processed concurrently with Comprehensive Plan Map Amendments, the Hearings Officer will make a written recommendation in the form of a report to City Council and mail notice of the recommendation within 30 days of the close of the record.

   b. Other review bodies. Other review bodies will make all deliberations and decisions at the hearing.

4. Amended decision report. If the review body modifies or rejects the Director of BDS's report, an amended report with findings supporting the decision will be prepared. For review bodies other than the Hearings Officer, the Director of BDS will prepare the amended decision report and mail notice of the decision within 17 days of the close of the record. The report must comply with 33.730.090, Reports and Record Keeping.

5. Mailed notice of decision (pending appeal). When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies,

the Director of BDS will mail notice of the decision. Within 17 days of the close of the record, or within 30 days for Comprehensive Plan Map Amendments and land use reviews processed concurrently with Comprehensive Plan Map Amendments, the Hearings Officer or Director of BDS will mail notice of the review body's decision (pending appeal) to the owner, the applicant if different, and all recognized organizations or persons who responded in writing to the notice of the request, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070.G, Notice of Type II, Type IIx or Type III decision (pending appeal).

G. Ability to appeal. The review body's decision is final unless appealed. The decision may be appealed by the applicant, the owner, and those who have testified orally or in writing at the hearing, provided that the testimony was directed to a specific approval criterion. The appeal must be submitted to the Director of BDS within 14 days of the day the notice of decision is mailed. The review body for the appeal will be the City Council.

H. When no appeal is filed. If no one appeals the decision, the decision is final and effective on the day after the last day to appeal.

I. When an appeal is filed. Appeals must comply with this subsection.

1. Content of the appeal. The appeal must be submitted on forms provided by the Director of BDS. All information requested on the form must be submitted in order for the appeal form to be accepted. The appeal request must include:
   - The file number and land use review(s) appealed;
   - The appellant's name, address, signature, phone number, and relationship to the land use action;
   - A statement of which sections of the Zoning Code or which approval criteria the decision violates; and
   - The required fee.
2. Mailed notice of the appeal hearing. The Director of BDS will mail a copy of the appeal within 3 working days of its receipt to the applicant, unless the applicant is also the appellant, and the owner. Within 5 working days of the receipt of the appeal, the Director of BDS will mail a notice of the appeal hearing to the owner, the applicant if different, the review body, and all persons and recognized organizations that received the notice of the decision. See 33.730.070.H, Notice of a Type II, Type IIx, or Type III appeal hearing. No notice of the appeal hearing is required to be posted on the site.
3. Scheduling of hearing. The City Auditor will schedule a public hearing to take place at least 21 days from the mailing of the notice of appeal.
4. Submit report to City Council. The Director of BDS will forward the appeal as filed, the review body's decision report, and a transcript if requested and paid for, to City Council at least 7 days prior to the date of the hearing.
5. Appeal hearing. Appeal hearings must comply with the provisions of 33.730.100, Public Hearing Requirements, and 33.730.110, Ex Parte Contact. Appeals heard by City

Council may be heard "on the record" and must also conform to any rules of procedure adopted by Council for their use. The Director of BDS will represent the review body in appeals heard by City Council.

6. Appeal decision and findings.

   a. The City Council may adopt the review body's decision report, modify it, or reject it based on information presented at the hearing and in the record. If City Council modifies or rejects the decision report, an amended report with findings supporting the decision must be prepared as provided in Subparagraph b. below. The report must comply with 33.730.090, Reports and Record Keeping.

   b. The Council may make a tentative action and direct that proposed findings and a decision be prepared. If the prevailing party is represented by a land use professional or attorney, the prevailing party must provide findings and conclusions to support the Council's decision. If the prevailing party is not represented by a planning professional or attorney, the Director of BDS will provide findings and conclusions to support the Council's decision. Prior to final Council adoption, all findings must be reviewed and approved by the City Attorney. The findings and decision must be adopted by Council vote. An additional public hearing is not required if the vote is at a subsequent public meeting. City Council decisions are in the form of an Order of the Council except when an ordinance is required due to the type of land use request (Comprehensive Plan Map amendments or Statewide Planning Goal exceptions). In these instances, the ordinance serves in lieu of the Order of Council.

7. Notice of the final decision. Within 5 days of final Council action, the City Auditor will mail the notice of final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070 I, Notice of final decision.

8. Date that decision is final and effective. The decision of City Council is final and effective on the day notice of decision is mailed by the City Auditor.

9. Appeal decision final. The appeal decision of City Council is final and may not be appealed to another review body in the City.

J. Decision by review body if site is not in City of Portland.

1. BDS recommendation. The Director of BDS will prepare a report with recommendations, and file the report with the review body and make the report available to the public at least 10 days prior to the hearing. A copy will be mailed to the owner, the applicant if different and to any recognized organizations whose boundaries include the site.

2. Public hearing. The public hearing will be conducted by the assigned review body. It will be held in accordance with the requirements of 33.730.100, Public Hearing Requirements.

3. Review body decision. The review body may adopt the Director of BDS's report and recommendation, modify it, or reject it based on information presented at the hearing and in the record.

   a. Hearings Officer.

      (1) Generally. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 17 days of the close of the record;

      (2) Comprehensive Plan Map Amendments. For Comprehensive Plan Map Amendments and land use reviews processed concurrently with Comprehensive Plan Map Amendments, the Hearings Officer will make a written recommendation in the form of a report to City Council and mail notice of the recommendation within 30 days of the close of the record.

   b. Other review bodies. Other review bodies will make all deliberations and decisions at the hearing.

4. Amended decision report. If the review body modifies or rejects the Director of BDS's report, an amended report with findings supporting the decision will be prepared. For review bodies other than the Hearings Officer, the Director of BDS will prepare the amended decision report and mail notice of the decision within 17 days of the close of the record. The report must comply with 33.730.090, Reports and Record Keeping.

5. Notice of final decision. When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies, the Director of BDS will mail notice of the decision. Within 17 days of the close of the record, or within 30 days for Comprehensive Plan Map Amendments and land use reviews processed concurrently with Comprehensive Plan Map Amendments, the Hearings Officer or Director of BDS will mail notice of the review body's final decision to the applicant, owner, and to any recognized organizations or persons who commented in writing, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070.I, Notice of final decision.

6. Effective date of decision. The review body's decision takes effect on the day the notice is mailed.

7. Decision final. The decision of the review body is final and may not be appealed to another review body within the City.

33.730.031 Type IV Procedure

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

B. Application. The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review.

C. Processing time. Upon determining that the application is complete, the Director of BDS will schedule a public hearing to take place within 71 days. The applicant may extend the time limit.

D. Notice of a request.

1. Mailed notice. At least 20 days before the scheduled hearing, the Director of BDS will mail a notice of the request to the regional transit agency, Metro, the Oregon Department of Transportation, the owner, the applicant if different, all property owners within 400 feet of the site when inside the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the lot is located, and to all recognized organizations within 1,000 feet of the lot. See 33.730.070.D, Type III and IV notice of request.

2. Posting notice on the site. The applicant must place a public notice about the request on the site. The posting must meet the standards of 33.730.080, below.

E. Advice from Historic Landmarks Commission. BDS staff will ask the Historic Landmarks Commission to review the proposal at a public meeting where members of the public may comment. The Historic Landmarks Commission may offer comments or suggestions, in the form of a letter or testimony, to the review body. Such comments or suggestions are advisory to the review body and are not a land use decision. In addition to any comments or suggestions, the Historic Landmarks Commission will forward to the review body tapes or transcripts of any public meetings at which the Historic Landmarks Commission reviewed the proposal, and any correspondence or other documents received at such meetings.

F. Decision by review body.

1. BDS recommendation. The Director of BDS will prepare a report with recommendations, and file the report with the review body and make the report available to the public at least 10 days prior to the hearing. A copy will be mailed to the owner, the applicant if different, and to any recognized organizations whose boundaries include the site.

2. Public hearing. The public hearing will be conducted by the assigned review body. It will be held in accordance with the requirements of 33.730.100, Public Hearing Requirements.

3. Review body decision.

   a. The review body may adopt the Director of BDS' report and recommendation, modify it, or reject it based on information presented at the hearing and in the record. If the review body modifies or rejects the report and recommendation, an amended report with findings supporting the decision must be prepared as provided in Subparagraph b., below. The report must comply with 33.730.090, Reports and Record Keeping.

   b. The review body may make a tentative action and direct that proposed findings and a decision be prepared. If the prevailing party is represented by a land use professional or attorney, the prevailing party must provide findings and

conclusions to support the review body's decision. If the prevailing party is not represented by a planning professional or attorney, the Director of BDS will provide findings and conclusions to support the review body's decision. Prior to final adoption, all findings must be reviewed and approved by the City Attorney. The findings and decision must be adopted by review body vote. An additional public hearing is not required if the vote is at a subsequent public meeting.

4. Notice of the final decision. Within 5 days of final review body action, the City Auditor will mail the notice of final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070.I, Notice of final decision.

5. Date that decision is final and effective. The decision of the review body is final and effective on the day the notice of decision is mailed by the City Auditor.

6. Decision final. The decision of the review body is final and may not be appealed to another review body within the City.

33.730.040 Final Council Action Required
In the case of certain quasi-judicial land use reviews, such as Comprehensive Plan Map amendments and Statewide Planning Goal exceptions, final City Council action is required in addition to the normal Type III procedure. In these cases, the initial processing of the land use review is the same except the decision of the initial review body becomes a recommendation to Council. The post-acknowledgment procedures required by ORS 197.610 through 197.650 are followed, and the case is scheduled for a public hearing before City Council. The 120-day review period required by ORS 227.178(1) does not apply to Comprehensive Plan Map amendments, including Statewide Planning Goal Exceptions, or to land use reviews processed concurrently with Comprehensive Plan Map amendments.

General Information on Procedures

33.730.042 Concurrent Reviews
The following regulations apply to applications for more than one land use review on a site:

A. Applications for more than one land use review on a site may be consolidated into a single application package;

B. When more than one review is requested and the reviews have different procedures, the overall application is processed using the highest procedure type. A Type III procedure is the highest, followed by Type IIx, Type II, Type Ix and then Type I;

C. When three or more different kinds of land use reviews are requested, and at least three of the land use reviews are assigned to a Type II procedure, the overall application is processed using the Type IIx procedure, unless any of the reviews are assigned to a Type III procedure. If any of the reviews are assigned to a Type III procedure the overall application is processed using the Type III procedure.

D. When more than one review is requested and any of the reviews are assigned to a Type IV procedure, the reviews not subject to the Type IV procedure are reviewed as specified in Subsections B and C. The review subject to the Type IV procedure is reviewed under the provisions of 33.730.031.

E. When a land division proposal requires an adjustment, the adjustment must be processed concurrently with the land division.

33.730.050 Pre-Application Conference

A. **Purpose.** The pre-application conference informs the applicant of the substantive and procedural requirements of this Title, provides for an exchange of information regarding applicable requirements of other City Codes, and identifies policies and regulations that create opportunities or pose significant problems for a proposal. Technical and design assistance is available at the conference which will aid in the development of an application. The pre-application conference also informs recognized organizations about the proposal and promotes communication between the organizations and the applicant.

B. **Requirements.** Forms for pre-application conferences are available from the Director of BDS. A fee is required and must be paid at the time the request for a pre-application conference is submitted. The applicant must submit a written proposal or sketched site plan of the proposal. A pre-application conference must be held within 42 days of receipt of a completed request form.

C. **Participants.** The applicant meets with BDS staff at the pre-application conference. In addition, City urban service or technical representatives and representatives of affected recognized organizations are invited to attend.

D. **Pre-application conference recommendations.** The BDS staff will mail the applicant a written summary of the pre-application conference within 21 days of the conference. The written summary will include suggestions and information that were raised at the conference for inclusion in an application. If the approval criteria for the land use review involve a determination of adequacy of the transportation system, the Office of Transportation may require a Transportation Impact Study to be submitted with the land use application.

E. **Pre-application conference prior to application submittal.** Application for a land use review may not be submitted before the required pre-application conference is held. This allows information obtained at the conference to be incorporated in the application submittal.

F. **Other pre-application advice.** An applicant may request advice from the Design Commission or Historical Landmarks Commission prior to submitting a land use request that would be heard by these commissions. These requests are known as "design advice requests". These requests do not substitute for a required pre-application conference with the BDS staff and other City urban service or technical representatives. A fee is charged for design advice requests as stated in the Fee Schedule.

G. **Time limit.** A pre-application conference is valid for two years. If more than two years have elapsed between the date of the pre-application conference and the date the land use review application is submitted, a new pre-application conference is required.

33.730.060 Application Requirements

A. Check for complete application.

1. Initial check. An applicant must submit a request for a land use review on the appropriate forms supplied by the Director of BDS. The Director of BDS will review the application for completeness.

2. Incomplete applications. If the Director of BDS finds that the application is not complete, the following procedures apply:

   a. The Director of BDS must notify the applicant of any missing information or materials within 14 days from the date of original submittal for Type I and Type II land use review procedures, and within 21 days from the date of original submittal for all other land use review procedures;

   b. The applicant has 180 days from the date of original submittal to provide the missing information or material;

   c. The application will be determined complete on the date the Director of BDS receives one of the following responses from the applicant:

      (1) All of the missing information;

      (2) Some of the missing information and written notice from the applicant that no other information will be provided; or

      (3) Written notice from the applicant that none of the missing information will be provided.

   d. If none of the responses listed above in A.2.c are received within 180 days of the date of the original submittal, the application will be voided on the 181st day. The City will not refund the filing fee.

3. The 120 day limit. The 120 day processing time limit required by ORS 227.178 will begin on the day the application is determined to be complete.

B. Changes to applications. Any changes to the application which substantially alter the request must be made at least 10 days before notice of the request is mailed.

C. Required information for land use reviews except land divisions. Unless stated elsewhere in this Title, a complete application for all land use reviews except land divisions consists of all of the materials listed in this Subsection. The Director of BDS may waive items listed if they are not applicable to the specific review. The applicant is responsible for the accuracy of all information submitted with the request.

1. Two copies of the completed application form bearing an accurate legal description, tax account number(s) and location of the property. The application must include the name, address, and telephone number of the applicant, the name and addresses of all property owners if different, the signature of the applicant, and the nature of the applicant's interest in the property.

2. One copy of a written statement that includes the following items:
   - A complete list of all land use reviews requested;
   - A complete description of the proposal including existing and proposed use(s) or change(s) to the site or building(s);
   - A description of how all approval criteria for the land use review(s) are met. As an alternative and where appropriate, this information may be placed on the site plan; and
   - Additional information needed to understand the proposal, or requested at the pre-application conference, if applicable.
3. Four copies of a site or development plan. At least one complete copy must be 8-1/2 inches by 11 inches, suitable for photocopy reproduction. The site or development plan must be drawn accurately to scale and must show the following existing and proposed information:
   - All property lines with dimensions and total lot area;
   - North arrow and scale of drawing;
   - Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;
   - Existing natural features such as watercourses including the ordinary high water line and top of the bank;
   - The location, size, and species of all trees 6 inches and larger in diameter. On sites where the development impact area option for large sites in Chapter 11.50 will be used, only trees within that area must be shown;
   - Trees proposed to be preserved, including protection methods meeting the requirements of Chapter 11.60, and trees proposed to be removed;
   - Easements and on-site utilities;
   - Existing and proposed development with all dimensions;
   - Building elevations;
   - Location of adjacent buildings;
   - Distances of all existing and proposed development to property lines;
   - Types and location of vegetation, street trees, screening, fencing, and building materials;
   - Percentage of the site proposed for building coverage, and landscaping coverage;
   - Motor vehicle and pedestrian access and circulation systems, including connections off-site;
   - Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas;
   - Bus routes, stops, pullouts or other transit facilities on or within 100 feet of the site; and
   - Additional requirements of the specified land use review.

4. In the case of a land use review that requires a pre-application conference, a copy of the completed pre-application conference summary or proof of participation, if available.

5. A transportation impact study, if required by the Office of Transportation at a pre-application conference.

6. In the case of a zone change within the boundaries of a school district that has an adopted school district facility plan that has been acknowledged by the City, the application must include verification from the school district that there is adequate enrollment capacity to serve the zone change site.

D. Required information for land divisions. Unless stated elsewhere in this Title, a complete application for a land division consists of the materials listed below. The Director of BDS may waive items listed if they are not applicable to the specific review. The applicant is responsible for the accuracy of all information submitted with the request. At least one copy of each plan/map submitted with the application must be 8 ½ by 11 inches in size, and be suitable for reproduction.

1. Preliminary Plan for all sites except those taking advantage of Chapter 33.664, Review of Large Sites in I Zones. An application for Preliminary Plan for all sites except those taking advantage of Chapter 33.644, Review of Large Sites in I Zones, must include all of the following:

   a. Application form. Three copies of the completed application form bearing an accurate legal description, tax account numbers and location of the site. The application must include the name, address, telephone number, and signature of the applicant and all property owners, and the nature of the applicant's interest in the site;

   b. Written statement. Two copies of a written statement that includes the following:

      - A complete list of all land use reviews requested;
      - A complete description of the proposal including site layout and circulation, natural features, existing and proposed development and uses, and changes to the site or existing buildings;
      - A description of how all approval criteria are met for the land division and any concurrent land use reviews;
      - Additional information needed to understand the proposal, or requested at the pre-application conference;
      - Names and address of land division designer or engineer and surveyor;
      - Proposed maintenance agreements or Conditions, Covenants and Restrictions; and
      - If Preliminary Plan phasing is proposed, a description and timeline of each phase and timing of associated improvements;
      - If more than 3 lots are proposed, the proposed name of land division;
      - Proposed names of all streets;

- A description of the type and location of any known potential geologic hazards such as liquefaction hazards, seismic hazards and faults, landfills, contamination; and
- A description of past uses on the site that may affect the suitability of the site for development, such as industrial uses, landfills, railroad yards, mining, and Quick Vehicle Servicing;

c. Vicinity map. Three copies of a vicinity map. The map must cover an area extending at least 800 feet in each direction from the land division site, and show the following existing conditions for both the site and the vicinity:

- Zoning and Comprehensive Plan designations;
- Streets;
- Transit, pedestrian, and bicycle facilities and connections; and
- Water bodies, wetlands, special flood hazard areas, floodways, and potential landslide hazard areas; and
- Location of utilities and services;

d. Copies of the proposed land division, drawn to scale and of a format, material, and number acceptable to the Director of BDS. The required information may be grouped on several maps. The location of items not required to be surveyed must be accurately shown on the maps. The proposed land division maps must include the following information:

(1) Base map. The following information must be on all maps:

Surveyed information:

- Boundary lines of the site with dimensions and total site area;
- North arrow and scale of map;
- Identification as the Preliminary Plan Map
- Stamp of surveyor; and
- If more than 3 lots are proposed, the proposed name of land division;

Additional information:

- Proposed lot layout with sizes, dimensions, and lot numbers;
- Proposed tract layout with sizes, dimensions, purpose, and name;
- Proposed layout and widths of all rights-of-way including dimensioning and roadway width;
- Dimensions of proposed right-of-way dedications, including those to be added to existing rights-of-way; and
- Proposed location, dimensions, and purpose of all easements;

(2) Existing conditions map. The following existing site conditions must be shown:

Surveyed information:

- Ground elevations shown by contour lines at 5-foot vertical intervals for slopes greater than 10 percent, and at 2-foot vertical intervals for ground slopes of 10 percent or less;

- Existing development, including dimensions and distances to property lines. Structures and facilities to remain must be identified;
- All trees completely or partially on the site that are 6 inches or more in diameter. Trees more than 25 feet inside a tract within which all trees will be preserved do not have to be surveyed. On sites where the proposal is to preserve tree canopy under Option 5 or 6 of the Tree Preservation Standards in 33.630.100.A.5 or 6, the trees do not have to be surveyed;
- Location and dimensions of existing driveways, curb cuts, and sidewalks on and abutting the site;
- Seeps and springs, wetlands, watercourses, and all water bodies including the ordinary high water line and top of bank; if there is a seep or spring on the site, a wetland delineation is required to determine the edge of the seep or spring. This delineation must be performed by an environmental scientist;
- The centerline of existing drainageways, including ditches, swales, and other areas subject to wet weather inundation; and
- Location of flood hazard areas, including elevations of the special flood hazard area and floodway boundaries. Sites that contain a water body not shown on the special flood hazard area maps must identify the location of the special flood hazard areas;

Additional information:

- Zoning and Comprehensive Plan designations; and
- Location, dimensions, and purpose of existing easements on and abutting the site;

(3) Proposed improvements map. The following proposed improvements must be shown:

- Enough information to determine that minimum lot width requirements are met for each proposed lot including footprint of structures and locations of driveways if necessary;
- Distances of all known proposed development to proposed lot lines;
- Proposed pedestrian connections;
- If proposed lots are within a special flood hazard area or landslide hazard area, proposed building locations, and
- If Preliminary Plan phasing is proposed; boundaries of sequence of the proposed phasing.
- Existing and proposed services and utilities; and
- Preliminary Stormwater Plan that meets the requirements of the Stormwater Management Manual and the BES Sewer Design Manual. This plan must show the capacity, type, and location, as well as the land area required, of the stormwater management system and stormwater disposal facilities proposed. The plan must also provide information on the feasibility of the stormwater management system being proposed;

(4) Preliminary Clearing and Grading Plan. A Preliminary Clearing and Grading Plan that identifies all areas of clearing and grading. The plan must show the following:

- Existing contours and drainage patterns;
- Existing drainageways, wetlands, streams, seeps and springs, and other water bodies;
- Existing trees and vegetation;
- Areas of the site where fill has been placed;
- Boundaries of Environmental Overlay Zones;
- Proposed areas of clearing and grading, including grading and clearing for:
  - Rights-of-way;
  - Services and utilities; and
  - Structures, such as retaining walls, necessary for the construction of these elements. Proposed areas of clearing and grading for individual lots and tracts may also be shown;
- Proposed contours within areas to be cleared and graded;
- Proposed stormwater and sedimentation control devices to be used during construction;
- Proposed stockpile areas;
- Proposed trees and vegetation to be preserved;
- Proposed location and material of construction fencing for proposed tree preservation tract;
- Proposed location and material of construction fence;
- Proposed amount (cubic yards) of soil to be disturbed; and
- Proposed structures necessary to construct streets or pedestrian connections;

e. Tree information, as follows:

(1) Existing tree map and preservation plan showing the following:

- Existing and proposed lots, tracts, rights-of-way, and utilities;
- Surveyed location of all trees completely or partially on the site required to be surveyed by D.1.d(2);
- The location, species and size of trees located in adjacent rights-of-way;
- The approximate location, species, and size of trees on adjacent sites, within 15 feet of proposed or future disturbance areas;
- Heritage trees on or adjacent to the site;
- Tree numbers corresponding to the arborist report;
- Location, type, and size of trees to be removed;
- Location, type, and size of trees to be preserved and tree protection meeting the requirements of Chapter 11.60, Technical Specification; and
- Existing and proposed tree preservation tracts.

(2) Tree planting information, including:
- Conceptual planting plan showing general area where trees will be planted on the lots as mitigation and/or to satisfy the tree density standards of Chapter 11.50, Trees in Development Situations;
- A preliminary street tree planting plan; and

(3) A written statement describing how the requirements of Chapter 33.630, Tree Preservation, are met; and

(4) A written report prepared by an arborist that includes the following:
- Trees located on the development site. The information listed below must be provided for all trees required to be shown on the existing tree map, as described in e(1) above. Trees must be numbered consistent with the tree survey:
  - Evaluation of tree health and condition;
  - Identification of tree groves and Heritage Trees;
  - Identification of nuisance, dead, dying, and dangerous trees;
  - Evaluation of the suitability of each tree for preservation based on proposed or future development on the site, including consideration of grading and utility plans;
  - Identification of trees to be preserved and trees to be removed;
  - Root protection zone and tree protection methods specified for each tree to be preserved, as required by Chapter 11.60, Technical Specifications;
  - A discussion of activities that will be prohibited within root protection zones during construction, and any other relevant construction management needs; and
  - Recommendations for short or long-term tree care.
- Trees in adjacent rights-of-way or on adjacent sites. Trees on adjacent rights-of-way or on adjacent sites that may be affected by the proposed or future development on the land division or planned development site must be identified. Recommendations for tree protection and methods to limit impacts on adjacent trees must be included in the arborist report.

f. Landslide Hazard Study. If any part of the site is in a potential landslide hazard area as shown on the City's Potential Landslide Hazard Areas Map the application must include a Landslide Hazard Study prepared by a Certified Engineering Geologist and a Geotechnical Engineer. The Landslide Hazard Study must identify landslide hazard areas within the site and identify the part or parts of the site suitable for development in terms of the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site. The Landslide Hazard Study should make recommendations for the layout and design of the land division and development. The study must provide adequate detail to show the design of all proposed structures and improvements, and must include a statement of on-site slope stability after the proposed development is complete. The study must also include a statement of the estimated effect of the developments on stormwater and groundwater runoff as it relates to slope

stability and landslide hazard, and a proposed method of control.

The study may also include

- Review of aerial photography including stereo views;
- Review of geologic literature or previous reports;
- Site reconnaissance including mapping of observable geologic features or hazards;
- Field explorations as necessary; and
- Laboratory testing;

g. Final Plat staging. When the Final Plat for a land division is to be submitted in stages, the application must include the number of stages, the areas each stage includes, and the sequence and time schedule for application for Final Plat approval of the various stages.

h. Neighborhood Contact letters. Two copies of letters required by Section 33.700.025, Neighborhood Contact;

i. Pre-application conference summary. In the case of a land division that requires a pre-application conference, two copies of the completed pre-application conference summary or proof of participation;

j. Transportation Impact Study. Three copies of the Transportation Impact Study, if required; and

k. When the land division site is within the boundaries of a school district that has an adopted school district facility plan that has been acknowledged by the City, and the land division will create eleven or more lots, the application must include verification from the school district that there is adequate enrollment capacity to serve the development site.

2. Preliminary Plan for Land Divisions on Large Sites in I Zones. An application for a Preliminary Plan taking advantage of Chapter 33.664, Land Divisions on Large Sites in Industrial Zones, must include all the elements listed in Paragraph D.1., above, except the lot and proposed building locations. Block pattern layout with dimensions and areas and all required tracts must be shown.

3. Final Plat. An application for a Final Plat must include all of the following:

a. Final Plat Survey. Copies of a Final Plat survey drawn to scale and of a format, material, and number acceptable to the Director of BDS. The following information must be on the Final Plat survey:

- The statement: “This plat is subject to the conditions of City of Portland Case File No. LUR…”; and
- Easements and tracts, including their purpose;

b. Supplemental plan. A supplemental plan, the number determined by the Director of BDS and that uses the Final Plat survey map as a base map. The supplemental plan must show how all conditions of approval that may restrict the use of all or part of the land division site are met. Such restrictions include special

development standards such as special setbacks, lot coverage limitations, impervious surface limitations, access restrictions, restrictive building areas, and approved minimum or maximum densities;

c. Compliance with conditions of approval. Documentation of compliance with all conditions of the Preliminary Plan approval, including all supporting documents or drawings required by conditions of approval such as development envelopes, final tree preservation plans, mitigation plans, and final landscape / planting plans;

d. Maintenance agreements and CC&Rs. Three copies of each required maintenance agreement or Conditions, Covenants and Restrictions;

e. Performance Guarantees. One copy of each Performance Guarantee;

f. Title report. Current title report issued by a title insurance company verifying ownership and detailing any deed restrictions;

g. Service bureau requirements. Documentation of submittal of all service bureau requirements, including water system plans, final street construction plans, final sewer and storm water plans, construction management plans, final clearing and grading plans; and

h. Fees. The applicable filing fees.

4. Final Plat for Land Divisions on Large Sites in Industrial Zones. An application for a Final Plat taking advantage of Chapter 33.664, Land Divisions on large Sites in Industrial Zones, must include all the elements listed in Paragraph D.3., above, for the area being platted. The application must also include enough information for the balance of the site to show how the approval criteria will be met.

33.730.070 Written Notice Requirements

A. General information on notices. The following applies to all notices.

1. Addresses and mailing. Mailing addresses of property owners will be obtained from the latest available county real property tax records. Unless the Director of BDS or City Auditor has received a written request for notice, a person whose name and address does not appear in the tax records will not be mailed notice. The recognized organization address is the address on the most recent list published by the Office of Neighborhood Involvement.

2. The failure of a property owner to receive notice does not invalidate the land use action if the notice was sent.

3. Measurement of notice area. Measurement of the required notice area is made by drawing lines the specified distance, including intervening street widths, from and parallel to the boundary lines of the ownership that includes the lot. If the notice area includes public lands other than right-of-ways that do not exceed 200 feet in depth, the first nonpublic properties in the given direction are included in the notice.

B. Type I and Type Ix notice of request. The notice of request, when processed through a Type I or Type Ix procedure, will contain at least the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site;
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal which could be authorized;
- An explanation of the local decision-making process for the decision being made;
- A list, by commonly used citation, of the applicable criteria for the decision;
- An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;
- A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised prior to expiration of the comment period;
- A statement that issues must be raised with sufficient specificity to afford the Director of BDS an opportunity to respond to the issues;
- A statement that copies of all evidence submitted by the applicant is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies; and
- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.

C. Type II and Type IIx notice of request. The notice of request, when processed through a Type II procedure and Type IIx procedure, will contain at least the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site.
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal which could be authorized;
- An explanation of the local decision-making process for the decision being made;
- A list, by commonly used citation, of the applicable criteria for the decision;
- An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;

- A statement that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals (LUBA) must be raised prior to expiration of the comment period or prior to the conclusion of the final hearing if a local appeal is requested;
- A statement that issues must be raised with sufficient specificity to afford the review body an opportunity to respond to the issue;
- A statement that all evidence on the matter is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies: and
- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.

D. Type III and Type IV notice of request and hearing. The notice of request and hearing, when processed through a Type III and Type IV procedure, will contain at least the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site.
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal and the proposed use or uses which could be authorized;
- The land use reviews requested and other land use reviews which may be considered as an option;
- An explanation of the local decision-making process for the decision being made;
- The applicable comprehensive plan and code approval criteria;
- The date, time and location of the hearing;
- A general explanation of the requirements for submission of written and oral testimony and the procedure for conduct of the hearing;
- A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in person or by letter prior to the close of the record at or following the final evidentiary hearing;
- A statement that issues must be raised with sufficient specificity to afford the review body an opportunity to respond to the issues;
- A statement that a copy of the application, all evidence on the matter submitted by the applicant, and applicable criteria are available for review at no cost, and that copies can be obtained for a fee equal to the City's cost for such services;
- A statement that a copy of the Director of BDS's report will be made available at least 10 days before the hearing; and
- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.

E. Notice of deferral. If written or oral notice of the rescheduling of a hearing is provided during the originally scheduled hearing, no additional notice is required. The hearing must be rescheduled to a specific time and place. If notice of deferral was not made at the hearing, then re-notification is required.

F. Type I, Type Ix and Type IV notice of decision. The notice of decision must include the following:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site;
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal, including proposed uses and land use reviews;
- A description of the review body decision, the decision date, and filing date; and
- A statement that the decision is final, but may be appealed to the Land Use Board of Appeals (LUBA) as specified in ORS 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA have appeared during the local proceedings (orally or in writing), and file a notice of intent to appeal with LUBA within 21 days after the decision becomes final.

G. Notice of Type II, Type IIx, or Type III decision (pending appeal). The notice of Type II, Type IIx, or Type III decision (pending appeal) will describe the land use request and decision. The notice will include the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site;
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal, including proposed uses and land use reviews;
- An explanation of the local decision-making process for the decision being made;
- A summary of the applicable approval criteria;
- The review body's decision, the decision date, and the filing date;
- A statement that the decision is final unless appealed;
- A description of the appeal process, time frame, the review body, and the fee for an appeal; and

- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.

H. Notice of a Type II, Type IIx, or Type III appeal hearing. If a local appeal of a Type II or Type IIx administrative or Type III decision is filed, the notice of appeal hearing will be provided in the same manner as set forth in 33.730.070.D for a Type III notice of request and hearing.

I. Notice of final Type II, Type IIx, or Type III decision following appeal. Where a Type II, Type IIx, or Type III decision is appealed, a subsequent review body decision is made, and no further local appeal is available, a notice of final decision will be sent, containing the following information:

- The file number;
- The name and address of the applicant, owner, and appellant (if different);
- The legal description of the site;
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal, including proposed uses and land use reviews;
- A description of the review body decision, the decision date, and filing date; and
- A statement that the decision is final, but may be appealed to the Land Use Board of Appeals (LUBA) as specified in ORS 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA have appeared during the local proceedings (orally or in writing), and file a notice of intent to appeal with LUBA within 21 days after the decision becomes final.

33.730.080 Posting Requirements

Posting of notice on the site is required for land use applications processed through a Type III or Type IV procedure. The requirements for the posting of notice are stated below.

A. Number and location on the site. A posted notice must be placed on each street frontage of the site. If a street frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. Notices are not required along street frontages that are not improved and allow no motor vehicle access.

B. Placing notice. When BDS sends a confirmation of a complete application to the applicant, it will also send the following material regarding the posting notice:

- The message that must be placed on the notice;
- The number of notices required;
- The latest date that the notice may be posted; and

- A statement (to be signed and returned) to certify that the notice was posted on the site, and that a failure to post the notice constitutes an agreement by the owner to defer the 120 day process limit, and an acknowledgment that failure to post will result in the automatic postponement of the hearing date.

C. **Standards and timing.** The applicant must prepare the notice to BDS standards and post it on the site at least 30 days before the first scheduled evidentiary hearing before the Hearings Officer or other assigned review body. At least 14 days before the hearing, the applicant must file with BDS a signed statement affirming that the posting was made. Failure to post the notice and affirm that the posting was done will result in automatic postponement of the hearing until the property has been posted for 30 days.

D. **Removal.** The applicant may not remove the notice before the first evidentiary hearing before the Hearings Officer or other assigned review body. Except when final City Council action is required by section 33.730.040, the applicant must remove the posted notice within 2 weeks of the Hearings Officer's or other assigned review body's decision on the request. When final council action is required by section 33.730.040, the applicant must remove the posted notice within 2 weeks of the City Council's decision on the request.

E. **Content of the notice.** The posted notice must contain the following information:

- The file number;
- The date of the hearing;
- A summary of the key items of the request;
- A statement that further information is available from BDS; and,
- The phone number and address of BDS.

33.730.090 Reports and Record Keeping

Required reports and records must contain the information stated below.

A. **Decisions.** Decisions include any conditions, time limits, or other restrictions that may apply to the land use action.

B. **Reports.** Reports must include:

- The file number;
- The owner's and applicant's name and address;
- The legal description and site location;
- A brief description of the request;
- The review body;
- The relevant approval criteria;
- The findings applying the facts to the criteria;
- The decision; and
- Any additional information relevant to the case.

C. **The public record.** The total public record for a case includes, but is not limited to, the application; the decision report; all additional information, correspondence and other

items considered as part of the case which were not printed in the report; and the appeal report if applicable.

33.730.100 Public Hearing Requirements

A. **Rules of Procedure.** All public hearings must conform to the rules of procedure adopted by the review body. The rules of procedure must comply with the Oregon Public Meetings law, statutory land use hearing requirements, and this Title.

B. **Initial hearing statements.** At the beginning of each hearing, the review body must state:

1. That testimony can only address the applicable approval criteria;
2. The applicable approval criteria;
3. That any party can request the record be kept open for 7 days;
4. That any party is entitled to request a continuance if new information is submitted in support of the application; and
5. That in order to be able to appeal an issue to the Land Use Board of Appeals, the issue must be stated clearly and with enough detail for the review body to consider the testimony in making the decision.

C. **Hearing record.** Written minutes must be prepared as required by ORS 192.650. A record of all public hearings must be made and retained in written or electronic form for at least 3 years. If a case is appealed beyond the jurisdiction of the City, the record must be retained until the final disposition of the case. Verbatim transcripts will not be produced unless requested and paid for as provided by Chapter 33.750, Fees.

33.730.110 Ex parte Contact

A. **Private contacts.** Prior to rendering a decision, a member of a review body may not communicate, directly or indirectly, with any person interested in the outcome concerning the decision or action pending before the review body. “Person interested in the outcome” means a person who has some concern, interest in, or relationship to the decision or action pending before the review body. Should such communication occur, at the beginning of the first hearing after which the communication occurs, the member of the review body must:

1. Publicly announce the content of the communication and provide any person an opportunity to rebut the substance of the communication; and
2. If the communication was in written or tangible form, place a copy of the communication into the record.

B. **BDS contact.** The Director of BDS and BDS staff may communicate with applicants, owners, their representatives, citizens, City agencies and other public and private organizations as part of the processing of land use applications.

After the Final Decision

33.730.120 Recording an Approval

To record a final decision for approval, the applicant pays the recording fee to the County Recorder. The County Recorder records the final decision in the appropriate county records. The decision must be recorded before the approved use is permitted, any permits are issued, or any changes to the Comprehensive Plan Map or Zoning Map are made.

33.730.130 Expiration of an Approval

A. Expiration of unused land use approvals issued prior to 1979. All unused land use approvals issued prior to 1979, except for zoning map or Comprehensive Plan map amendments, where the proposed development is not constructed or where a subdivision or partition is not recorded, are void.

B. When approved decisions expire.

1. Land use approvals, except as otherwise specified in this section, expire if:

   a. Generally.

      (1) Within 3 years of the date of the final decision a City permit has not been issued for approved development; or

      (2) Within 3 years of the date of the final decision the approved activity has not commenced.

   b. Exception. Within the City, final decisions that became effective between March 8, 2017 and January 1, 2021 expire if a City permit has not been issued for approved development or the approved activity has not commenced by January 1, 2024. Within the portion of unincorporated Multnomah County that is subject to City zoning, final decisions that became effective between August 10, 2017 and January 1, 2021 expire if a City permit has not been issued for approved development or the approved activity has not commenced by January 1, 2024.

2. Zoning map and Comprehensive Plan map amendments do not expire.

3. Conditional Use Master Plans, Impact Mitigation Plans, and Transportation Impact Reviews expire as specified in Chapters 33.820, 33.848, and 33.852, or in the plans themselves.

4. Multiple developments.

   a. Generally. Where a site has received approval for multiple developments, and a City permit is not issued for all development within 3 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply. Examples of multiple developments include phased development and multi-building proposals.

   b. Exception. Within the City, on sites where the final decisions became effective between March 8, 2017 and January 1, 2021 and a City permit is not issued for all

development by January 1, 2024, the approval does not expire but no additional development may occur without another review. Within the portion of unincorporated Multnomah County that is subject to City zoning, on sites where the final decisions became effective between August 10, 2017 and January 1, 2021 and a City permit is not issued for all development by January 1, 2024, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.

5. Planned Developments. Where a Planned Development (PD) has been approved, and a building permit is not issued for all development within 10 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.

6. Preliminary plans.

   a. Generally. Approved preliminary plans for land divisions expire if within 3 years of the date of the final decision an application for approval of Final Plat has not been submitted.

   b. Exception. On sites where the final decisions became effective between August 10, 2017 and January 1, 2021, and a City permit is not issued for all development by January 1, 2024, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.

7. Final Plats. Final Plats expire if they are not submitted to the County Recorder to be recorded within 90 days of the final decision.

8. Large industrial sites. Where the Preliminary Plan is approved under the provisions of Chapter 33.664, Review of Land Divisions on Large Sites in Industrial Zones, the following applies:

   a. Generally.

      (1) The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.

      (2) Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of final approval of the Preliminary Plan. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.

   b. Exception. Final decisions on preliminary plans that became effective between August 10, 2017 and January 1, 2021 expire if an application for approval of Final Plat has not been submitted by January 1, 2024. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final

Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.

9. Staged Final Plats. Where the Preliminary Plan is approved under the provisions of Sections 33.633.200 through .220, Staged Final Plats, the following applies:

   a. Application for approval of a Final Plat for part or all of the site.

      (1) Generally. The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.

      (2) Exception. Final decisions on preliminary plans that became effective between August 10, 2017 and January 1, 2021 expire if an application for approval of Final Plat has not been submitted by January 1, 2024.

   b. Applications for approval of a Final Plat for the entire site. Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of submittal of the first Final Plat application. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.

10. Land use approvals in conjunction with a land division. Land use approvals reviewed concurrently with a land division do not expire if they meet all of the following. This includes Planned Unit Developments (PUDs) and Planned Developments (PDs) reviewed in conjunction with a land division. This also includes amendments made to land use approvals where the original approval was reviewed concurrently with a land division:

    a. The decision and findings for the land division specify that the land use approval was necessary in order for the land division to be approved;

    b. The final plat of the land division has not expired; and

    c. Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been made within 3 years of approval of the final plat. For final plats approved between August 10, 2017, and January 1, 2021 the improvements must have been made by January 1, 2024.

11. Land use approvals in conjunction with a Planned Unit Development (PUD) or Planned Development (PD). Land use approvals reviewed concurrently with a PUD or PD do not expire if they meet all of the following. If the PUD or PD is as described in Paragraph B.5, the land use approvals reviewed in conjunction with the PUD or PD do not expire, but no additional development may occur without another review.

    Land use approvals reviewed in conjunction with a PUD or PD and a land division are subject to Paragraph B.10 rather than the regulations of this paragraph:

a. The decision and findings for the PUD or PD specify that the land use approval was necessary in order for the PUD or PD to be approved;

b. The PUD or PD has not expired;

c. Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been within 3 years of final approval of the PUD or PD. Within the City limits, for a PUD or PD receiving final approval between March 8, 2017 and January 1, 2021, the improvements must have been made by January 1, 2024. Within the portion of unincorporated Multnomah County that is subject to City zoning, for a PUD or PD receiving final approval between August 10, 2017 and January 1, 2021, the improvements must have been made by January 1, 2024.

12. Expedited Land Divisions. Land Divisions reviewed through the Expedited Land Division procedure in 33.730.013, are subject to the regulations of ORS 197.365 through .375. When the regulations of ORS 197.365 through .375 conflict with the regulations of this section, the regulations in ORS supersede the regulations of this section.

C. Deferral of the expiration period. If a decision is appealed beyond the jurisdiction of the City, the expiration period will not begin until review before the court(s) or administrative agency has been completed, including proceedings on remand to the City. In this case, the expiration period will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

D. Expiration of adjustments approved prior to March 16, 2001. Adjustments to parking lot interior landscaping requirements approved prior to March 16, 2001 became void on March 16, 2001. Parking lot interior landscaping approved through an adjustment prior to March 16, 2001 is nonconforming development.

33.730.140 Requests for Changes to Conditions of Approval

A. Generally. Requests for changes to conditions of approval are processed using the current procedure assigned to the land use review and the current approval criteria for the original land use review, unless this Title specifies another procedure or set of approval criteria. See also Section 33.700.110, Prior Conditions of Land Use Approvals.

B. Zone changes before 1981. In the case of zone change requests filed before January 1, 1981, the Type II procedure applies.

C. Reviews no longer required. In the case of land use reviews that are no longer required by this Title, the most comparable review and procedure applies. For example, for variance requests, the procedures for adjustments apply. See also Section 33.700.110, Prior Conditions of Land Use Approvals.

D. Tree preservation. Where the only requested change is to tree preservation plans or conditions that have not expired, the change may be processed through Tree Review as described in Chapter 33.853.

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 167054, effective 10/25/93; Ord. No. 169324, effective 10/12/95; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176114, effective 1/4/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 182810, effective 5/27/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184235, effective 11/26/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185333, effective 5/16/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 190076, effective 8/10/20.)

33.740 Legislative Procedure

740

Sections:

33.740.010 Purpose
33.740.020 Commission Review
33.740.030 City Council Consideration

33.740.010 Purpose

Legislative actions provide for the establishment and modification of land use plans, policies, regulations, and guidelines. The legislative procedure includes a public hearing by a designated commission. The hearings provide opportunities for public comment and input on actions which may affect large areas of the City.

33.740.020 Commission Review (Amended by Ord. No. 170704, effective 1/1/97.)

A. Hearing required. A Commission must hold at least one public hearing before recommending action on a legislative matter.

B. Public notice for the hearing.

1. Notice area. The notice must be provided to the regional transit agency, Metro, Multnomah County, the Oregon Department of Transportation, the Department of Land Conservation and Development, all recognized organizations within the subject area, all recognized organizations, counties and municipalities within 1000 feet of the subject area, affected bureaus, special service districts, school districts, and interested persons who have requested such notice. Notice must also be published in a recognized newspaper.

2. Notice time frame. The notice must be provided at least 35 days prior to the first public hearing.

3. Notice content. The notice must contain the date, time and location of the first hearing, a summary of the legislative matter subject to the hearing, a map or description of the area affected by the legislative matter, and instructions on how to obtain a copy of the staff proposal and how to testify.

4. More than one Commission or hearing involved. The notice requirements of Paragraph 1. above apply to the initial hearing on the legislative matter, whether it is held by the Planning and Sustainability Commission, Design Commission, or Historical Landmarks Commission. When more than one hearing is held, additional notice will be made as follows:

   a. To a specific time and place. If notice of a subsequent hearing is made at a public hearing on the same legislative matter and the specific time and place of the subsequent hearing are stated, then no additional notice is required.

   b. Undetermined time and place. If a subsequent hearing has not been scheduled at the time of a previous hearing, as provided in Subparagraph a. above, then notice of the subsequent hearing must be mailed to all persons who responded

to the matter in writing, testified at the previous hearing, or have requested such notice. The notice must be mailed at least 14 days before the hearing.

C. **Report.** The Planning and Sustainability Director will prepare a report that includes an evaluation of applicable facts, Comprehensive Plan goals and policies, codes, plans, and any other policies or guidelines, responses, and comments received. The report will also include the Bureau of Planning and Sustainability recommendation. At least 10 days prior to the scheduled hearing, the report and recommendation must be filed with the review body and be made available to the public.

D. **Additional information.** A Commission has the authority to request, receive, and examine additional information.

E. **Commission recommendation and decision.**

1. If a Commission decides that no action is appropriate, the matter is terminated. There is no appeal of the Commission's decision. If the City Council initiated the legislative action, the Commission must submit a report to the City Council on its recommendation not to act.

2. If the last Commission reviewing a legislative action recommends approval, a report and recommendation will be forwarded to City Council.

33.740.030 City Council Consideration

A. **Hearing scheduled.** The City Auditor will schedule a public hearing and the Bureau of Planning and Sustainability will notify the Land Conservation and Development Commission (LCDC), in compliance with the post-acknowledgement procedures of the State.

B. **Notice.** At least 14 days prior to the hearing, the Planning and Sustainability Director will mail notice to all persons who have individually responded to the matter in writing, testified at the previous hearing, or have requested such notice.

C. **Council decision.** At the conclusion of its hearing, the Council may adopt, modify, or give no further consideration to the recommendation. If the decision is to adopt a Code or policy change which was originally authorized by ordinance, the Council must enact its decision by ordinance.

(Amended by: Ord. No. 176469, effective 7/1/02; Ord. No. 188177, effective 5/24/18.)

33.750 Fees

750

Sections:

33.750.010 Purpose
33.750.020 Fee Schedule and Procedures

33.750.010 Purpose

Application fees aid in defraying the City's cost for processing applications. Fees charged are not intended to exceed the average cost for processing the type of review requested.

33.750.020 Fee Schedule and Procedures

Required fees for land use reviews and appeals of land use decisions are stated in the Fee Schedule for Title 33, available at the Development Services Center. Rules and Procedures for the payment of fees, refunds, and waiver of fees are determined by the Director of BDS.

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 164184, effective 7/1/91; Ord. No. 165002, effective 1/23/92; Ord. No. 168113, effective 10/7/94; Ord. No. 169324, effective 10/12/95; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 178657, effective 9/3/04; Ord. No. 179980, effective 4/22/06.)

800s

Land Use Reviews

33.800 General Information on Land Use Reviews

33.805 Adjustments

33.806 Airport Reviews

33.808 Central City Parking Review

33.809 Comprehensive Natural Resource Plans

33.810 Comprehensive Plan Map Amendments

33.815 Conditional Uses

33.820 Conditional Use Master Plans

33.825 Design Review

33.833 Gateway Master Plan Review

33.835 Goal, Policy, and Regulation Amendments

33.840 Greenway Goal Exception

33.846 Historic Resource Reviews

33.848 Impact Mitigation Plans

33.849 Marquam Hill Parking Review

33.850 Statewide Planning Goal Exceptions

33.851 South Waterfront Greenway Review

33.852 Transportation Impact Review

33.853 Tree Review

33.854 Planned Development Review

33.855 Zoning Map Amendments

33.865 River Review

33.800 General Information on Land Use Reviews

800

Sections:

33.800.010 General
33.800.020 Explanation of Discretionary Reviews
33.800.030 Procedures and Review Bodies for Discretionary Reviews
33.800.040 The Land Use Review Chapters
33.800.050 The Function of Approval Criteria
33.800.060 The Burden of Proof
33.800.070 Conditions of Approval
33.800.080 Land Use Reviews Involving Signs

33.800.010 General

The zoning code uses a combination of nondiscretionary and discretionary reviews to evaluate land use proposals for compliance with the use and development requirements of the code. The combination is necessary to provide a comprehensive set of implementation tools. The nondiscretionary reviews provide the certainty needed in most situations by providing straight-forward, clear, and objective standards. Discretionary reviews provide needed flexibility by allowing more subjective standards and objectives, and providing for the modification of regulations in response to specific site conditions. This chapter addresses discretionary reviews. Nondiscretionary reviews are addressed in 33.700.010.

33.800.020 Explanation of Discretionary Reviews

A discretionary review is one that involves judgment or discretion in determining compliance with the approval requirements. The review is discretionary because not all of the approval requirements are objective. That is, they are not easily definable or measurable. The amount of discretion and the potential impact of the request varies among different reviews. Some have less discretion or impact, such as the reduction of a garage setback for a house on a hillside. Others may involve more discretion or potential impacts, such as the design review of a new downtown building or the siting of a new school in a residential zone. Discretionary reviews must provide opportunities for public involvement.

33.800.030 Procedures and Review Bodies for Discretionary Reviews

Procedures are the type of processing a land use case receives. Discretionary reviews are assigned either to a quasi-judicial or legislative procedure. The type of procedure is stated with the review. A description of the procedures are stated in Chapter 33.730, Quasi-Judicial Procedures and Chapter 33.740, Legislative Procedure. The assignment of review bodies is stated in Chapter 33.720, Assignment of Review Bodies. A description of quasi-judicial and legislative decisions is found in 33.700.070. When formulating zoning regulations, the determination of which of the quasi-judicial procedures to assign a review to is based on consideration of the type of approval criteria, the potential impacts, and a balance between the need for prompt decision-making and the need for public involvement.

33.800.040 The Land Use Review Chapters
The land use review chapters state the review process and approval criteria for most of the discretionary reviews. They include the reviews that apply to many zones or situations. Some reviews, which relate only to a specific topic or to a limited area, are located in the chapter on that topic. The information in this chapter applies to all discretionary reviews regardless of where they are located in this Title.

33.800.050 The Function of Approval Criteria

A. The approval criteria that are listed with a specific review reflect the findings that must be made to approve a request. The criteria set the bounds for the issues that must be addressed by the applicant and which may be raised by the City or affected parties. A proposal that complies with all of the criteria will be approved. A proposal that can comply with the criteria with mitigation measures or limitations will be approved with conditions. A proposal that cannot comply with the criteria outright or cannot comply with mitigation measures will be denied.

B. The approval criteria have been derived from and are based on the Comprehensive Plan. Reviews against the goals and policies of the Comprehensive Plan are not required unless specifically stated. Fulfillment of all requirements and approval criteria means the proposal is in conformance with the Comprehensive Plan.

C. When approval criteria refer to the request meeting a specific threshold, such as adequacy of services or no significant detrimental environmental impacts, the review body will consider any proposed improvements, mitigation measures, or limitations proposed as part of the request when reviewing whether the request meets the threshold. All proposed improvements, mitigation measures, and limitations must be submitted for consideration prior to a final decision by a review body.

33.800.060 The Burden of Proof
The burden of proof is on the applicant to show that the approval criteria are met. The burden is not on the City or other parties to show that the criteria have not been met.

33.800.070 Conditions of Approval
The City may attach conditions to the approval of all discretionary reviews. However, conditions may be applied only to ensure that the proposal will conform to the applicable approval criteria for the review or to ensure the enforcement of other City regulations.

33.800.080 Land Use Reviews Involving Signs
The discretionary review processes and approval criteria described in the land use review chapters may also be applied to signs. Signs are regulated under Title 32, Signs and Related Regulations. Modifications may be made to the objective standards of Chapters 32.32 and 32.34 of the Sign Code, as described in the land use review chapters. In addition, conditions of approval may be adopted as part of a land use review which modify the objective standards of Chapters 32.32 and 32.34 of the Sign Code.

(Amended by: Ord. No. 175204, effective 3/1/01; Ord. No. 176469, effective 7/1/02; Ord. No. 179980, effective 4/22/06.)

33.805 Adjustments

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Sections:

33.805.010 Purpose
33.805.020 Procedure
33.805.030 Regulations Which May and May Not Be Adjusted
33.805.040 Approval Criteria

33.805.010 Purpose

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations. They also allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.020 Procedure

Requests for an adjustment are processed through a Type II procedure.

33.805.030 Regulations Which May and May Not Be Adjusted

A. Eligible regulations. Unless listed in Subsection B. below, all regulations in this Title and in Chapters 32.32 and 32.34 of the Sign Code may be modified using the adjustment review process.

B. Ineligible regulations. Adjustments are prohibited for the following items:

1. To allow a primary or accessory use that is not allowed by the regulations;
2. As an exception to any restrictions on uses or development which contain the word "prohibited";
3. As an exception to a threshold for a review. An example is 33.140.100.B.4 in the Employment and Industrial Zones chapter. It states that a single Office use 3,000 square feet or less is allowed by right, but larger ones require a conditional use review. An adjustment could not be granted to allow an Office use of 3,200 square feet; the conditional use review is mandatory;
4. As an exception to a qualifying situation for a regulation, such as zones allowed or items being limited to new development. An example of this is 33.251.030.C, which says that manufactured dwelling parks are allowed only in the RM1 zone. An adjustment could not be granted to allow a manufactured dwelling park in any other R zone;
5. As an exception to a definition or classification. An example is a convenience store, which is defined as being under 4,000 square feet in area, requiring a package store

liquor license, and being open more than 15 hours a day. An adjustment could not be granted to change the amount of square feet, the package store liquor license, or the hours a convenience store is open;

6. As an exception to the procedural steps of a procedure or to change assigned procedures;

7. To allow an increase in density in the RF through RM2 or RMP zones.

33.805.040 Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

B. If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

D. City-designated scenic resources and historic resources are preserved; and

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; or

G. Application of the regulation in question would preclude all reasonable economic use of the site; and

H. Granting the adjustment is the minimum necessary to allow the use of the site; and

I. Any impacts resulting from the adjustment are mitigated to the extent practical.

(Amended by: Ord. No. 167127, effective 12/17/93; Ord. No. 169987, effective 7/1/96; Ord. No. 171740, effective 11/14/97; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 185915, effective 5/1/13; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20.)

33.806 Airport Reviews

806

Sections:

Airport Transportation Impact Analysis Review
33.806.010 Purpose
33.806.020 Procedure
33.806.030 Approval Criteria
Southwest Quadrant Public Services Review
33.806.100 Purpose
33.806.110 Procedure
33.806.120 Approval Criteria

Airport Transportation Impact Analysis Review

33.806.010 Purpose

The Airport Transportation Impact Analysis Review ensures that adequate transportation is available to serve the needs of Portland International Airport as it grows.

33.806.020 Procedure

Airport Transportation Impact Analysis Reviews are processed through a Type III procedure.

33.806.030 Approval Criteria

The proposal will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. The proposal will fully mitigate the impacts of the additional transportation demand identified in the Transportation Impact Analysis; and

B. All prior City Engineer required mitigation projects have been completed.

Southwest Quadrant Public Services Review

33.806.100 Purpose

The Southwest Quadrant Public Services Review ensures that public services are adequate to allow for new development.

33.806.110 Procedure

Southwest Quadrant Public Services Reviews is processed through a Type III procedure.

33.806.120 Approval Criteria

The application for Southwest Quadrant Public Services Review will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. The proposed use is in conformance with the street designations in the Transportation Element of the Comprehensive Plan;

B. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. This evaluation is limited to ensuring that new development meets City requirements for street capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; access restrictions; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and

C. Public services for water supply, police and fire protection are capable of serving the proposed development, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

(Added by Ord. No. 184521, effective 5/13/11.)

33.808 Central City Parking Review

808

Sections:

33.808.010 Purpose
33.808.020 Organization of This Chapter
33.808.040 Review Procedures
33.808.050 Loss of Central City Parking Review Status
33.808.100 Approval Criteria for Central City Parking Review

33.808.010 Purpose

The purpose of Central City Parking Review is to allow for parking that supports Central City development, and is consistent with the goals and policies of the Central City 2035 Plan. The approval criteria ensure that the demand for parking will be managed, and the negative effects of parking minimized, while still providing sufficient parking to meet the goals of the City for the Plan District.

33.808.020 Organization of This Chapter

This chapter contains approval criteria for all Central City Parking Reviews (CCPR). The criteria in Section 33.808.100 apply to all CCPRs.

33.808.040 Review Procedures

A. **Type II.** Except as specified in Subsection B., requests for Central City Parking Review are processed through a Type II procedure.

B. **Type Ix.** Requests for Preservation Parking are processed through a Type Ix procedure.

33.808.050 Loss of Central City Parking Review Status

If the site of a Central City Parking Review is not used for parking for 3 continuous years, the Central City Parking Review rights are lost. Any new parking on the site will be subject to current regulations, and will be reviewed as a new use. Parking spaces in surface parking lots occupied by vending carts are still considered to be parking spaces.

33.808.100 Approval Criteria for Central City Parking Review

The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. The proposal will not by itself, or in combination with other parking facilities in the area, significantly lessen the overall desired character of the area. The desired character of the area is determined by City-adopted area, neighborhood, or development plans; by Comprehensive Plan designations and zoning, and by allowed densities.

B. If the proposal is for Preservation Parking, and the parking is not under the same ownership as the buildings for which the parking is provided, criteria B.1 through B.3, below, apply. If the proposal is to convert Visitor Parking to Preservation Parking, criteria B.1 through B.4, below, apply.

1. The agreements between the garage operator and the owners of the buildings for which the parking is provided are for at least 10 years; and

2. For initial approval, the agreements cover 100 percent of the Preservation Parking.

3. There must be a Parking Management Plan that includes measures to ensure that:

   a. The parking is used primarily for commitments of at least 10 years to buildings that have fewer than 0.7 parking spaces per 1,000 square feet of net building area for commercial uses, 0.5 spaces per dwelling unit for residential uses, and 0.5 spaces per hotel room for hotel uses. All parking available to each building approved through previous Preservation Parking agreements are counted toward this total.

   b. Other uses of the parking will occur only when the spaces are not used by the contracted parkers.

4. The parking demand analysis shows there is not a need for Visitor Parking at this location.

C. If the proposal is for Visitor Parking, the parking demand analysis shows a need for this parking at this location. The analysis must show the following criteria are met:

1. At least 65 percent of the short term parking demand is from uses within 750 feet of the parking structure or lot; and

2. At least one of the following is met:

   a. There is a cumulative increase in short-term parking demand due to an overall increase in activity associated with existing or new retail or other visitor-related uses; or

   b. The parking will serve major new attractions or retail development, or

   c. There has been a significant loss of on-street parking due to recent public works projects, or

   d. There has been a significant loss of short-term parking spaces.

3. There must be a parking management plan that includes measures to ensure that the parking will be primarily used for short-term parking.

4. If the site is in an I zone, all of the following are met:

   a. The parking will primarily serve industrial firms;

   b. The parking facility will not have significant adverse effects on nearby industrial firms; and

   c. The parking facility 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.

5. The transportation system is capable of safely supporting the proposed facility in addition to the existing uses in the area. Evaluation is based on the transportation impact analysis and includes factors such as street capacity and level of service, on-street parking impacts, access requirements, impacts on transit operations and

movement, impacts on the immediate and adjacent neighborhoods, and pedestrian and bicycle safety.

6. The parking facility is in conformance with the street classifications of the Central City Plan District and the Central City Transportation Management System Plan.

(Added by Ord. No. 169535, effective 1/8/96. Amended by Ord. No. 171648, effective 10/8/97; Ord. No. 174980, effective 11/20/00; Ord. No. 176469, effective 7/1/02; Ord. No.177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20.)

33.809 Comprehensive Natural Resource Plans

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Sections

33.809.010 Purpose
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33.809.030 Duration of a Comprehensive Natural Resource Plan
33.809.040 Procedure
33.809.050 Amendments to a Comprehensive Natural Resource Plan
33.809.100 Application Requirements
33.809.200 Approval Criteria
33.809.250 Overlay Zone Map Refinement

33.809.010 Purpose

For sites within one or more of the City's natural resource overlay zones, a Comprehensive Natural Resource Plan is intended to allow for the following:

A. Comprehensive consideration of future plans for sites where multiple development, disturbance, or resource enhancement actions are anticipated over time within one or more natural resource overlay zones. An adopted resource plan may substitute for case by case Environmental Review, Pleasant Valley Resource Review, or River Review. Comprehensive Natural Resource Plans may be completed at various levels of detail. Generally, the more specific the plan, the less review will be required as the future development is built;

B. Comprehensive consideration of the long-term cumulative impacts of development within a natural resource overlay zone, with attention paid to site-specific goals and objectives. With a Comprehensive Natural Resource Plan impacts to natural resources may be avoided by coordinating the timing of different development actions;

C. Mitigation and resource enhancement strategies that occur throughout the life of the plan, with greater flexibility for when and how specific mitigation actions occur in relation to specific development impacts;

D. Comprehensive consideration of resource management and enhancement projects for large natural areas or open space uses;

E. A more integrated structure for considering overlay zone mapping refinements; and

F. Greater coordination with local, state and federal agencies.

33.809.020 When a Comprehensive Natural Resource Plan Is Allowed

A Comprehensive Natural Resource Plan is allowed as an alternative to Environmental Review, Pleasant Valley Resource Review, or Greenway Review for sites that are fully or partially within one or more of the following natural resource overlay zones:

A. Environmental Protection;

B. Environmental Conservation;

C. Pleasant Valley Natural Resource;

D. River Natural; or

E. River Water Quality.

33.809.030 Duration of a Comprehensive Natural Resources Plan
The Comprehensive Natural Resource Plan may be approved for up to 10 years. The plan must include proposed development, disturbance, or resource enhancement activities, and possible future development, disturbance, or resource enhancement activities that might occur within the next 10 years.

33.809.040 Procedure
A Comprehensive Natural Resource Plan is processed through a Type III procedure. Some proposals in a Comprehensive Natural Resource Plan may be identified as tentatively approved, and subject to an additional Type 1x procedure at a later date. The additional review will evaluate more detailed proposals and ensure conformance with the plan.

33.809.050 Amendments to a Comprehensive Natural Resource Plan
Amendments to a Comprehensive Natural Resource Plan are required for any development within the boundaries of the River Natural, River Water Quality, Pleasant Valley Natural Resources, environmental conservation, or environmental protection overlay zones that is not in conformance with the approved Comprehensive Natural Resource Plan. Amendments are not required for development listed as exempt from the relevant overlay zone regulations. Amendments are subject to the same approval criteria as the initial resource plan. The thresholds and procedures for amendments are stated below.

A. **Type III procedure.** Unless the resource plan specifically provides differently, the following amendments to a resource plan are processed through a Type III procedure:

1. Any proposed development or disturbance within the environmental protection overlay;
2. A proposed reduction in the area of the environmental protection overlay;
3. An increase in the area proposed for development or disturbance more than 10 percent from what was included in the original resource plan;
4. Substantial changes to conditions of approval; or
5. Proposed development that was previously reviewed, but was denied because it was found not to be in conformance with the approval criteria.

B. **Type II procedure.** Unless the resource plan specifically provides differently, amendments to a resource plan not specifically stated in Subsection A. above are processed through a Type II procedure.

33.809.100 Application Requirements
An application for a Comprehensive Natural Resource Plan must include the following components:

A. An inventory of identified significant natural resources and functional values present within the site. Identified resources and functional values are those identified and described in the applicable City-adopted Natural Resources Inventory. The applicant may choose to provide a site-specific environmental assessment, prepared by a qualified consultant, to more precisely determine the location, type, extent, and quality of the City designated natural resources on the site. This assessment may verify or challenge the site feature information in the City's inventory. Site features include, for example, physical aspects of the site such as streams, wetlands, seeps and springs, topography, floodplains, vegetation, special habitat areas, or use of the site by plant/animal species of interest;

B. A description of proposed natural resource overlay zoning map refinements to be approved with the adoption of the resource plan;

C. A list of proposed development within natural resource areas to be approved with the adoption of the resource plan. The list must identify the development that will be allowed without further land use reviews, and the development that will be tentatively approved;

D. Other information necessary to understand the natural resource impacts associated with the listed development proposals;

E. A list of management objectives and strategies that will be used to maintain or enhance identified resources and functional values;

F. A description of the specific natural resource enhancement and mitigation actions proposed with the resource plan. This may include actions to be taken both on- and off site, as well as specific physical actions and programmatic actions related to natural resource conservation and protection;

G. Site plans and other maps necessary to understand the listed development and mitigation actions anticipated over the life of the resource plan, including maps of areas where mitigation and enhancement will occur and where development and uses will occur;

H. Timetables for the development, disturbance, mitigation, and resource enhancement actions;

I. A summary of anticipated state and federal permits required for the proposed development, disturbance, mitigation, and resource enhancement actions; and

J. The supplemental application requirements that would be required if the proposal were going through Environmental Review, Pleasant Valley Resource Review, or Greenway Review.

33.809.200 Approval Criteria
A Comprehensive Natural Resource Plan, or an amendment to a Comprehensive Natural Resource Plan, will be approved if it meets the following approval criteria:

A. The plan establishes coordinated phasing of the development, disturbance, or resource enhancement actions within the natural resource overlay zones, with the goal of avoiding

impacts that might arise if each action were planned separately. The plan includes the timing of anticipated construction access routes, building construction sequencing, and disturbance area boundaries for the site as a whole;

B. The plan will integrate natural resource conservation, protection and enhancement with other site planning plan goals and objectives;

C. On balance, the proposed mitigation plan demonstrates that all anticipated significant detrimental impacts on identified resources and functional values will be compensated for within the life of the plan. Each mitigation action is not required to directly correlate with a specific development proposal, but the overall mitigation plan will be evaluated against the overall list of anticipated uses and development actions, including cumulative impacts. The mitigation plan must include performance standards for judging mitigation success, a specific timetable for mitigation actions during the life of the plan, and a specific monitoring schedule; and

The plan must demonstrate that all relevant approval criteria that would apply if the proposal was proceeding through an Environmental Review, Pleasant Valley Natural Resource Review, or Greenway Review, including approval criteria from an adopted Natural Resource Management Plan, are met. If the proposed Comprehensive Natural Resource Plan (CNRP) will replace a Natural Resource Management Plan (NRMP), approval criteria from the NRMP do not have to be addressed. An NRMP is being replaced if the CNRP covers at least half of the area covered by the NRMP, and if an ordinance has been adopted that repeals the NRMP.

Consideration will be given to the level of detail provided with the plan application. Proposals that address most of the relevant approval criteria, but are not detailed enough to address all of the relevant approval criteria may be identified for tentative approval. Conditions of approval may be imposed to list those aspects of the plan subject to tentative approval, and to specify which approval criteria need further evaluation through a later review. The decision may also specify standards for future development or resource enhancement activities.

33.809.250 Overlay Zone Map Refinement

The boundaries of the environmental conservation, environmental protection, and Pleasant Valley Natural Resource overlay zones may be modified as part of a Comprehensive Natural Resource Plan in any of the three situations stated below. All other requests for boundary changes are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments.

A. Creation of new resource areas. The natural resource overlay zone will be expanded as part of the Comprehensive Natural Resource Plan to include areas identified for mitigation.

B. Loss of existing resource areas. The natural resource overlay zone may be removed from an existing natural resource zone where approved development will eliminate the natural resource.

C. Minor modification of natural resource zone boundaries based on a more detailed site-specific environmental study. The natural resource zone line location may be modified to more accurately reflect the location of the identified resources and functional values on the site. The identified resources and functional values are those identified and described

in the applicable City-adopted Natural Resources Inventory. The applicant may supplement the City's inventory information with a site specific assessment. The proposed new overlay zone line must be consistent with any legislative intent expressed when the overlay was applied to the site.

(Added by Ord. No. 184524, effective 7/1/11; Amended by Ord. No. 184944, effective 11/18/11; Ord. No. 185915, effective 5/1/13.)

33.810 Comprehensive Plan Map Amendments

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Sections:

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33.810.020 Initiating a Comprehensive Plan Map Amendment
33.810.030 Concurrent Zone Changes Allowed
33.810.040 Procedure
33.810.050 Approval Criteria
33.810.060 Housing Pool
33.810.070 Recently Annexed Areas
33.810.080 Corrections to the Comprehensive Plan Map

33.810.010 Purpose

This chapter states the procedures and review criteria necessary to process a Comprehensive Plan Map amendment. The chapter distinguishes between amendments which are processed in a quasi-judicial manner and those processed in a legislative manner. A discussion of quasi-judicial and legislative is found in 33.700.070.H.

33.810.020 Initiating a Comprehensive Plan Map Amendment

A. Quasi-Judicial. Requests for Comprehensive Plan Map amendments which are quasi-judicial may be initiated by an applicant, the Planning Commission, or the City Council. The Director of BDS may request the Planning Commission to initiate an amendment. Initiations by a review body are made without prejudice towards the outcome.

B. Legislative. Requests for Comprehensive Plan Map amendments which are legislative may be initiated by the Planning Commission or the City Council. Others may request the Planning Commission to consider an initiation. Initiations by a review body are made without prejudice towards the outcome.

33.810.030 Concurrent Zone Changes Allowed

Requests for zoning map amendments may be considered concurrently with a Comprehensive Plan Map amendment. Zoning map amendments must be to a zone corresponding to the requested Comprehensive Plan Map designation. Concurrent zoning map amendments must meet all the approval criteria of Chapter 33.855, Zoning Map Amendments.

33.810.040 Procedure

A. Quasi-Judicial. Requests for a Comprehensive Plan Map amendment which are quasi-judicial are reviewed through a Type III procedure. City Council adoption is also required for these requests. In addition, any post-acknowledgement procedures required by the State must be followed.

B. Legislative. Requests for a Comprehensive Plan Map amendment which are legislative are reviewed through the legislative procedure stated in Chapter 33.740.

33.810.050 Approval Criteria

A. Quasi-Judicial. Amendments to the Comprehensive Plan Map that are quasi-judicial will be approved if the review body finds that the applicant has shown that all of the following criteria are met:

1. The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be equally or more supportive of the Comprehensive Plan as a whole than the old designation;

2. The requested change is consistent with Statewide Land Use Planning Goals;

3. In order to prevent the displacement of industrial and employment uses and preserve land primarily for these uses, the following criteria must be met when the requested amendment is from an Industrial Sanctuary or Mixed Employment Comprehensive Plan Map designation:

   a. The uses allowed by the proposed designation will not have significant adverse effects on industrial and employment uses in the area or compromise the area's overall industrial character;

   b. The transportation system is capable of supporting the uses allowed by the proposed designation 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 as required by criterion A.3.c;

   c. Measures proportional to the impacts of the uses allowed by the proposed designation 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; and

   d. Transportation improvements adjacent to the development and in the vicinity needed to support the proposed 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. The uses allowed by the proposed designation will not significantly interfere with industrial use of the transportation system in the area, including truck, rail, air, and marine facilities;

   f. The site does not have direct access to special industrial services such as multimodal freight movement facilities;

g. The proposed designation will preserve the physical continuity of the area designated as Industrial Sanctuary or Mixed Employment and not result in a discontinuous zoning pattern;

h. The uses allowed by the proposed designation will not reduce the ability of Portland's Central City, Regional or Town Centers to attract or retain the principal retail, cultural, and civic facilities; and

i. The size of the area that may be given a new Comprehensive Plan Map designation is as follows:

(1) If the site is designated Industrial Sanctuary, and Metro also has designated the site as part of a Regionally Significant Industrial Area, no more than 10 acres may be given a new Comprehensive Plan Map designation;

(2) If the site is designated Industrial Sanctuary, and Metro has designated the site as an Industrial Area, but not as part of a Regionally Significant Industrial Area, no more than 20 acres may be given a new Comprehensive Plan Map designation;

(3) If the site is designated Industrial Sanctuary, and Metro has designated the site as an Employment Area, no more than 40 acres may be given a new Comprehensive Plan Map designation;

(4) If the site is designated Mixed Employment, no more than 40 acres may be given a new Comprehensive Plan Map designation;

(5) Exception. If the site is not designated as industrial or employment by Metro, these size limits do not apply.

B. Legislative. Amendments to the Comprehensive Plan Map which are legislative must be found to be consistent with the goals and policies of the Comprehensive Plan, Metro's Urban Growth Management Functional Plan, the Statewide Planning Goals, and any relevant area plans adopted by the City Council.

33.810.070 Recently Annexed Areas

Areas annexed into the City will automatically receive City Comprehensive Plan designations as part of the process of applying comparable zoning. See 33.855.080, Recently Annexed Areas.

33.810.080 Corrections to the Comprehensive Plan Map

The Director of BDS may initiate a review through the Type II procedure for the types of corrections to the Comprehensive Plan Map listed below. Nondiscretionary corrections to the Comprehensive Plan Map may be initiated by the Director of Planning and Sustainability as described in Section 1.01.037 of the Portland City Code.

A. Mapping errors. The correction may be made for mapping errors such as:

1. A map line that was intended to follow a topographical feature does not do so. Topographical features include the tops and bottoms of hillsides, the banks of water bodies, and center lines of creeks or drainage ditches;

2. There is a discrepancy between maps and on balance there is sufficient evidence of legislative intent for where the line should be located.

B. Movement of the reference item for the map line. The correction may be made when a map line is based on the location of a reference item that has since been moved. Reference items are rights-of-way, tentative rights-of-way, utility easements and similar items. Map line changes in these cases must not be more than a trivial change to the map pattern and must not result in any significant impacts to abutting lots.

(Amended by: Ord. No. 167054, effective 10/25/93; Ord. No. 169324, effective 10/12/95; Ord. No. 174263, effective 4/15/00; Ord. No. 176092, effective 12/21/01; Ord. No. 176469, effective 7/1/02; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 186639, effective 7/11/14; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

33.815 Conditional Uses

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33.815.310 Industrial Uses in the IR Zone
33.815.315 Utility Scale Energy Production in Specified C Zones

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 or reduce the conditional use site boundary. 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 and reducing the boundary of a conditional use site 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 and reductions to the conditional use site boundary that comply with Subparagraphs a through h. All other alterations and boundary changes are subject to Paragraph 2, below. Alterations to development and reductions to the site boundary are allowed by right provided the proposal:

   a. Complies with all conditions of approval except as allowed by Subparagraphs B.1.d through B.1.h;

   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. Either maintains the exiting conditional use site boundary or reduces the conditional use site boundary along a lot line. If the proposal reduces the

conditional use site boundary along a lot line, the boundary reduction must not eliminate the availability of services to the properties and the properties must not move out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management;

d. Does not demolish and replace more than 25 percent of the existing floor area on the site;

e. Does not increase the floor area by more than 2,000 square feet. Floor area for housing that is affordable is exempt from this limitation. For the purposes of this subparagraph, housing that is affordable means that at least 50 percent of the dwelling units in the additional floor area are participating in the Title 30 System Development Charges Exemption Program. See 30.01.095. If the additional floor area is in multiple buildings with multiple dwelling units, then the affordable units must be distributed among the multiple buildings. To qualify for this exemption, the applicant must provide a letter from the Portland Housing Bureau certifying which units are approved for the System Development Charges Exemption Program;

f. Does not increase the exterior improvement area by more than 2,000 square feet. Fences, handicap access ramps, and on-site pedestrian circulation systems, ground mounted solar panels, Community Gardens, Market Gardens, bicycle parking, and parking space increases allowed by 33.815.040.B.1.h, below, are exempt from this limitation;

g. Will not result in a net gain of site area; and

h. Will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:

(1) Remove parking spaces is allowed as follows:

- 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; parking spaces removed to create accessible spaces as specified in the Oregon Specialty Code are exempt from this limitation; or
- Up to 50 percent of the total number of existing parking spaces may be removed when the removal is for housing that is affordable as defined by Subparagraph B.1.e;

(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;

      (3) When there will be an increase or decrease in the net number of parking spaces;

      (4) When there will be additional floor area on the site and the floor area is for housing that is affordable as defined by Subparagraph B.1.e;

      (5) When the individual or cumulative alterations will not increase the floor area on the site by more than 25 percent, up to a maximum of 25,000 square feet. Floor area for housing that is affordable as defined by Subparagraph B.1.e. is exempt from this limitation;

      (6) When the individual or cumulative alterations will not increase the exterior improvement area on the site by more than 25 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;

      (7) When the individual or cumulative alterations will not increase the floor area and the exterior improvement area on the site by more than 25 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by 33.815.040.B.2.a (3) and floor area for housing that is affordable as defined by Subparagraph B.1.e. are exempt from this limitation; or

      (8) The increases in subparagraphs 3 through 7, 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 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.

33.815.130 Residential Uses in the IG1, IG2, and IH Zones

These approval criteria promote the preservation of land for industrial uses while allowing residential uses in limited situations where they will not interfere with industry. Residential uses in these zones are only protected from nuisance impacts, including noise, to the same standard as uses allowed by right. The approval criteria are as follows:

A. The proposed use will not have a significant adverse effect 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. 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 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.

(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; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190000, effective 6/18/20; Ord. No. 190023, effective 8/10/20.)

33.820 Conditional Use Master Plans

820

Sections:

33.820.010 Purpose
33.820.020 What Is Covered by a Master Plan
33.820.030 When a Master Plan Is Required
33.820.040 Procedure
33.820.050 Approval Criteria
33.820.060 Duration of the Master Plan
33.820.070 Components of a Master Plan
33.820.080 Implementation
33.820.090 Amendments to Master Plans
33.820.100 Existing Plans

33.820.010 Purpose

A conditional use master plan is a plan for the future development of a use that is subject to the conditional use regulations. Expansions of the use may have impacts on surrounding neighborhoods and on public services that are better addressed through the review of the master plan than through reviewing the expansions individually over time. In addition, by creating long term plans, some impacts may be prevented that would have occurred with uncoordinated piecemeal expansions. The development of a master plan is intended to provide the surrounding neighborhoods and the City with information about, and an opportunity to comment on, the use's plans for future development. The plan also enables the operator of the use and the City to address the effects of the future development. Finally, an approved master plan is intended to ensure that the use will be allowed to develop in a manner consistent with the plan. Master plans may be completed at various levels of detail. Generally, the more specific the plan, the less review that will be required as the future uses and development are built.

33.820.020 What Is Covered by a Master Plan

A. **Present uses.** A conditional use master plan is for the entire use, including portions of the use on lands where the use is allowed by right, and all affiliates on or abutting the site. For the purpose of this chapter, an affiliate means any entity that is related to the use in such a way that either the use or the entity controls the other, or both are under control of a third party. Control means the power to decide and direct the use of land, structures, and other resources.

B. **Proposed and potential uses.** The conditional use master plan covers any specific uses or development proposals being requested, called the "proposed use" in this chapter, and possible future uses or development, called the "possible future uses."

C. **Boundaries.** The conditional use master plan may encompass lands not presently controlled by the use. The plan will not take effect for those lands until they are under control of the applicant.

33.820.030 When a Master Plan Is Required

A conditional use master plan is required as part of a conditional use review in the situations listed below.

A. **Large conditional uses.** The conditional use contains over 500,000 square feet of floor area and either:

1. The use proposes to expand the amount of floor area over 10 percent from the amount that existed at the last conditional use review, or if there was no review, then January 1, 1991 or
2. The use expands its site area beyond the site area that existed on January 1, 1991. For this regulation, site area means all land used by the use and its affiliates including vacant land within the ownership.

B. **When required as part of a conditional use review.** The review body, as part of a conditional use review, may require a master plan in conjunction with any future expansions of the use if there has been a history of site area expansions and these are likely to continue. Also, the master plan may be required for future expansion of the use if there has been a history of floor area expansions for functions of the use which draw additional people to the site, and these are likely to continue.

C. **Voluntarily.** An applicant may also voluntarily submit a master plan as part of a conditional use review.

33.820.040 Procedure

Conditional use master plans are processed through a Type III procedure as part of the conditional use review. The applicant is encouraged to work with surrounding property owners, residents, recognized organizations, and City bureaus during the formulation of the master plan.

33.820.050 Approval Criteria

Requests for conditional use master plans will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. The master plan contains the components required by 33.820.070;

B. The proposed uses and possible future uses in the master plan comply with the applicable conditional use approval criteria; and

C. The proposed uses and possible future uses will be able to comply with the applicable requirements of this Title, except where adjustments are being approved as part of the master plan.

33.820.060 Duration of the Master Plan

The master plan must include proposed uses and possible future uses that might be proposed for at least 3 years and up to 10 years. Generally, an approved master plan remains in effect until development allowed by the plan has been completed or the plan is amended or superseded, however if an approved master plan for a site in a CI1 or CI2 zone has an expiration date later than December 31, 2023, the master plan expires on December 31, 2023.

33.820.070 Components of a Master Plan

The applicant must submit a master plan with all of the following components. The review body may modify the proposal, especially those portions dealing with development standards and review procedures. The greater the level of detail in the plan, the less need for extensive reviews of subsequent phases. Conversely, the more general the details, the greater the level of review that will be required for subsequent phases.

A. Boundaries of the use. The master plan must show the current boundaries and possible future boundaries of the use for the duration of the master plan.

B. General statement. The master plan must include a narrative that addresses the following items:

1. A description in general terms of the use's expansion plans for the duration of the master plan;
2. An explanation of how the proposed uses and possible future uses comply with the conditional use approval criteria; and
3. An explanation of how the use will limit impacts on any adjacent residentially zoned areas. The impacts of the removal of housing units must also be addressed.

C. Uses and functions. The master plan must include a description of present uses, affiliated uses, proposed uses, and possible future uses. The description must include information as to the general amount and type of functions of the use such as office, classroom, recreation area, housing, etc. The likely hours of operation, and such things as the approximate number of members, employees, visitors, special events must be included. Other uses within the master plan boundary but not part of the conditional use must be shown.

D. Site plan. The master plan must include a site plan, showing to the appropriate level of detail, buildings and other structures, the pedestrian, bicycle, and vehicle circulation system, vehicle and bicycle parking areas, open areas, existing trees to be preserved, and other required items. In addition to the application requirements in 33.730.060.C, the site plan must also include:

1. All existing improvements that will remain after development of the proposed use;
2. All improvements planned in conjunction with the proposed use;
3. Conceptual plans for possible future uses; and
4. Pedestrian, bicycle, and transit facilities including pedestrian and bicycle circulation between:
   a. Major buildings, activity areas, and transit stops within the master plan boundaries and adjacent streets and adjacent transit stops; and
   b. Adjacent developments and the proposed development.

E. Development standards. The master plan may propose standards that will control development of the possible future uses that are in addition to or substitute for the base zone requirements and the requirements of Chapters 32.32 and 32.34 of the Sign Code.

These may be such things as height limits, setbacks, FAR limits, landscaping and tree preservation requirements, parking requirements, sign programs, view corridors, or facade treatments. Standards more liberal than those of the code require adjustments.

F. Phasing of development. The master plan must include the proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development. In addition the plan should address any proposed temporary uses or locations of uses during construction periods.

G. Transportation and parking. The master plan must include information on the following items for each phase.

1. Projected transportation impacts. These include the expected number of trips (peak, events, and daily), an analysis of the impact of those trips on the adjacent street system, and proposed mitigation measures to limit any projected negative impacts. Mitigation measures may include improvements to the street system or specific programs and strategies to reduce traffic impacts such as encouraging the use of public transit, carpools, vanpools, and other alternatives to single occupant vehicles.

2. Projected parking impacts. These include projected peak parking demand, an analysis of this demand compared to proposed on-site and off-site supply, potential impacts to the on-street parking system and adjacent land uses, and mitigation measures.

H. Street vacations. The master plan must show any street vacations being requested in conjunction with the proposed use and any possible street vacations that might be requested in conjunction with future development. (Street vacations are under the jurisdiction of the City Engineer. Approval of the master plan does not prejudice City action on the actual street vacation request.)

I. Adjustments. The master plan must specifically list any adjustments being requested in conjunction with the proposed use or overall development standards and explain how each adjustment complies with the adjustment approval criteria.

J. Other discretionary reviews. When design review or other required reviews are also being requested, the master plan must specifically state which phases or proposals the reviews apply to. The required reviews for all phases may be done as part of the initial master plan review, or may be done separately at the time of each new phase of development. The plan must explain and provide enough detail on how the proposals comply with the approval criteria for the review.

K. Review procedures. The master plan must state the procedures for review of possible future uses if the plan does not contain adequate details for those uses to be allowed without a conditional use review.

33.820.080 Implementation

A. Conforming to the plan. Uses and development that are in conformance with detailed aspects of the plan are not required to go through another conditional use review. Uses and development subject to less detailed parts of the plan are subject to the level of conditional use review stated in the master plan. They will be approved if they are found to comply with the master plan. Other required land use reviews must still be completed unless they were also approved as part of the master plan.

comply with the master plan. Other required land use reviews must still be completed unless they were also approved as part of the master plan.

B. Not conforming to the plan. Uses that are not in conformance with the master plan require an amendment to the plan. Development that is not in conformance with the plan and does not meet the following requires an amendment to the plan. Development that is not in conformance with the plan and does meet all of the following is allowed:

1. All conditions of approval must be met except as allowed by Subparagraphs B.4 through B.8;

2. One of the following must be met:

   a. Complies with the development standards of this Title, or

   b. 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;

3. Either maintains the existing site boundary or reduces the site boundary along a lot line. If the proposal reduces the conditional use site boundary along a lot line, the boundary reduction will not eliminate the availability of services to the properties and the properties will not move out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management;

4. Does not demolish and replace more than 25 percent of the existing floor area on the site;

5. Does not increase new floor area by more than 2,000 square feet. Floor area for housing that is affordable is exempt from this limitation. For the purposes of this paragraph, housing that is affordable means that at least 50 percent of the dwelling units in the additional floor area are participating in the Title 30 System Development Charges Exemption Program. See 30.01.095. If the additional floor area is in multiple buildings with multiple dwelling units, then the affordable units must be distributed among the multiple buildings. To qualify for this exemption, the applicant must provide a letter from the Portland Housing Bureau certifying which units are approved for the System Development Charges Exemption Program;

6. Does not increase the exterior improvement area by more than 2,000 square feet, except that fences, handicap access ramps, on-site pedestrian circulation systems, ground mounted solar panels, and parking space increases allowed by 33.820.080.B.8 below, are exempt from this limitation;

7. Will not result in a net gain of site area;

8. Will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:

   a. Will not result in a net loss in the number of parking spaces except as follows:

      (1) No reduction in shared parking spaces is allowed;

(2) Up to 50 percent of the total number of existing parking spaces may be removed when the removal is for housing that is affordable as defined by Paragraph B.5;

(3) 1 space or 4 percent of the total number of parking spaces may be removed, whichever is greater; however, parking spaces removed to create accessible spaces as specified in the Oregon Structural Specialty Code are exempt from this limitation; and

(4) Removal of parking from sites with 4 or fewer required spaces is not allowed without an amendment to the plan.

b. Will not increase the net number of parking spaces by more than 1 space or 4 percent of the total number of parking spaces, whichever is greater. However, the individual or cumulative addition of more than 5 parking spaces is not allowed without an amendment to the plan; and

c. The cumulative loss of parking is measured from the time the use became a conditional use, July 16, 2004, or the last conditional use review of the use, whichever is most recent, to the present.

33.820.090 Amendments to Master Plans

Amendments to the master plan are required for any use or development that is not in conformance with the plan, except as stated in 33.820.080, above. The approval criteria of 33.820.050 apply. The thresholds and procedures for amendments are stated below.

A. Type III procedure. Unless the master plan specifically provides differently, amendments to a master plan that require a Type III procedure are:

1. Any proposed development on the site that is within 400 feet of the master plan boundaries, unless a greater distance is stated in the master plan;

2. A proposed expansion of the approved boundary;

3. Proposals that increase the amount, frequency, or scale of a use over 10 percent of what was approved (Examples include the number of students, patients, or members; the number of helicopter flights; number or size of special events.);

4. New uses not covered in the plan which will draw more people to the site, except for those which are replacing another use so that there is no net increase;

5. Increases in the overall floor area of development on the site over 25 percent. Floor area for housing that is affordable as defined by Paragraph B.5.is exempt from this limitation;

6. Increases or decreases greater than 10 percent in the amount of approved or required parking. Decreases for housing that is affordable as defined by Paragraph B.5. are exempt from this limitation; and

7. Proposed uses or development which were reviewed, but were denied because they were found to not be in conformance with the plan.

B. **Type II procedure.** Unless the master plan specifically provides differently, amendments to a master plan not specifically stated in Subsection A. above are processed through a Type II procedure.

33.820.100 Existing Plans

A. **Plans in effect.** Master plans that were approved by the City prior to January 1, 1991 are deemed to be in conformance with this chapter and continue in effect until their expiration dates. Approved master plans that do not have an expiration date continue in effect until development allowed by the plan has been completed.

B. **Plans being formulated.** Master plans submitted after the implementation date of this Title which were required because of conditions of a land use approval prior to the implementation date, will be reviewed by the City in accordance with the original conditions. If the master plan is approved, it is then subject to the regulations of Subsection A. above.

(Amended by: Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 175204, effective 3/1/01; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. 178509, effective 7/16/04; Ord. No. 183598, effective 4/24/10; Ord. No. 184235, effective 11/26/10; Ord. No. 186053, effective 1/1/15; Ord. No. 190000, effective 6/18/20.)

33.825 Design Review

825

Sections:

33.825.010 Purpose
33.825.025 Review Procedures
33.825.035 Factors Reviewed During Design Review
33.825.040 Modifications That Will Better Meet Design Review Requirements
33.825.055 Approval Criteria
33.825.065 Design Guidelines
33.825.075 Relationship to Other Regulations
Map 825-1 Albina Community Plan Area
Map 825-2 Outer Southeast Community Plan Area
Map 825-3 Southwest Community Plan Area

33.825.010 Purpose

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area and to promote quality development near transit facilities. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

33.825.025 Review Procedures

This section lists procedures for design review for proposals in design overlay zones. These procedures also apply where design review is required by the regulations of a plan district or overlay zone, or as a condition of approval of a quasi-judicial decision.

The procedures stated in this section supersede procedural and threshold statements in the City's adopted design guidelines documents.

Procedures for design review vary with the type of proposal being reviewed and the design district in which the site is located. Some proposals in the Central City plan district must provide a model of the approved proposal, as set out in Subsection D. When determining procedure type for exterior alterations based on project valuation, the dollar amount refers to the value of the exterior changes and any new floor area only. It does not include interior or subgrade alterations.

A. Proposals subject to design review are reviewed according to the procedure type listed in Table 825-1. When a proposal is subject to more than one procedure type, the higher procedure type applies. For example, a proposal located in the Central City

Plan District may not exceed the dollar threshold for a Type II procedure, but because it is also in the Downtown Design District and it exceeds the square footage threshold for a Type II procedure, the proposal would be subject to a Type III procedure.

Table 825-1
Procedure Type for Design Review Proposals

Design Districts	Proposal	Threshold	Procedure
Downtown Design District	New floor area	> 1,000 s.f.	Type III
		≤ 1,000 s.f.	Type II
	Exterior alteration	Value > $481,300	Type III
		Value ≤ $481,300	Type II
River District Design District	New floor area or Exterior alteration in CX or OS zone	>1,000 s.f. and value > $481,300	Type III
		≤ 1,000 s.f. or value ≤ $481,300	Type II
Gateway Design District	Development proposals	Value > $2,406,200 included in a Gateway Master Plan Review	Type III
		Value ≤ $2,406,200 and not part of Gateway Master Plan Review	Type II
Marquam Hill Design District	Development proposals	In design overlay zones	Type II
Sellwood-Moreland Design District			
Terwilliger Parkway Design District	Proposals that are visible from Terwilliger Boulevard	Non single-dwelling development	Type III
		Single-dwelling development	Type II
Central Eastside	Development proposals	Value > $2,406,200	Type III
Goose Hollow			
Lloyd District			
Macadam		Value ≤ $2,406,200	Type II
River District			
South Waterfront			
Community Plans			
Albina Community Plan area, including Lower Albina	Development proposals	In design overlay zones	Type II
Outer Southeast Community Plan area, excluding Gateway Design District			
Southwest Community Plan Area, excluding Macadam & Terwilliger Design Districts			

Table 825-1 Procedure Type for Design Review Proposals			
Plan Districts	**Proposal**	**Threshold**	**Procedure**
Central City Plan District, excluding Lower Albina	Development proposals	In design overlay zones and value > $2,406,200	Type III
Northwest Plan District			
South Auditorium Plan District		In design overlay zones and value ≤ $2,406,200	Type II
Albina Plan District	Development proposals	In design overlay zones	Type II
Hollywood Plan District			
North Interstate Plan District			
St. Johns Plan District			
Overlay Zones			
"a" Alternative Design Density overlay	Using provisions in 33.405	In single dwelling zones	Type II
"d" Design overlay	Development proposals	Not identified elsewhere in this table and value > $2,406,200	Type III
		Not identified elsewhere in this table and value ≤ $2,406,200	Type II
Base Zones			
All zones	Signs	In design overlay zones	Type II
	Exterior mechanical equipment		
	New or replacement awnings		
C zones	Planned Development	Using the Planned Development bonus provision described in 33.130.212	Type III
C, E, I, RX, CI zones	Facade alteration	≤ 500 square feet in design overlay zones	Type II
RF - R2.5 zones	Subject to section 33.110.213, Additional Development Standards	Requests to modify standards	Type II
IR zone site with an approved Impact Mitigation Plan (IMP)	Proposals that are identified in IMP	IMP design guidelines are qualitative	Type II
	Proposals that are identified in IMP	IMP design guidelines are objective or quantitative	Type Ix

B. Minor changes to an approved design review prior to issuance of final permit approval. Minor changes to an approved design review that was originally processed through a Type III procedure are reviewed through a Type II procedure when all of the following are met. Alterations to a structure after the final building permit approval are exempt from this regulation:

1. The original design review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The cumulative value of the changes will not result in an increase or decrease in the original project value by more than 15 percent.

C. Phased design plans.

1. For multi-phased projects. Applicants may submit design plans for multi-phased projects, provided the application includes adequate information to allow review of the immediate and later phases of the project, including anticipated timelines.
2. Benefits of a phased design plan. Development in conformance with an approved phased design plan does not have to go through a separate design review for each phase.
3. Procedure. A phased design plan application is reviewed using the same procedure and with the same guidelines as a design review for a specific development.

D. Models of proposals in the Central City plan district. For proposals located in the Central City plan district shown on Map 510-1, a three dimensional digital model of the proposal is required with an application for Design Review. This requirement applies only to new developments or changes in the bulk of existing buildings.

Before a building permit is issued, a three dimensional digital model of the proposal as approved must be submitted to the Bureau of Planning and Sustainability. The model requirements will be waived if the application does not involve a change in the bulk of buildings on a site for which the City possesses an accurate digital model.

33.825.035 Factors Reviewed During Design Review.
The review may evaluate the architectural style; structure placement, dimensions, height, and bulk; lot coverage by structures; and exterior alterations of the proposal, including building materials, color, off-street parking areas, open areas, landscaping, and tree preservation.

33.825.040 Modifications That Will Better Meet Design Review Requirements
The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. The review body may not consider modifications to standards for which adjustments are prohibited. Modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

A. Better meets design guidelines. The resulting development will better meet the applicable design guidelines; and

B. Purpose of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

33.825.055 Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

33.825.065 Design Guidelines

A. Purpose. Design guidelines are the approval criteria used to review new development and modifications to existing development. They ensure the conservation and enhancement of the special characteristics of each design district.

B. Design guidelines. Guidelines specific to a design district have been adopted for the areas shown on maps 420-1 through 420-3 and 420-5 through 420-6. Where two of the design districts shown on those maps overlap, both sets of guidelines apply.

All other areas within the Design Overlay Zone or proposals subject to design review use the Community Design Guidelines. A district's design guidelines are mandatory approval criteria used in design review procedures. The design guidelines may consist of a common set of design guidelines for the whole district and special design guidelines for subdistricts.

Where subdistrict guidelines conflict with the district guidelines, the subdistrict guidelines control.

C. Waiver of design guidelines. If a design district's design guidelines document includes goals for the design district, the review body may waive one or more of the guidelines as part of the design review procedure.

33.825.075 Relationship to Other Regulations

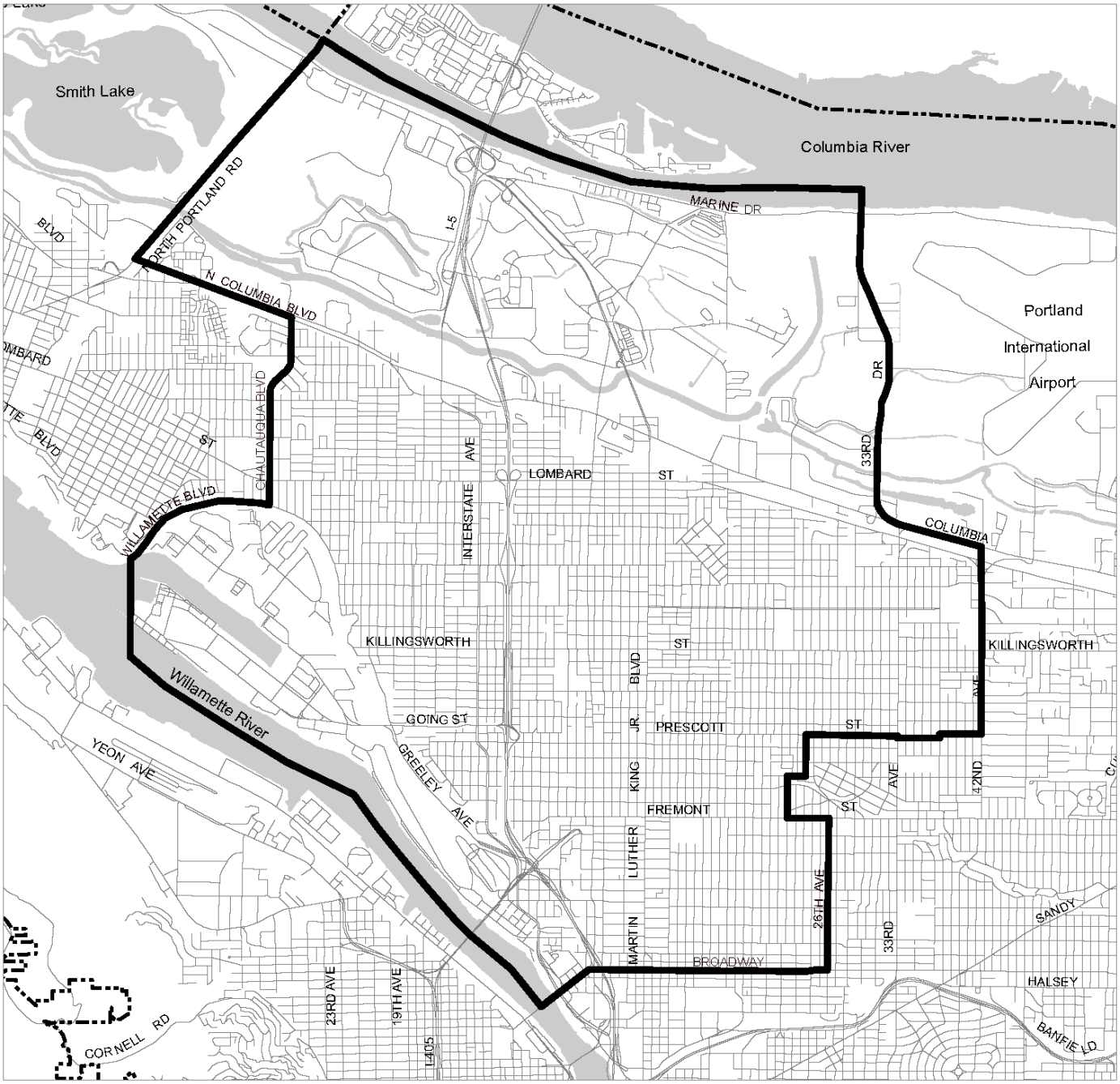
Design review approval by BDS does not imply compliance with the other requirements of the Zoning Code or other City, Regional, State, and Federal agencies.

(Amended by: Ord. No. 169987, effective 7/1/96; Ord. No. 171219, effective 7/1/97; Ord. No. 171589, effective 11/1/97; Ord. No. 174325, effective 5/5/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. 176742, effective 7/31/02; Ord. No. 177701, effective 8/30/03; Ord. No. 177920, effective 11/8/03; Ord. No. 178423, effective 6/18/04; Ord. No. 178452, effective 7/10/04; Ord. No. 178509, effective 7/16/04; Ord. No. 179092, effective 4/1/05; Ord. No. 181357, effective 11/9/07; Ord. No. 182072, effective 8/22/08; Ord. No. 184016, effective date 08/20/10; Ord. No. 185915, effective 5/1/13; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20.)

Albina
Community Plan Area

Map 825-1

Map Revised August 10, 2020



Legend

City Boundary

Community Plan Boundary

NORTH

0 3,500 7,000

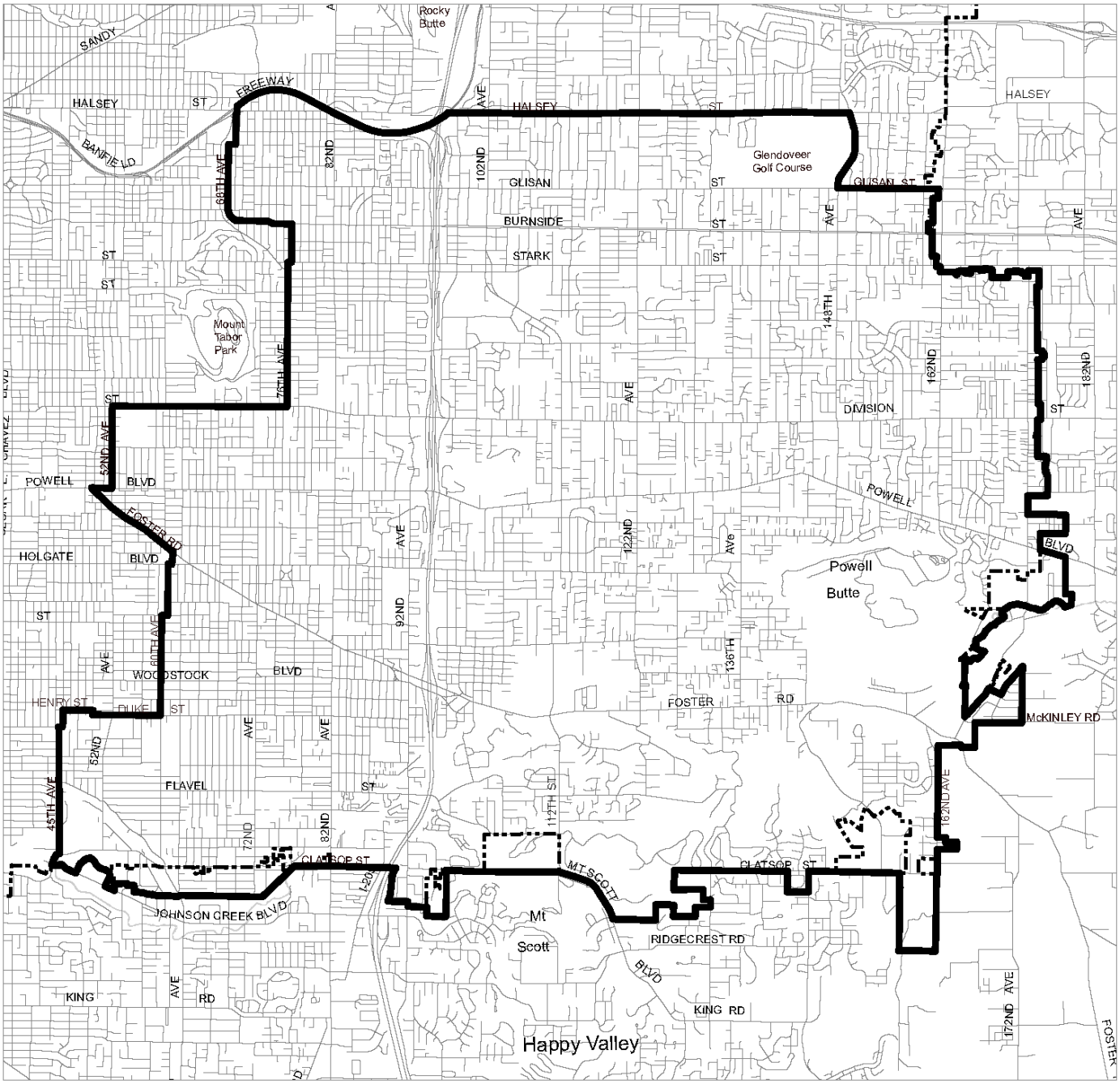
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Outer Southeast Community Plan Area

Map 825-2

Map Revised August 10, 2020



Legend

City Boundary

Community Plan Boundary

NORTH

0 4,000 8,000

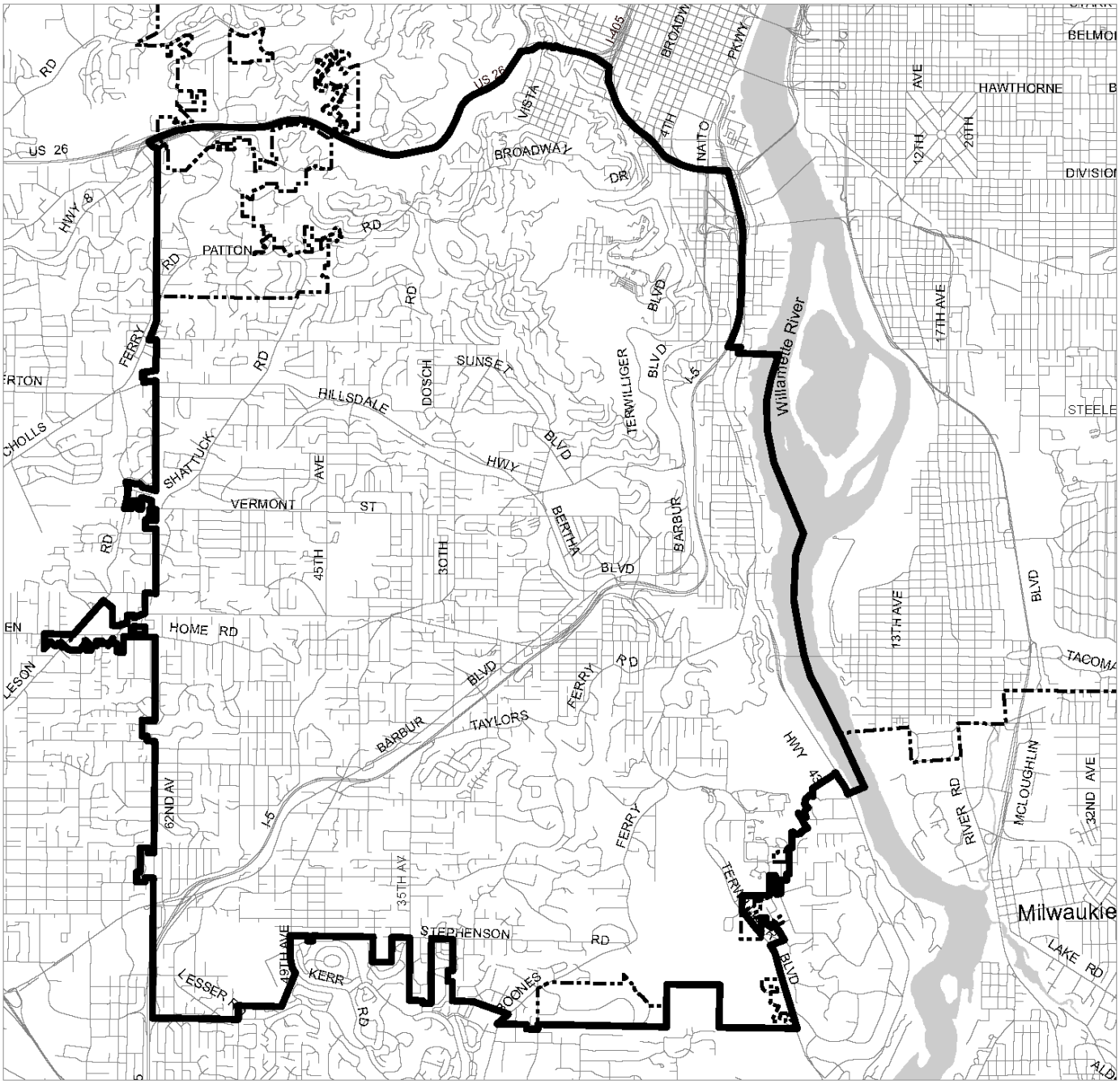
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Southwest Community Plan Area

Map 825-3

Map Revised August 10, 2020



Legend

City Boundary

Community Plan Boundary

NORTH

0 3,500 7,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.830 Excavations and Fills

830

(Amended by: Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02. Deleted by Ord. No. 177422, effective 6/7/03.)

33.833 Gateway Master Plan Review

833

Sections:

33.833.010 Purpose
33.833.100 Procedure
33.833.110 Approval Criteria
33.833.200 Amendments to a Gateway Master Plan

33.833.010 Purpose

The purpose of this chapter is to provide procedures and establish the approval criteria for Gateway master plan reviews. The approval criteria ensures that the flexibility, additional development capacity, and phasing of change within the Gateway plan district is carried out within the context of desired connectivity, open area, design, mixed-use and other goals for the regional center. The review recognizes that Gateway is in transition from a suburban low-density area to a dense, mixed-use area.

33.833.100 Procedure

Gateway master plan reviews are processed through a Type III procedure.

33.833.110 Approval Criteria

Requests for Gateway master plan review will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met. The proposed Gateway master plan must:

A. Be consistent with the Gateway plan district purposes and Urban Design Concept;

B. Meet the Gateway Design Guidelines;

C. Be consistent with the policy and objectives of the Gateway Regional Center Policy of the Outer Southeast Community Plan;

D. Comply with the Portland Master Street Plan: Gateway District;

E. The following criterion applies to proposals that will result in more floor area on the site than allowed by the base zone; this includes additional floor area transferred from other sites and that earned from bonuses: Provide adequate and timely infrastructure to support the proposed uses in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

F. Result in more than one use, such as Residential, Retail Sales And Service, or Office uses, on the site;

G. Provide adequate open area to serve the users of the site. The open area must be configured, designed, and located so that it connects to the surrounding area; and

H. Guarantee that required housing that is deferred will be built.

I. Ensure that the appearance, location, and amount of nonresidential uses on residentially zoned portions of the site will not, by themselves or in combination with other nearby development and uses, decrease the desirability of adjacent residentially zoned areas for the retention of existing housing or development of new housing. Considerations include the proposed amounts of each use, building scale and style, setbacks, location of parking and vehicle access, landscaping, and other design features.

33.833.200 Amendments to a Gateway Master Plan

A. Minor amendments to a master plan are processed through a Type II procedure. The following are considered minor amendments:

1. Increases in overall floor area of development of up to 10 percent.
2. Increases in parking of up to 10 percent.
3. Revisions to the connectivity element pertaining to right-of-way width and phasing of dedication and construction.

B. All other amendments to a master plan are processed through a Type III procedure.

C. Approval criteria for amendments are those in Section 33.833.110.

(Added by: Ord. No. 178423, effective 6/18/04. Amended by: Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06.)

33.835 Goal, Policy, and Regulation Amendments

835

Sections:

33.835.010 Purpose
33.835.020 Initiating a Text Amendment
33.835.030 Procedure
33.835.040 Approval Criteria

33.835.010 Purpose

This chapter states the procedures and review criteria necessary to amend the land use goals, policies, and regulations of the City. For the purposes of this chapter, regulation includes all land use standards, guidelines, area plans, or other similar text. For convenience, all of these amendments are referred to as "text amendments".

33.835.020 Initiating a Text Amendment

Text amendments may be initiated by the Planning and Sustainability Director, the Planning and Sustainability Commission, or by the City Council. The Historical Landmarks Commission may initiate amendments concerning historic districts, and the Design Commission may initiate amendments concerning design districts. Others may make a request to the Planning and Sustainability Commission to consider a text amendment initiation, except for design guidelines. Requests for amendments to design guidelines in historic districts are made to the Historical Landmarks Commission and to the Design Commission for design guideline amendments in other design districts. Initiations by a review body are made without prejudice towards the final outcome.

33.835.030 Procedure

Text amendments are reviewed through the legislative procedure stated in Chapter 33.740, Legislative Procedure.

33.835.040 Approval Criteria

A. **Amendments to the zoning code.** Text amendments to the zoning code must be found to be consistent with the Comprehensive Plan, Urban Growth Management Functional Plan, and the Statewide Planning Goals. In addition, the amendments must be consistent with the intent or purpose statement for the base zone, overlay zone, plan district, use and development, or land division regulation where the amendment is proposed, and any plan associated with the regulations. The creation of a new plan district is subject to the approval criteria stated in 33.500.050.

B. **Amendments to the goals and policies of the Comprehensive Plan.** Text amendments to the goals and policies of the Comprehensive Plan must be found to be consistent with the Comprehensive Plan, the Urban Growth Management Functional Plan, and with the Statewide Planning Goals.

C. **Neighborhood plans.** Adoption or amendment of neighborhood plans and similar area plans must be found to be consistent with the Comprehensive Plan, the Urban Growth Management Functional Plan, and with the Statewide Planning Goals.

D. Design guidelines. Design guidelines for design districts must be found to both maintain and enhance the characteristics which distinguish the design district and be consistent with the reasons for establishing the design district.

(Amended by: Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 195915, effective 5/1/13.)

33.840 Hazardous Substances Review

840

(Amended by: Ord. No. 173131, effective 2/27/99; Ord. No. 177028, effective 12/14/02. Deleted by Ord. No. 177404, effective 7/1/03.)

33.840 Greenway Goal Exception

840

Sections:

33.840.010 Purpose
33.840.020 When a Greenway Goal Exception is Required
33.840.040 Procedure
33.840.200 Approval Criteria

33.840.010 Purpose

Statewide Planning Goal 15 requires that structures be set back from the river to protect, maintain, preserve, and enhance the natural, scenic, historic, and recreational qualities of the Willamette River Greenway. This requirement is carried out by setback standards in the Greenway and River overlay zones that limits development within or riverward of the setback to development that is river-dependent or river-related. A Greenway Goal Exception is required to establish development that is not river-dependent or river-related within or riverward of the setback. The regulations in this chapter describe the review procedure and approval criteria for a Greenway Goal Exception.

33.840.020 When A Greenway Goal Exception is Required

Approval of an exception to Statewide Planning Goal 15 - Willamette Greenway, is required to locate a development or right-of-way that is not river-dependent or river-related within or riverward of the greenway or river setback. A greenway goal exception is not required to add revetments to a riverbank.

33.840.040 Procedure

A greenway goal exception is processed through a Type III procedure, and must be approved by City Council. See also 33.850, Statewide Planning Goal Exceptions.

33.840.200 Approval Criteria

Requests for a greenway goal exception will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. The proposed use is allowed in the base zone by right, with limitations, or as a conditional use;

B. The proposal will not have a significant adverse effect on identified natural resources and functional values of the site or on abutting sites or water areas;

C. The proposal will not significantly reduce lands available for river-dependent or river-related uses within the City;

D. The proposal will provide a significant public benefit;

E. The intensification of existing uses or change in use must be limited, to the greatest possible degree, so that such lands will remain compatible with the preservation of the natural, scenic, historical, and recreational qualities of such lands;

F. The proposal cannot reasonably be accommodated in a location that does not require a goal exception;

G. Of all other potential locations within the greenway that require a goal exception, there are none with significantly better long-term environmental, economic, social, and energy consequences after mitigation measures;

H. The proposal is compatible with other adjacent uses, or will be so rendered through measures designed to reduce adverse impacts; and

I. Development and fills riverward of the river setback must show that there are no practical on-site alternatives that achieve the same level of public benefit.

(Added by: Ord. No. 189000, effective 7/9/18. Amended by: Ord. No. 190023, effective 8/10/20.)

33.845 Historical Landmarks

845

(Chapter deleted by Ord. No. 169987, effective 7/1/96.)

33.846 Historic Resource Reviews

846

Sections:

General
33.846.010 Purpose
33.846.020 Review Procedures
33.846.025 Additional Notification Required
33.846.030 Historic Designation Review
33.846.040 Historic Designation Removal Review
33.846.050 Historic Preservation Incentive Review
33.846.060 Historic Resource Review
33.846.070 Modifications Considered During Historic Resource Review
33.846.080 Demolition Review

General

33.846.010 Purpose

This chapter provides procedures and establishes the approval criteria for all historic resource reviews. The approval criteria protect the region's historic resources and preserve significant parts of the region's heritage. The reviews recognize and protect the region's historic and architectural resources, ensuring that changes to a designated historic resource preserve historic and architectural values and provide incentives for historic preservation.

33.846.020 Review Procedures

The review procedures in this chapter supersede procedural and threshold statements in the City's adopted design guidelines documents for historic districts.

33.846.025 Additional Notification Required

In addition to the notifications provided for by Chapter 33.730, Quasi-Judicial Procedures, when a Conservation District or Historic District has a Historic District Advisory Committee that is recognized by a Neighborhood Association, notice of all historic resource reviews will also be sent to the District's advisory committee.

33.846.030 Historic Designation Review

A. Purpose. The Historic Designation Review is a process for the City of Portland to designate Historic Landmarks, Conservation Landmarks, Historic Districts, or Conservation Districts. This review does not affect a property or district's listing on the National Register of Historic Places. These provisions promote the protection of historic resources by:

- Enhancing the city's identity through the protection of the region's significant historic resources;
- Fostering preservation and reuse of historic artifacts as part of the region's fabric; and
- Encouraging new development to sensitively incorporate historic structures and artifacts.

B. Review procedure. Historic designation reviews are processed through a Type III procedure.

C. Approval criteria. Proposals to designate a historic resource as a Historic Landmark, Conservation Landmark, Historic District, or Conservation District will be approved if the review body finds that all of the following approval criteria are met:

1. Significant value. The resource has significant historical or architectural value, demonstrated by meeting at least three of the following:

   a. The resource represents a significant example of a development, architectural style, or structural type once common or among the last examples in the region;

   b. The resource represents a significant work of a developer, architect, builder, or engineer noted in the history or architecture of the region;

   c. The resource represents a particular material, method of construction, quality of composition, or craft work which is either associated with the region's history or which enriches the region's character;

   d. The resource is associated with culture, activities, events, persons, groups, organizations, trends, or values that are a significant part of history;

   e. The resource is associated with broad patterns of cultural, social, political, economic, or transportation history of the region, state, or nation;

   f. The resource significantly contributes to the historic or cultural development of the area or neighborhood;

   g. The resource symbolizes a significant idea, institution, political entity, or period;

   h. The resource retains sufficient original design characteristics, craft work, or material to serve as an example of a significant architectural period, building type, or style;

   i. The resource significantly contributes to the character and identity of the neighborhood district or city;

   j. The resource includes significant site development or landscape features that make a contribution to the historic character of a resource, neighborhood, district, or the city as a whole;

   k. The resource represents a style or type of development which is, or was, characteristic of an area and which makes a significant contribution to the area's historic value; or

   l. The resource contributes to the character of a grouping of resources that together share a significant, distinct, and intact historic identity.

2. Appropriate level of protection. The proposed designation is appropriate, considering the historical or architectural value of the resource and other conflicting values. Levels of protection are Historic Landmark designation, Conservation Landmark designation, Historic District designation, Conservation District designation, and no designation; and

3. Owner consent.

   a. For Historic Landmark or Conservation Landmark designation, the property owner must consent, in writing, to the Historic Landmark or Conservation Landmark designation;

   b. For Historic District or Conservation District designation, all owners of property in the district must consent, in writing, to the Historic District or Conservation District designation at the time of designation.

33.846.040 Historic Designation Removal Review

A. **Purpose.** These provisions allow for the removal of the City's historic designation when it is no longer appropriate. This review does not affect a property or district's listing on the National Register of Historic Places.

B. **Review procedure.** Historic designation removal reviews are processed through a Type III procedure.

C. **Approval criteria.** Proposals to remove the historic designation from a historic resource will be approved if the review body finds that all of the following approval criteria are met:

1. Loss of public benefit. The benefits to the public and the property owner of retaining the historic designation no longer outweigh the benefits of removing the designation; or

2. Owner consent.

   a. For Historic Landmarks or Conservation Landmarks. The property owner at the time of designation must have objected, on the record, to the historic designation.

   b. For individual sites not designated as Historic Landmarks or Conservation Landmarks in Historic Districts or Conservation Districts. The property owner at the time of designation must have objected, on the record, to inclusion in the district.

33.846.050 Historic Preservation Incentive Review

A. **Purpose.** These provisions increase the potential for Historic Landmarks and Conservation Landmarks, and contributing structures to be used, protected, renovated, and preserved.

B. **Review procedure.** Historic preservation incentive reviews for sites in the RX zone are processed through a Type II procedure. Historic preservation incentive reviews for sites in all other zones are processed through a Type III procedure.

C. **Approval criteria.** The use of a historic preservation incentive in a Historic Landmark, Conservation Landmark, or a resource identified as contributing to the historic significance of a Historic District or a Conservation District will be approved if the review body finds that all of the following approval criteria are met:

1. Establishment of the use will not conflict with adopted provisions of neighborhood plans for the site and surrounding area;

2. If the site is in an R zone:

   a. The approval criteria of Section 33.815.105, Institutional and Other Uses in R Zones, are met; and

   b. Proposals on sites larger than one acre will not reduce the amount of new housing opportunity in the City. These criteria may be met by using the methods to mitigate for housing loss in Comprehensive Plan Map amendments in Subparagraph 33.810.050.A.2.c.; and

3. The regulations of 33.445.610, Historic Preservation Incentives are met.

33.846.060 Historic Resource Review

A. Purpose. Historic resource review ensures the conservation and enhancement of the special characteristics of historic resources.

B. Review procedure. Procedures for historic resource reviews are shown in Tables 846-1 through 846-4. When determining procedure type for exterior alterations based on project valuation, the dollar amount refers to the value of the exterior changes and any new floor area only. It does not include interior or subgrade alterations.

1. For Historic Landmarks, including those in Historic Districts or Conservation Districts, when proposals are not exempt from review as specified in Subsection 33.445.140.B, the review procedure is determined by Table 846-1, below:

Table 846-1 Procedure Types for proposals affecting Historic Landmarks			
Proposal	**Zone**	**Threshold**	**Procedure**
Alterations of a landmark-designated interior public space	All	Project value > $481,300	Type III
		Project value ≤ $481,300	Type II
Mechanical equipment	All	Exterior	Type Ix
Awnings	All	New or replacement	Type Ix
Signs	C, E, I, RX, CI	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade area < 500 sq. ft.	Type Ix
Historic restoration	RF-RM4		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All	Project value > $481,300	Type III
		Project value ≤ $481,300	Type II

2. For Conservation Landmarks, including those in Historic Districts or Conservation Districts, when proposals are not exempt from review as specified in Subsection 33.445.230.B, the review procedure is determined by Table 846-2, below:

Table 846-2 Procedure Types for proposals affecting Conservation Landmarks			
Proposal	**Zone**	**Threshold**	**Procedure**
Signs	C, E, I, RX, CI	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade area < 500 sq. ft.	Type Ix
Historic restoration	RF-RM4		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All		Type II

3. For Historic Districts, excluding Historic or Conservation Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.320.B, the review procedure is determined by Table 846-3, below:

Table 846-3 Review procedures for proposals within Historic Districts			
Proposal	**Zone**	**Threshold**	**Review Type**
New structure	All	Project value > $481,300	Type III
		Project value ≤ $481,300	Type II
New accessory structure	RF-RM4		Type I
Signs	C, E, I, RX, CI	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade area < 500 sq. ft.	Type Ix
Alteration to the exterior of a structure	RF- RM4	Affected facade area < 150 sq. ft.	Type I
Historic restoration	RF- RM4		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All	Project value > $481,300	Type III
		Project value ≤ $481,300	Type II

4. For Conservation Districts, excluding Historic or Conservation Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.420.B, the review procedure is determined by Table 846-4, below:

Table 846-4 Review procedures for proposals within Conservation Districts			
Proposal	**Zone**	**Threshold**	**Review Type**
New structure	All		Type II
New accessory structure	RF- RM4		Type I
Signs	C, E, I, RX, CI	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade area < 500 sq. ft.	Type Ix
Alteration to the exterior of a structure	RF- RM4	Affected facade area < 150 sq. ft.	Type I
Historic restoration	RF- RM4		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All		Type II

C. Phased proposals.

1. For phased proposals. Applicants may submit design plans for a phase proposal, provided the application includes adequate information to allow review of all phases of the proposal, including anticipated timelines.

2. Benefits of a phased design plan. Development in conformance with an approved phased design plan does not have to go through a separate historic resource review for each phase.

3. Procedure. A phased design plan application is reviewed using the same procedure and with the same guidelines as a historic resource review for a specific development.

D. Models of proposals in the Central City plan district. For proposals located in the area of the Central City plan district shown on Map 510-1, a three dimensional digital model of a proposal located in a Historic District or Conservation District is required with an application for historic resource review. This requirement applies only to new developments or changes in the bulk of existing buildings. Before a building permit is issued, a three dimensional digital model of the proposal as approved must be submitted to the Bureau of Planning and Sustainability. The model requirements will be waived if the application does not involve a change in the bulk of buildings on a site for which the City possesses an accurate digital model.

E. Approval criteria outside the Central City plan district. Outside the Central City plan district, requests for historic resource review will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met. Conflicts among guidelines and criteria are resolved as specified in Paragraph E.4, below. The approval criteria for historic resource review outside the Central City plan district are as follows:

1. Historic Districts. When historic resource review is required for any resource in a Historic District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:

   a. Historic Districts with district-specific guidelines. Historic Districts may have guidelines that are specific to the district, such as the King's Hill Historic District Guidelines. When historic resource review is required in such districts, the guidelines specific to the district are the approval criteria;

   b. Historic Districts without district-specific guidelines. Where there are no guidelines that are specific to the Historic District, the criteria in Section 33.846.060.G are the approval criteria; or

   c. Alphabet Historic District. In the Alphabet Historic District, the approval criteria are the Community Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum.

2. Conservation Districts. When historic resource review is required for any resource in a Conservation District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:

   a. Conservation Districts with district-specific guidelines. Conservation Districts may have guidelines that are specific to the district. When historic resource review is required in such districts, the guidelines specific to the district are the approval criteria; or

   b. Conservation Districts without district-specific guidelines. Where there are no guidelines that are specific to the Conservation District, the Community Design Guidelines are the approval criteria;

3. Historic Landmarks and Conservation Landmarks located outside of Historic Districts or Conservation Districts. When historic resource review of a Historic Landmark or

Conservation Landmark located outside of a Historic District or Conservation District is required, the criteria in 33.846.060.G are the approval criteria.

4. Conflicts among guidelines and criteria. When a criterion in Section 33.846.060.G conflicts with any guideline, the criterion in Section 33.846.060.G supersedes the guideline.

F. Approval criteria in the Central City plan district. In the Central City plan district, requests for historic resource review will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met. Conflicts among guidelines and criteria are resolved as specified in Paragraph F.5, below. The approval criteria for historic resource review in the Central City plan district are as follows:

1. Historic Districts. When historic resource review is required for any resource in a Historic District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:

   a. Historic Districts with district-specific guidelines. Historic Districts may have guidelines that are specific to the district, such as the NW 13th Avenue Historic District Design Guidelines. When historic resource review is required in such districts, the approval criteria are the Central City Fundamental Design Guidelines and the guidelines specific to the Historic District. If the resource is a Historic Landmark or Conservation Landmark, the criteria in Section 33.846.060.G must also be met;

   b. Historic Districts without district-specific guidelines.

      (1) Where there are no guidelines that are specific to the Historic District and the site is also in a subdistrict of the Central City plan district that has subdistrict design guidelines, the approval criteria are the Central City Fundamental Design Guidelines and the subdistrict design guidelines. If the resource is a Historic Landmark or Conservation Landmark, the criteria in Section 33.846.060.G must also be met;

      (2) Where there are no guidelines that are specific to the Historic District and the site is in a subdistrict of the Central City plan district that does not have subdistrict design guidelines, the approval criteria are the Central City Fundamental Design Guidelines and the criteria in Section 33.846.060.G;

   c. Alphabet Historic District. In the portion of the Alphabet Historic District within the Central City plan district, when historic resource review is required for any resource, including Historic Landmarks and Conservation Landmarks, the approval criteria are the Central City Fundamental Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum. If the resource is a Historic Landmark or Conservation Landmark, the criteria in Section 33.846.060.G must also be met;

   d. Irvington Historic District. In the portion of the Irvington Historic District within the Central City plan district, when historic resource review is required for any resource, including Historic Landmarks and Conservation Landmarks, the approval criteria are the Central City Fundamental Design Guidelines, the design

guidelines for the Lloyd District subdistrict of the Central City plan district, and the criteria in Subsection 33.846.060.G;

2. Russell Street Conservation District. When historic resource review is required for any resource in the Russell Street Conservation District, including Historic Landmarks and Conservation Landmarks, the approval criteria are the Community Design Guidelines. If the resource is a Historic Landmark or Conservation Landmark, the criteria in Section 33.846.060.G must also be met;

3. Historic Landmarks and Conservation Landmarks located outside of Historic Districts and Conservation Districts. When historic resource review of a Historic Landmark or Conservation Landmark located outside of Historic Districts and Conservation Districts is required, the approval criteria are:

   a. Subdistricts with design guidelines. If the resource is in a subdistrict of the Central City plan district that has subdistrict design guidelines, the approval criteria are the Central City Fundamental Design Guidelines, the subdistrict design guidelines and the criteria in 33.846.060.G;

   b. Subdistricts without design guidelines. If the resource is in a subdistrict of the Central City plan district that does not have subdistrict design guidelines, the approval criteria are the Central City Fundamental Design Guidelines and the criteria in Section 33.846.060.G;

4. Specified sites along N. Broadway. When historic resource review is required for a historic resource on a site in the CXd zone, and the site fronts on and is within 300 feet of N. Broadway between N. Interstate and N. Wheeler streets, the approval criteria are the Central City Fundamental Design Guidelines and the Special Design Guidelines for the Design Zone of the Lloyd District of the Central City Plan District. If the resource is a Historic Landmark or Conservation Landmark, the criteria in Section 33.846.060.G must also be met.

5. Conflicts among guidelines and criteria. Conflicts among guidelines and criteria are resolved as specified in this paragraph.

   a. When a criterion in Section 33.846.060.G conflicts with any other guideline, the criterion in Section 33.846.060.G supersedes the other guideline.

   b. When a guideline that is specific to a historic district, such as one of the NW 13th Avenue Historic District Design Guidelines, conflicts with one of the Central City Fundamental Guidelines or with a subdistrict design guideline, such as one of the River District Design Guidelines, the guideline specific to the historic district supersedes the Central City Fundamental Guideline and the subdistrict guideline.

   c. When a subdistrict design guideline, such as one of the Goose Hollow District Design Guidelines, conflicts with one of the Central City Fundamental Design Guidelines, the subdistrict guideline supersedes the Central City Fundamental Guideline.

   d. When a guideline from the Historic Alphabet District Addendum to the Community Design Guidelines conflicts with one of the Central City Fundamental

Design Guidelines, the Alphabet District Guideline supersedes the Central City Fundamental Guideline.

e. When a Lloyd District Design Guideline conflicts with a Central City Fundamental Design Guideline, the Lloyd District Guideline supersedes the Central City Fundamental Guideline.

G. Other approval criteria. Requests for historic resource review will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria have been met. The approval criteria are:

1. Historic character. The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided;

2. Record of its time. The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided;

3. Historic changes. Most properties change over time. Those changes that have acquired historic significance will be preserved;

4. Historic features. Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence;

5. Historic materials. Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used;

6. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken;

7. Differentiate new from old. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old;

8. Architectural compatibility. New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource;

9. Preserve the form and integrity of historic resources. New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired; and

10. Hierarchy of compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

33.846.070 Modifications Considered During Historic Resource Review

The approval criteria for modifications considered during historic resource review are:

A. Better meets historic resource review approval criteria. The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and

B. Purpose of the standard.

1. The resulting development will meet the purpose of the standard being modified; or
2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

33.846.080 Demolition Review

A. Purpose. Demolition review protects resources that have been individually listed in the National Register of Historic Places or are identified as contributing to the historic significance of a Historic District. It also protects Historic Landmarks and Conservation Landmarks that have taken advantage of an incentive for historic preservation and historic resources that have a preservation agreement. Demolition review recognizes that historic resources are irreplaceable assets that preserve our heritage, beautify the city, enhance civic identity, and promote economic vitality.

B. Review procedure. Demolition reviews are processed through a Type IV procedure.

C. Approval criteria. Proposals to demolish a historic resource will be approved if the review body finds that one of the following approval criteria is met:

1. Denial of a demolition permit would effectively deprive the owner of all reasonable economic use of the site; or
2. Demolition of the resource has been evaluated against and, on balance, has been found supportive of the goals and policies of the Comprehensive Plan, and any relevant area plans. The evaluation may consider factors such as:
    a. The merits of demolition;
    b. The merits of development that could replace the demolished resource, either as specifically proposed for the site or as allowed under the existing zoning;
    c. The effect demolition of the resources would have on the area's desired character;
    d. The effect that redevelopment on the site would have on the area's desired character;

e. The merits of preserving the resource, taking into consideration the purposes described in Subsection A; and

f. Any proposed mitigation for the demolition.

(Added by: Ord. No. 169987, effective 7/1/96. Amended by: Ord. No. 171589, effective 11/1/97; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184016, effective 1/2/11; Ord. No. 185915, effective 5/1/13; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189488, effective 12/2/19; Ord. No 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20.)

33.848 Impact Mitigation Plans

848

Sections

33.848.010 Purpose
33.848.020 What is Covered by an Impact Mitigation Plan
33.848.030 When an Impact Mitigation Plan is Required
33.848.040 Procedure
33.848.050 Approval Criteria
33.848.060 Phases and Duration
33.848.070 Impact Mitigation Plan Requirements
33.848.080 Institution Closure or Relocation.
33.848.090 Implementation
33.848.100 Amendment of an Impact Mitigation Plan

33.848.010 Purpose

The Institutional Residential (IR) zone is intended to foster the growth of major institutions providing educational and medical services and employment to Portland's residents. The IR zone was created in recognition of the valuable role these institutions play in the community. The new zone is intended to streamline the review process for the growth and expansion of these institutions. However, these institutions generally are in residential areas. In residential areas the level of public services is scaled to a less intense level of development than is needed by these growing campuses. These campuses are often of a radically different scale and character than the areas in which they are located. Development of a strategy for each campus for resolution of public service and compatibility issues is important to the health of the institution and the City's neighborhoods. Once an institution has an approved impact mitigation plan, a conditional use master plan is not needed and will not be required.

33.848.020 What is Covered by an Impact Mitigation Plan

A. **Present uses.** An impact mitigation plan is for the entire area within the institutional campus boundary. The impact mitigation plan is applicable to all uses and activities within the boundary, regardless of the base zone, as long as the property is under the control of the institution or institutions located on the campus. Control means the power to decide and direct the use of land, structures and other resources.

B. **Future developments.** The impact mitigation plan's provisions control the future growth of the campus. The impact mitigation plan's provisions allow the expansion of existing facilities and the development of new facilities after the expected impacts of the development have been mitigated. The impact mitigation plan focuses on impacts of future development or developments. The impact mitigation plan is specifically intended to not focus on the characteristics of individual building projects.

33.848.030 When an Impact Mitigation Plan is Required

A. **In an IR Zone.** Development occurring in the IR zone in advance of the approval of an impact mitigation plan is subject to the conditional use requirements of the IR zone unless the institution has an approved master plan and the development is consistent with the

master plan. When the institution has an approved master plan the institution may continue to develop in accordance with the master plan until such time as the master plan is due to be updated or until the institution desires a development that is not consistent with the master plan. In the IR zone a master plan which is due to be updated, or which the institution wishes to amend, must be replaced by an impact mitigation plan, or by an amended or new conditional use master plan. An institution can also choose to replace an existing impact mitigation plan with a new conditional use master plan. An impact mitigation plan must be approved in accordance with the regulations of this Chapter. A conditional use master plan must be approved in accordance with the regulations of Chapter 33.820.

B. When required as part of another land use review. The review body as part of a land use review, may require an impact mitigation plan when the facility has the potential for creating significant impacts on nearby residential areas or on City infrastructure or services.

C. Voluntarily. An applicant may also voluntarily submit an impact mitigation plan as part of a land use review.

33.848.040 Procedure

A new impact mitigation plan is processed through a Type III procedure.

33.848.050 Approval Criteria

The approval criteria listed in this Section will be used to review impact mitigation plans. These criteria correspond to the regulations governing the content of the Impact Mitigation Plan. The approval criteria are:

A. The mission statement and impact mitigation plan contain the components required by the Institutional Residential Zone (33.848.070).

B. Mitigation.

1. Each planned phase of development includes mitigation activities that offset impacts of that phase of development, except as provided in Paragraph B.2, below;

2. Impacts that cannot be mitigated may be allowed if the public benefits of the proposed institutional campus boundary, mission statement, and impact mitigation plan outweigh the impacts.

C. The proposed uses and possible future uses will be able to comply with all applicable requirements of Title 33 and Title 32, Signs and Related Regulations, except where adjustments are being approved as part of the impact mitigation plan.

D. The proposed institutional zone boundary, mission statement, and impact mitigation plan have been evaluated against the purpose of the IR Zone and on balance have been found to be supportive of the zone's characteristics as stated in Subsection 33.120.030.F.

E. The proposal and impact mitigation plan are supportive of the Transportation Element of the Comprehensive Plan.

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, 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.

G. Public services for water supply, police, fire, sanitary waste disposal and storm water disposal are capable of serving the proposed development, or will be made capable by the time the development is completed.

H. City-designated significant resources such as views, landmarks, or habitat areas are protected or enhanced.

I. The appearance, location, and amount of commercial, non-institutional office, industrial service, and manufacturing and production will not, by itself or in combination with other uses, decrease the desirability of adjacent residential areas for the retention of existing housing or development of new housing.

J. The impact mitigation plan includes design, landscape, and multi-modal transportation plans which limits conflicts between the institutional campus and residential, commercial, and industrial uses located within the same neighborhood or neighborhoods as the campus.

K. All relevant declarations of Covenants, Conditions and Restrictions and any other relevant legal instruments will be submitted in advance of any development.

L. Campus institutional, commercial, office, industrial service, and industrial development will, with mitigation, not have significant adverse impacts on the livability of nearby residential and business areas.

M. The impact mitigation plan adequately addresses potential nuisance-related impacts, such as litter, noise, shading, glare and traffic.

N. The proposal is consistent with the policies and objectives of any plans applicable to the campus's location which have been adopted by the City Council as part of the Portland's Comprehensive Plan.

O. The Portland Design Commission has reviewed and approved design guidelines or standards that will ensure:

1. An environment will be created which is attractive, safe, and pleasant for pedestrians; and

2. The edges of the campus will provide smooth and attractive transitions between the institutional campus and adjacent residential and business areas.

33.848.060 Phases and Duration

An impact mitigation plan remains in effect until all phases of development included in the plan have been completed. An impact mitigation plan may include a specific expiration date. After all phases of development provided for in the impact mitigation plan have been completed, the plan remains in effect until it is amended, or updated, or superseded.

33.848.070 Impact Mitigation Plan Requirements

The applicant must submit an impact mitigation plan which includes all the components listed in this Section. The review body may modify the proposal. While it is important to include adequate detail in the plan, the intent of this Chapter and the IR zone is to allow development of a document that guides the nature and timing of mitigation activity rather than one that specifies the nature, size, and location of all future development projects.

A. **Mission statement and uses.** An impact mitigation plan must include a mission statement. The mission statement is intended to identify the scope of services and defines the range of uses and activities that the institution sees as ultimately occurring within the campus. The mission statement must include the following elements:

1. A statement of the mission of the institution and the campus;

2. A list of all the primary uses expected to occur on the campus with an explanation of the interrelationship between each and the institutional campus mission;

3. A list of all accessory uses expected to occur on the campus with an explanation of the role each accessory activity plays in implementing the campus mission statement. Except for Small Scale Energy Production, activities which provide goods or services to people or facilities that are not on the campus may not be listed as accessory activities;

4. A list of temporary activities and events which are expected to occur on the campus in general and at major event entertainment facilities located on the campus;

5. A list of other retail sales and service, office and industrial activities expected on the campus providing goods or services to people or facilities in the larger community, with a statement for each explaining the interrelationship between the activity and the campus mission statement; and

6. The proposed locations for retail sales and service, office, industrial uses, and major event entertainment facilities must be identified.

B. Institutional campus boundary. The Impact Mitigation Plan must delineate the ultimate area and boundaries of the institution's campus. The proposed boundary may include land that the institution does not presently control. However, sites must be controlled by the institution to be zoned IR.

C. Location sensitive uses. The Impact Mitigation Plan must identify the location on the campus where location sensitive uses are to be placed. Location sensitive uses are:

1. Retail Sales And Service and Office uses which are not listed as primary or accessory uses in the mission statement;
2. Any use or activity which provides goods or services to establishments not on the campus;
3. Major Event Entertainment facilities permitted on the campus as conditional uses; and
4. Industrial Service and Manufacturing And Production uses permitted on the campus as conditional uses.

D. Phasing of mitigation activities. Impact mitigation measures and expected demands for public services should be divided into phases of campus growth. Each phase of campus growth included in the impact mitigation plan must identify the specific mitigation activities which will be implemented in advance of the development activities included in that growth phase. A specific phase of campus growth may include several different development projects. Phases of growth may be described exclusively in terms of the mitigation measures to be implemented. Once the implementation measures for a phase of growth are in place any development project which is otherwise consistent with the campus mission statement and the impact mitigation plan may be undertaken when the project's expected impacts are at or below the levels mitigated for in the current phase of growth. Each phase of growth must identify mitigation measures to be taken to address the elements in Subsections E through I of this Section.

E. Waste disposal. For each phase of campus development, the following service loading must be addressed:

1. Effect on the City's sanitary sewer system;
2. Capacity of the storm water disposal system that serves the campus;
3. Disposal of hazardous solid waste, including preventing hazardous substances from entering the storm water disposal and sanitary sewer systems; and
4. Preventing mud and other debris from campus construction sites from entering the storm water disposal system.
5. Reducing solid waste produced on the campus through recycling;

F. Water supply. For each phase of campus development the following service loading must be addressed:

1. Water needs of the campus; and
2. Water conservation activities and measures.

G. Transportation. For each phase of campus development the following must be addressed in the multi-modal transportation plan.

1. The location and amount of motor vehicle and bicycle parking;
2. Strategies to reduce the number of motor vehicle miles traveled by those traveling to and from the campus, i.e. students, patients, faculty, staff, and visitors, including:
   a. Measures to encourage those traveling to and from the campus to use alternatives to single-occupant auto trips (walking, bicycling, carpooling, and public transit);
   b. The car or van pool programs;
   c. Incentives to be offered to employees and, where applicable, students, and others to use public transit for travel to and from the campus;
   d. Incentives to be offered to employees and, where applicable, students, and others to travel on foot or by bicycle to and from the campus. This may include incentives for employees to live within walking distance of the campus;
3. Planned improvements to the routes used by transit patrons between transit stops serving the campus and the campus's circulation system for pedestrians and transit facilities;
4. An on-site circulation system for all modes that meets the City's connectivity standards of no more than 530 feet apart for streets and no more than 330 feet apart for pedestrian/bicycle connections where streets are not feasible, and links to adjacent streets and walkways;
5. Traffic impacts on the streets in the vicinity of the campus and measures which will be taken to ensure that the surrounding streets will function consistent with the Transportation Element of the Comprehensive Plan;
6. Parking mitigation, including an analysis of projected peak parking demand for daily activities and events, and strategies to reduce the supply of parking without impacting nearby land uses; and
7. To address adequacy of transportation services, a multi-modal impact study is required of the applicant by the Office of Transportation. In preparing such a study the applicant should follow the guidelines set forth in the "Transportation Impact Study Guidelines" document available from the Portland Office of Transportation.

H. Environmental, historic, scenic and open space. For each phase of campus development the following must be addressed:

1. A strategy for the protection and enhancement of environmental, scenic and historic resources which have been inventoried by the City, determined to be significant and are located within the land occupied by the campus; and

2. A strategy for the enhancement of the campus's system of open spaces and their linkage to public right-of-ways.

I. Neighborhood livability. For each phase of campus development the following must be addressed:

1. Steps that will be taken to mitigate adverse impacts on the livability of nearby residential neighborhoods and residential developments as well as non-institutionally owned properties within the institution campus boundary. Impacts include noise, odor, traffic, litter, parking, shading of adjacent areas, public safety, vibration and glare;

2. How the institution's development will accommodate continued provision of public services including transportation, police, and fire protection to locations which are within the campus boundary but are not under the institution's control;

3. A schedule for bringing the campus into compliance with all provisions of the zoning code which may be practicably met as well as any conditions attached to the establishment or expansion of the institutional campus or the approval of the campus impact mitigation plan;

4. A plan showing how the campus will comply with the regulations for superblock if the campus is subject to the superblock regulations. If the institution’s site includes more than 50,000 square feet of vacated rights-of-way the institutional campus must meet the development regulations for superblocks contained in Chapter 33.293; and

5. Identification of distinct service or amenities the institution will provide for nearby residents.

J. Neighborhood communication and coordination. The institutional campus must provide an ongoing process for communicating with neighbors. The process is to be implemented during all phases of growth provided for by the impact mitigation plan. This process must provide for the following:

1. The institution must host a meeting, at least annually, with representatives from recognized neighborhood and business associations within whose boundaries the institution is located. The purpose of the meeting is to discuss short term and long-range plans for campus building and development.

2. A process for meeting with representatives of recognized neighborhood and business associations within whose boundaries the institution is located, which provides for the following:

   a. The periodic review of the institution's services and activities and potential external impacts;

   b. An opportunity to review and comment upon the design of specific development proposals planned in the current or next growth phase; and

   c. An opportunity to be informed of all land use reviews the institution is applying for at least 30 days before they apply to the City. The institution must provide

information on the types of activities, proposed size, and proposed location along with any proposed mitigation plan measures.

K. Design compatibility. The impact mitigation plan must include guidelines or standards that will guide the design review process on the campus. The guidelines or standards must include the following elements:

1. A set of design review guidelines and procedural thresholds to mitigate the potential aesthetic impacts of large scale institutional development upon surrounding non-institutional development and public right-of-ways. For each specific development project located near the campus boundaries or abutting a right-of-way, the applicant must demonstrate compliance with these design guidelines prior to the granting of a building permit. This will be processed through a Type II or a Type Ix design review procedure at the completion of schematic design. A Type II procedure must be followed if the impact mitigation plan's design guidelines take the form of subjective or qualitative statements. The institution may choose a Type Ix procedure if the design guidelines are objective standards;

2. Each building facade within 50 feet of a public right-of-way or pedestrian path or recreational trail (as shown in the Portland Comprehensive Plan Transportation Element) within or bordering the institutional campus must comply with design guidelines which address the following:

   a. All developments must create an environment friendly to pedestrians through the:

      (1) Orientation of main entrances to facilitate visibility and accessibility to pedestrians and transit patrons;

      (2) Treatment of ground floor development;

      (3) Provision of pedestrian amenities including seating, informational and directional signs and lighting; and

      (4) Treatment of open spaces and other landscaped areas.

   b. All development located, in all or part, within 150 feet of a campus boundary abutting a residential or commercial/mixed use zone must also be designed to smooth the transition between more intense, larger-scale institutional development and nearby residential and commercial areas through the:

      (1) Treatment of campus gateways including their location, design and landscaping;

      (2) Building design including proportions; building massing; type and color of exterior building materials; window treatment including number, size, location and degree of transparency; building setbacks and landscaping; and masking of roof-mounted mechanical equipment, loading docks and trash collection areas; and

      (3) Design, landscaping and location of surface and structured parking.

3. A listing of any specific building design characteristics for which a blanket adjustment to zoning regulations is requested for current and future building projects must be included in the institution's design guidelines.

33.848.080 Institution Closure or Relocation.

A. Phase-down plan. Six months before commencement of an institution's closure or relocation, the institution must develop a phase-down plan. This plan will be reviewed through a Type III review process. To be approved the phase-down plan must meet the approval criteria of Section 33.815.105, Institutional and Other Uses in R Zones.

B. Plan components. The plan must have the following components:

1. The status and potential future of uses associated with the institution must be identified;

2. Approval will be based on continued constraint of impacts and use of mitigation measures contained within the institution's approved impact mitigation plan.

C. Regulations.

1. Uses in compliance with the residential standards and regulations of the IR zone may continue.

2. Other uses may be permitted to remain through the Type III review called for in Subsection A.

3. Uses permitted to remain are required to continue to meet institutional impact mitigation plan standards and requirements.

33.848.090 Implementation

After an impact mitigation plan has been approved, all development must comply with the plan's provisions and phased mitigation schedules as well as all other applicable provisions of this code, unless exempted by the plan. Projects will be reviewed for compliance with the approved impact mitigation plan through a Type II procedure unless another approval process is identified in the IMP. The project will be approved when it is found that the impacts of the proposed development in combination with all existing development on the campus will not exceed the levels mitigated for in the current growth phase. Design review of the project may also be required. When required the design review procedure may occur concurrently with the Type II procedure unless another approval process is identified in the IMP.

33.848.100 Amendment of an Impact Mitigation Plan

A change of occupancy for an industrial service or manufacturing and production use listed in an already approved impact plan's mission statement is processed through a Type II procedure. A use amendment to an approved impact mitigation plan's mission statement is reviewed through a Type III procedure. Other amendments to an approved impact mitigation plan are reviewed through a Type II procedure.

(Added by Ord. No. 167054, effective 10/25/93. Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175966, effective 10/26/01; Ord. No. 177028, effective 12/14/02; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 183598, effective 4/24/10; Ord. No. 185915, effective 5/1/13; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

33.849 Marquam Hill Parking Review

849

Sections:

33.849.010 Purpose
33.849.100 Procedure
33.849.110 Approval Criteria

33.849.010 Purpose

The regulations of Sections 33.849.100 and .110 allow for parking within the institutionally developed portions of Marquam Hill in a manner consistent with the goals and objectives of the Marquam Hill Plan. The approval criteria ensure that the demand for parking will be managed, and the negative effects of parking and associated traffic will be minimized.

33.849.100 Procedure

A. Type A. Type A Marquam Hill Parking Reviews are processed through a Type Ix procedure.

B. Type B. Type B Marquam Hill Parking Reviews are processed through a Type III procedure.

33.849.110 Approval Criteria

A. Approval criteria for Type A Marquam Hill Parking Review. The request for a Type A Marquam Hill Parking Review will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

1. Single-occupancy vehicle trips. Single-occupancy vehicle trips to and from the plan district by the applicant's employees and students will not exceed the percentages in Table 849-1. The percentages in Table 849-1 vary based on when the application for Marquam Hill Parking Review is submitted.

Table 849-1
Maximum Allowable Single-Occupancy Vehicle Trips

Date Application for Review is Submitted	Maximum
July 31, 2002 – December 31, 2007	51%
January 1, 2008 – December 31, 2012	48%
January 1, 2013 – December 31, 2017	45%
January 1, 2018 – December 31, 2022	43%
January 1, 2023 – December 31, 2027	41%
After January 1, 2028	39%

2. PM peak traffic flow rate. The PM peak hour is measured between 4:30 PM and 5:30 PM.

   a. SW Campus Drive. The PM peak eastbound traffic flow rate on SW Campus Drive will not exceed the maximums stated in Table 849-2. The measurement will be taken on SW Campus Drive approximately 100 feet west of SW Terwilliger Boulevard. The maximums stated in Table 849-2 vary based on when the application for Marquam Hill Parking Review is submitted.

Table 849-2 Maximum Allowable PM Peak Traffic Flow Rates on SW Campus Drive	
Date Application for Review is Submitted	Maximum PM Peak
July 31, 2002 – December 31, 2015	550
January 1, 2016 – December 31, 2029	500
After December 31, 2029	450

b. SW Homestead Drive, SW Hamilton Terrace, and SW Condor Lane. The PM peak eastbound traffic flow rate on SW Homestead Drive, SW Hamilton Terrace, and SW Condor Lane attributed to trips made by the applicants employees and students will not exceed the maximums stated in Table 849-3.

Table 849-3 Maximum Allowable PM Peak Traffic Flow Rates	
Street	Maximum PM Peak
SW Homestead Drive	330
SW Hamilton Terrace	100
SW Condor Lane	50

B. Approval criteria for Type B Marquam Hill Parking Reviews. The request for a Type B Marquam Hill Parking Review will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

1. If the proposal is to develop parking in excess of the maximums stated in Table 555-1, or the proposal is to develop parking after August 1, 2012 the following criteria must be met:

   a. The proposal will not by itself, or in combination with other parking facilities in the area, significantly lessen the overall desired character of the area. The desired character of the area is determined by the Marquam Hill vision, policies, and objectives, the Marquam Hill Plan Functional Areas Site Development Concept, the Marquam Hill Vehicular Circulation Site Development Concept, and the Marquam Hill Pedestrian Circulation Site Development Concept;

   b. The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation is based on a transportation impact analysis and includes factors such as street capacity and level of service, on-street parking impacts, access requirements, impacts on transit operations and movement, impacts on the immediate and adjacent neighborhoods, and pedestrian and bicycle safety

   c. 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.

2. If the proposal would otherwise be subject to Type A Marquam Hill Parking Review but does not meet the approval criteria for that review, the applicant must demonstrate how those approval criteria will be met within three years. The standards that must be met within three years are the standards that will be in effect

at the end of the three year period, rather than the standards in effect when the application is submitted.

If the applicant cannot demonstrate that this criterion is met, the criteria of Paragraph B.1, above, must be met.

(Added by: Ord. No. 176742, effective 7/31/02; amended by: Ord. No. 185915, effective 5/1/13.)

33.850 Statewide Planning Goal Exceptions

850

Sections:

33.850.010 Purpose
33.850.020 Initiating a Statewide Planning Goal Exception
33.850.030 Procedure
33.850.040 Approval Criteria

33.850.010 Purpose

The Statewide Planning Goal exception process provides an opportunity for developments or actions which would otherwise not be allowed due to the application of a specific Statewide Planning Goal. This exception provides for the rare occurrence where the public interest will be better served by granting an exception to a Statewide Planning Goal than in applying the Goal. Statewide Planning Goal exceptions are allowed only for items listed in the Statewide Planning Goals.

33.850.020 Initiating a Statewide Planning Goal Exception

Legislative Statewide Planning Goal exceptions may be initiated by the Director of BDS, the Planning and Sustainability Commission, or by City Council. Requests for a quasi-judicial Statewide Planning Goal exception may be initiated by an applicant, the Director of BDS, the Planning and Sustainability Commission, or by City Council. Others may petition to the Planning and Sustainability Commission to consider a specific legislative Statewide Planning Goal exception. Initiations by a review body are made without prejudice towards the outcome. A discussion of quasi-judicial and legislative can be found in 33.700.070.

33.850.030 Procedure

A. Quasi-judicial Statewide Planning Goal exceptions are reviewed through a Type III procedure, and must be approved by City Council. A Statewide Planning Goal exception requires an amendment to the City's Comprehensive Plan.

B. Legislative Statewide Planning Goal exceptions are processed through a legislative procedure. A Statewide Planning Goal exception requires an amendment to the City's Comprehensive Plan.

33.850.040 Approval Criteria

A Statewide Planning Goal exception will be approved if it is found that the proposal meets State and any additional City approval criteria for the specific goal exception. The approval criteria are included in the appropriate chapters containing regulations which can be modified through a Statewide Planning Goal exception.

(Amended by: Ord. No. 174263, effective 4/15/00.)

33.851 South Waterfront Greenway Review

851

Sections:

33.851.010 Purpose
33.851.100 Review Procedures
33.851.200 Notice to State Parks and Recreation division
33.851.300 Approval Criteria

33.851.010 Purpose

South Waterfront greenway review provides flexibility within the South Waterfront greenway area and ensures that:

- Development will not have a detrimental impact on the use and function of the river and abutting lands;
- Development will conserve, enhance and maintain the scenic qualities;
- Development will contribute to enhanced ecological functions to improve conditions for fish and wildlife;
- Development will conserve the water surface of the river by limiting structures and fills riverward of the greenway setback;
- Development that does not meet the standards of 33.510.253, South Waterfront Greenway Regulations, will be consistent with the Willamette Greenway Plan and the Central City Plan; and
- The timing of greenway improvements may be flexible to ensure successful implementation of the greenway in a more comprehensive manner.

33.851.100 Review Procedures

A. Procedures. South Waterfront greenway reviews are processed through a Type III procedure. Greenway goal exceptions are processed through a Type III procedure, and must be approved by City Council. See Section 33.440.360, Greenway Goal Exception, and Chapter 33.850, Statewide Planning Goal Exceptions.

B. Concurrent Design Review required.

1. Procedure. Proposals subject to South Waterfront greenway review are also subject to Design Review, which will be processed through a Type III procedure and reviewed concurrently with the South Waterfront greenway review.

2. Approval criteria. While all proposals must meet Sections II and III of the South Waterfront Design Guidelines, applicants may choose to meet Section IV, Greenway Development Plan Option, in addition to Sections II and III. I an applicant chooses to meet Section IV of the Design Guidelines, they gain additional flexibility through a development agreement with City Council. The development agreement can set out timing of improvements that differs from that required by Chapter 33.510, and can

establish financial arrangements for improvements and maintenance that include City Agencies as partners.

33.851.200 Notice to State Parks and Recreation Division
BDS will send a copy of all applications for South Waterfront greenway review to the Parks and Recreation Division of the Oregon Department of Transportation. The applications will be sent certified mail, return receipt requested. The notice of decision on all South Waterfront greenway reviews will also be sent to the Parks and Recreation Division.

33.851.300 Approval Criteria
Requests for a South Waterfront greenway review will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. Consistent with the purpose of the South Waterfront greenway. The following approval criteria must be met for all proposals:

1. When compared to the development required by the standards of 33.510.253, the proposal will better enhance the natural, scenic, historical, economic, and recreational qualities of the greenway;
2. When compared to the development required by the standards of 33.510.253, the proposal will better ensure a clean and healthy river for fish, wildlife, and people;
3. When compared to the development required by the standards of 33.510.253, the proposal will better embrace the river as Portland's front yard; and
4. When compared to the development required by the standards of 33.510.253, the proposal will better provide for stormwater management.

B. Development riverward of top of bank. If development is proposed riverward of top of bank, the following approval criteria must be met:

1. The riverbank will be protected from wave and wake damage; and
2. The proposal will not:
   a. Result in the significant loss of biological productivity in the river;
   b. Restrict boat access to adjacent properties;
   c. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;
   d. Interfere with fishing use of the river;
   e. Significantly add to recreational boating congestion; and
   f. Significantly interfere with beaches that are open to the public.

C. Proposals that do not meet the requirements of 33.510.253.E. If the proposal does not meet all of the standards of Subsection 33.510.253.E., the following approval criteria must be met:

1. The proposal will restore and enhance the natural character of the area adjacent to the river and will allow more significant creation of habitat for fish and wildlife that could aid in supporting the recovery of native species of fish; and

2. The proposal will support or enhance the function of the greenway area as an active and vibrant waterfront and will provide sufficient opportunities for human interaction with the greenway.

D. Buildings within the South Waterfront greenway area. If the proposal includes buildings that do not meet the standards of 33.510.253.E.5.b, at least one of the following approval criteria must be met:

1. The proposal will increase the area available for riparian plant communities on the site by regrading within the greenway area to decrease the slope of the river bank (i.e., laying back the bank). Proposals meeting this approval criteria must show that the modified slope of the bank will be no steeper than 5:1, and that buildings will be set back at least 100 feet from ordinary high water and at least 30 feet from the modified top of bank;

2. The proposal will compensate for the reduction in setback through near shore and bank treatments that mimic the conditions found in more natural areas of the Lower Willamette River. Proposals meeting this approval criterion must demonstrate the following:

   a. Buildings will be set back at least 75 feet from the top of bank;

   b. The near shore and bank treatments will be installed riverward of top of bank;

   c. The near shore and bank treatments will provide resource enhancement, reestablish multiple riparian functional values, increase near shore or bank complexity, and be appropriate to the specific conditions of the site and the river. The complexity should be able to be maintained over time by natural river processes; and

   d. The proposal includes near shore and bank treatments that are valued at 700 dollars or more per linear foot of river facing site frontage.

3. The proposal will set all buildings back an average of 100 feet from top of bank; proposals meeting this approval criteria must show that buildings will be set back at least 75 feet from top of bank, that at least 50 percent of the length of all building walls facing the South Waterfront greenway area will be set back at least 125 feet from top of bank, and that averaging will better enhance the recreational and ecological functions of the greenway area; or

4. The proposal meets all of the requirements of the South Waterfront Greenway Development Plan and a modified setback distance has been identified on the site by the City as part of the plan.

E. Trails, viewpoints, and pedestrian connections. If the proposal will include trails, viewpoints, or pedestrian connections that do not meet the standards of Subsection

33.510.253.E.5.d.or e. the proposal must meet approval criteria E.1. and E.2., and either E.3. or E.4.:

1. The proposed trail, viewpoints, and pedestrian connections will safely accommodate expected users;

2. The trail will include one or two paths and the width of the proposed trail, or the combined width of the paths that make up the trail, will be at least 18 feet; and

3. The proposed trail, viewpoints, and pedestrian connections will respond to topographic constraints of the site; or

4. The proposal meets all of the requirements of the South Waterfront Greenway Development Plan and the proposed trail, viewpoints, and pedestrian connections comply with those identified on the site as part of the plan.

F. Landscaping and non-landscaped area. If the proposal will include landscaping or non-landscaped area that does not meet the standards of Subsection 33.510.253.E.5.a.or 5.f., the proposal must meet either approval criteria F.1. or F.2.:

1. The proposal will mitigate for any reductions in vegetative cover through the use of methods including near shore and bank restoration work, bioengineering, or green building technologies, including innovative stormwater management, on the site; or

2. The proposal meets one of the following:

   a. The proposal will better support the water quality goals of the City's Stormwater Management Manual;

   b. The landscaping standards cannot be met on the site because of existing bank and soil conditions such as the presence of riprap or other obstructions;

   c. The proposal is necessary to ensure bank stability; or

   d. The proposal will allow greater visual access between the trail and other segments of the greenway, and will enhance safety for trail users.

(Added by: Ord. No. 177082, effective 1/20/03; Amended by: Ord. No. 178425, effective 5/20/04; Ord. No. 183518, effective 03/05/10.)

33.852 Transportation Impact Review

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Sections:

33.852.010 Purpose
33.852.100 Procedure
33.852.105 Supplemental Application Requirements
33.852.110 Approval Criteria
33.852.115 Duration of a Transportation Impact Review

33.852.010 Purpose

Transportation Impact Review provides a mechanism to evaluate whether the multimodal transportation system is capable of supporting proposed development, as well as consideration of proportional mitigation measures. The development thresholds that trigger a Transportation Impact Review can be found in other chapters of this Title. Transportation Impact Review may be completed at various levels of detail. Generally, the more specific the proposal, the less review that will be required as future development is built. Transportation Impact Review is intended as a mechanism to identify practicable actions to reduce and mitigate transportation impacts, consistent with allowing those uses generally permitted or allowed in the base zone.

33.852.100 Procedure

Transportation Impact Reviews are processed through a Type II procedure.

33.852.105 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, an application for Transportation Impact Review must include the following. In commercial/mixed use zones, if the applicant has chosen Transportation Impact Review rather than implementing the pre-approved plan allowed by 33.266.410, only supplemental application requirement H is required.

A. Description of proposed development. Transportation Impact Review must include proposed development, and may incorporate possible future development anticipated for up to ten years;

B. Delineation of the study area, and rationale for the delineation. At a minimum, the study area must include primary access routes between the site and the nearest regional trafficways and major city traffic streets, regional transitways and major transit priority streets, major city bikeways, and city walkways. Other secondary routes used to access the site within the neighborhood(s) where the site is located must also be included;

C. Description of existing uses and conditions in the study area. If the application is for development in the Cascade Station/Portland International Center Plan District, the following are also required:

1. The description must include build-out of the Maximum Use Allocations in Table 508-1 in the count of background traffic, regardless of whether construction of those uses has occurred;

2. Table 508-1 assumptions and conclusions must be provided to BDS for tracking purposes;

D. Traffic forecasts and distribution;

E. Primary traffic access routes to and from the study area;

F. Analysis of the proportional responsibility of the proposed development to mitigate forecasted impacts;

G. Recommended mitigation measures including transportation system management and needed transportation improvements;

H. Transportation and parking demand management plan that has all the elements required by Chapter 17.107; and

I. Evaluation of the transportation impacts of the proposed development, including impacts in the study area, on:

1. Street function, capacity and level of service;
2. On-street parking;
3. Access;
4. Transit operations and movements; and
5. Pedestrian and bicycle routes and safety.

33.852.110 Approval Criteria for Transportation Impact Reviews

The request for development or development capacity will be approved if the review body finds that the applicant has shown that all of the following criteria are met. In commercial/mixed use zones, if the applicant has chosen Transportation Impact Review rather than implementing the pre-approved plan allowed by 33.266.410, only approval criterion B applies.

A. The transportation system is capable of supporting the recommended development 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 as required by criterion C;

B. Proposed transportation and parking demand management actions are contributing to the City sufficiently achieving the relevant mode share and residential auto ownership targets established by the Transportation System Plan for the uses and development on the site;

C. Measures proportional to the impacts of the proposed development 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; and

D. 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.

33.852.115 Duration of a Transportation Impact Review
An approved Transportation Impact Review remains in effect for up to ten years, or until development allowed by the review has been completed or the review is amended or superseded, whichever comes first.

(Added by: Ord. No. 179076, effective 6/30/05. Amended by: Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

33.853 Tree Review

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Sections:

33.853.010 Purpose
33.853.020 When Review Is Required
33.853.030 Procedure
33.853.040 Approval Criteria

33.853.010 Purpose

The tree review process evaluates whether mitigation proposed for tree removal is both appropriate and adequate, considering the purpose of the regulations that encourage tree preservation or limit removal. Tree review also evaluates whether changes to tree preservation plans or tree-related conditions of approval are appropriate, and determines the appropriate mitigation for trees lost due to violations of tree regulations. The review allows flexibility for unusual situations and allows for the purpose of the tree regulations to be met using creative or innovative methods.

33.853.020 When Review Is Required

Tree review is required in the following situations:

A. Scenic Overlay Zone, Johnson Creek Basin plan district, and Rocky Butte plan district. Trees that do not qualify for removal under the applicable overlay zone or plan district regulations listed below may be removed if approved through tree review:

1. The standards in the Scenic Overlay Zone in 33.480.040.B.2.h, Preservation of Trees;
2. The standards in the Johnson Creek Basin plan district in 33.537.125, Tree Removal Standards; or
3. The standards in the Rocky Butte plan district in Subsection 33.570.040.C, Tree Removal Standards.
4. Exception. Where the requested tree removal would also require environmental review, only environmental review is required.

B. Changing tree preservation requirements following land use approval.

1. Generally. Changes to tree preservation requirements approved as part of a land use decision, including changes to trees to be preserved, mitigation requirements, or other requirements stated in conditions of approval, may be approved through tree review.
2. Exceptions.
   a. If the tree preservation or mitigation was required as part of an environmental review, Pleasant Valley resource review or greenway review, changes are subject to the regulations of the relevant overlay zone chapter and exempt from the regulations of this chapter.

b. Requests to remove trees found by an arborist to be dead, dying, or dangerous do not require Tree Review if the condition of the tree is not the result of a violation. A Title 11 tree permit must be obtained and the tree must be replaced.

C. Violations.

1. Corrections to violations of tree protection and tree preservation requirements of this Title, or to violations of tree preservation requirements of a land use review, are reviewed through tree review, except as stated in paragraph C.2.

2. Exception. Corrections to violations of the environmental overlay zone, Pleasant Valley Natural Resources overlay zone, and the Greenway overlay zone, are not subject to Tree Review but are reviewed through the review procedures for those overlay zones.

33.853.030 Procedure

A. Scenic Overlay Zone, Johnson Creek Basin plan district and Rocky Butte plan district. Requests for Tree Review in the Scenic Overlay Zone, Johnson Creek Basin plan district or Rocky Butte plan district are processed through a Type II procedure.

B. Changing tree preservation requirements following land use approval. Requests to change tree preservation requirements of a land use review, or a tree-related condition of approval, are processed through a Type II procedure.

C. Violations. Corrections to violations of tree protection and tree preservation regulations of this Title, or violations of tree preservation requirements of a land use review are processed as follows:

1. Corrections to violations are processed through a Type II Review, except as stated in paragraph C.2.

2. If the original procedure for the review that approved the tree preservation requirement was a Type III procedure, and either C.2.a or b. applies, the violation is processed through a Type III Tree Review.

   a. The violation is for the removal of more than two trees that are 20 or more inches in diameter; or

   b. The violation is for the removal of more than two trees within a tree grove.

33.853.040 Approval Criteria

A. Trees in the Scenic Overlay Zone, Johnson Creek Basin plan district, or Rocky Butte plan district. A request to remove trees in the Scenic Overlay Zone, Johnson Creek Basin plan district, or Rocky Butte plan district will be approved if the review body finds that the applicant has shown that either criterion A.1 or A.2 is met and criterion A.3 is met:

1. The removal is necessary to allow for reasonable development of the site, including access to the site for construction, required parking, pedestrians, and utilities, and considering the allowed uses and characteristics of the area. Alternative locations and construction methods for structures, utilities and paved areas must be considered to

maximize preservation of trees, with emphasis on preservation of trees that are 20 or more inches in diameter and tree groves; or

2. For sites within the Scenic overlay zone or Rocky Butte plan district, the removal is to create or enhance a public view from public property or from a public right-of-way. Consultation with the City Forester is required; and

3. The proposal will continue to meet the purpose of the relevant tree preservation or removal standards. Replacement plantings within the Scenic overlay zone must consist of approved vegetation listed in the *Scenic Resources Protection Plan* appendix.

B. Changes to tree preservation requirements following land use approval. The approval criteria for changes to tree preservation or mitigation requirements are:

1. If the tree preservation requirement was approved as part of a land division or planned development, the requested change will be approved if the review body finds that the applicant has shown that the revised method will continue to meet the requirements of Chapter 33.630, Tree Preservation.

2. If the tree preservation requirement was approved through a land use review other than a land division or planned development, the requested change will be approved if the review body finds that the applicant has shown that the revised method continues to meet the approval criteria of the original review. Any impacts resulting from the requested change must be mitigated to the extent practicable.

C. Corrections to violations. For corrections to violations of tree protection and tree preservation regulations of this Title, or violations of tree preservation requirements of a land use review, the applicant must show the review body that all of the following approval criteria are met:

1. Mitigation plan;

   a. The applicant’s mitigation plan meets the purpose of the regulation that was violated. Where the violation is of a tree preservation requirement of a land use review, the mitigation plan meets the purpose of the regulation that required the preservation plan; and

   b. The mitigation plan includes replacement of trees cut, or the preservation and protection of additional trees on the site not originally proposed for preservation. If replacement of trees is proposed, the plan must at a minimum meet the requirements of Table 853-1. If additional trees on the site are proposed for preservation and protection, the applicant must submit an arborist's assessment indicating the suitability of the trees for preservation, recommendations for protection methods, and any remedial treatment that may be necessary to ensure the long term viability of the trees. The total diameter of additional trees preserved must exceed the total diameter of trees cut.

Table 853-1 Tree Replacement for Violations	
Size of tree removed (inches in diameter)	**Number of Trees to be Planted**
Up to 12	3 trees
More than 12 to up to 20	5 trees
More than 20 to up to 25	7 trees
More than 25 to up to 30	10 trees
More than 30	15 trees

2. Replacement trees must be planted as follows:

   a. On the site where the violation occurred;

   b. If it is not possible to plant the trees on the site where the violation occurred, then the trees may be planted on other property owned by the applicant within the City of Portland. This includes property owned by a Homeowners' Association to which the applicant belongs;

   c. If it is not possible to plant the trees as described in 2.a or b, then a payment in lieu of planting may be made to the Tree Planting and Preservation Fund.

3. Replacement trees must meet the requirements of Section 33.248.030, Plant Materials, unless the mitigation plan calls for different planting specifications to address concerns about plant survival or impacts on the site.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04; Ord. No. 179980, effective 4/22/06; Ord. No. 184524, effective 7/1/11; Ord. No. 186053, effective 1/1/15.)

33.854 Planned Development Review

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Sections:

General
33.854.010 Purpose
Review of Planned Development
33.854.200 Review Procedures
33.854.250 Supplemental Application Requirements
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33.854.320 Additional Approval Criteria for Modifications of Development Standards
33.854.330 Commercial Uses in Residential Zones
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33.854.500 Types of Changes
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General

33.854.010 Purpose

These regulations assign Planned Development Reviews to an appropriate procedure type. The approval criteria ensure that innovative and creative development is encouraged when it is well designed and integrated into the neighborhood.

Review of Planned Development

33.854.200 Review Procedures

A. Concurrent reviews. When land use reviews in addition to Planned Development Review are requested or required, all of the reviews must be processed concurrently, except for Design Review for buildings within a Planned Development site when the Planned Development bonus is being utilized (See 33.130.212.E). In this case, Design Review may be processed after the Planned Development Review.

B. Planned Development bonus. Proposals that are using the commercial/mixed use zones Planned Development bonus (See 33.130.212.E) are processed through a Type III procedure.

C. All other Planned Development Reviews.

1. Review in conjunction with a land division. When a Planned Development is requested in conjunction with a land division, the review will be processed as follows:

a. Type III review. Proposals in the RF through R2.5 zones that include attached duplexes, multi-dwelling structures, or multi-dwelling development are processed through a Type III procedure.

b. Type IIx review. All other proposals are processed through the Type IIx procedure.

2. Review not in conjunction with a land division. When a Planned Development is not in conjunction with a land division, the review will be processed as follows:

a. Type III. Planned Developments that include any of the following elements are processed through a Type III procedure:

(1) Attached duplexes, multi-dwelling structures, or multi-dwelling development in the RF through R2.5 zones;

(2) Eleven or more units;

(3) Four or more units where any building location, utility, or service is proposed within a Potential Landslide Hazard Area;

(4) Environmental review;

(5) Any portion of the site is in an Open Space zone.

b. Type IIx. All other proposals not assigned to a Type III in Subparagraph C.2.a. are processed through a Type IIx procedure.

33.854.250 Supplemental Application Requirements
In addition to the application requirements of Section 33.730.060.D, the following information is required for a Planned Development application:

A. Supplemental application requirements for Planned Developments in commercial/mixed use zones that are proposing additional height or FAR through the Planned Development bonus (See 33.270.100.I):

1. The boundaries of the area to be included in the Planned Development. The area must include all contiguous lots that are owned by the same person, partnership, association, or corporation. This also includes lots that are in common ownership but are separated by a shared right-of-way;

2. An urban design and development framework plan showing:

a. The location of existing and proposed structures;

b. Proposed land uses including areas with active ground floor uses;

c. A three dimensional massing diagram that identifies the maximum proposed building envelope for each building site, including maximum proposed building dimensions, height, and floor area allocations;

d. Sections, sectional elevations, and perspectives that illustrate the relationship of existing and proposed development on the site to the urban form of the surrounding neighborhood in terms of building height and massing;

e. The allocation of any required affordable housing if there will be more than one building;

f. The location, design and programming of plazas, parks or open areas; and

g. Relationships and transitions to adjacent properties and the neighborhood;

3. A transportation and circulation plan showing:

a. Proposed pedestrian, bicycle, and vehicle circulation system that meet City of Portland connectivity standards, including locations where the circulation system connects to public right-of-way outside of the site,

b. Transit service lines and stops within and immediately adjacent to the site;

c. Locations of right-of-way to be vacated or dedicated within the site; and

d. Vehicle and bicycle parking and any parking access points;

4. Transportation and parking demand management strategies;

5. If the proposed Planned Development involves the transfer of floor area, information about the location of the receiving and sending lots, the ownership of the lots, and amount of floor area to be transferred and retained at each lot must be included;

6. A stormwater management plan;

7. A phasing plan including proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development; and

8. A Project narrative describing how the proposal meets applicable design guidelines.

B. Supplemental application requirements for all other Planned Developments:

1. Photographs that show the characteristics of surrounding neighborhood; and

2. Either B2.a. or B.2.b., must be submitted with the application:

a. Proposed building elevations and locations with enough detail to show that all of the approval criteria are met; or

b. Proposed standards regulating setbacks, building coverage, landscaping, vehicle areas, materials, and design of structures. The proposed standards must be clear and objective, and specific enough to show how all of the approval criteria are met. Proposed standards may not conflict with the regulations of this Title, except where a modification is requested as part of the Planned Development application. If approved, the standards will apply, in addition to regulations of this Title to all development on the site.

33.854.300 Approval Criteria in General

The approval criteria for Planned Developments are stated below. Planned Developments in all zones must meet the criteria in Section 33.854.310. Some proposals must also meet additional approval criteria, as follows:

A. Proposals to modify site-related development standards must meet the criteria in Section 33.854.320.

B. Proposals for commercial uses in residential zones must meet the criteria in Section 33.854.330.

C. Proposals that do not include a land division must meet the criteria in Section 33.854.340. Proposals that are only using the commercial/mixed use zones Planned Development bonus (See 33.270.100.I) are not required to meet the criteria in Section 33.854.340.

A request for a Planned Development will be approved if the review body finds that the applicant has shown that all of the relevant approval criteria have been met.

33.854.310 Approval Criteria for Planned Developments in All Zones
Criteria A through F apply to proposals for additional height or FAR in the CM2, CM3, CE, and CX zones that are taking advantage of 33.270.100.I. If the Planned Development is not proposing additional height or FAR as allowed by 33.270.100.I, then only criteria E and F apply.

A. Urban design and development framework.

1. The proposed overall scheme and site plan provide a framework for development that meets applicable Community Design Guidelines and will result in development that complements the surrounding area;
2. Scale and massing of the development addresses the context of the area, including historic resources, and provides appropriate scale and massing transitions to the adjacent uses and development specifically at the edges of the Master Plan area;
3. Proposed plazas, parks, or open areas are well located to serve the site and public, and are designed to address safety and comfort of users; and
4. The site plan promotes active ground floor uses on key streets to serve the development and surrounding neighborhood; and

B. Transportation system. The transportation and circulation system provides multimodal connections that support the development of the site, and limit impacts to adjacent neighborhoods.

C. Stormwater Management. The Planned Development meets the requirements of the Stormwater Management Manual or describes a phased approach to meet the requirements.

D. Phasing Plan. The Planned Development establishes coordinated phasing of development that demonstrates how the site will be developed over time and how any required development elements will be met.

E. Configure the site and development to visually integrate both the natural and built features of the site and the natural and built features of the surrounding area. Aspects to be considered include:

1. Orienting the site and development to the public realm, while limiting less active uses of the site such as parking and storage areas along the public realm;

2. Preservation of natural features on the site, such as stands of trees, water features or topographical elements;
3. Inclusion of architectural features that complement positive characteristics of surrounding development, such as similar building scale and style, building materials, setbacks, and landscaping;
4. Mitigation of differences in appearance through means such as setbacks, screening, landscaping, and other design features;
5. Minimizing potential negative effects on surrounding residential uses; and
6. Preservation of any City-designated scenic resources; and

F. Provide adequate open area on sites zoned RF through R2.5 where proposed development includes attached houses, duplexes, attached duplexes, or multi-dwelling structures. Open area does not include vehicle areas.

33.854.320 Additional Approval Criteria for Modifications of Site-Related Development Standards

The following criteria apply to modifications of site-related development standards, including parking standards. These modifications are done as part of a Planned Development review and do not have to go through the adjustment process. Modifications to development standards for which adjustments are prohibited may not be considered. The modification will be approved if the following approval criteria are met:

A. **Better meets approval criteria.** The resulting development will better meet the applicable approval criteria of Section 33.854.310; and

B. **Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standards for which a modification is requested.

33.854.330 Commercial Uses in Residential Zones.

The approval criteria of this section apply to proposals for commercial uses in Residential Zones. The approval criteria are:

A. The area surrounding the proposed location of the commercial uses is deficient in support commercial opportunities;

B. The proposed commercial development and uses will be primarily for the service and convenience of residents of the neighborhood; and

C. The proposed commercial development and uses must be consistent with the purpose and regulations of the CN1 zone.

33.854.340 Proposals Without a Land Division

The approval criteria of this section apply to Planned Developments that do not include a land division, except Planned Developments that are only using the commercial/mixed use zones Planned Development bonus. The approval criteria are:

A. Services.

1. The proposed use must be in conformance with the Arterial Streets Classifications and Policies of the Transportation Element of the Comprehensive Plan;
2. The approval criteria of Section 33.654.110, Connectivity and Location of Rights-of-Way, must be met;
3. The standards of Section 33.651.020, Water Service Standards, must be met;
4. The standard of Section 33.652.020, Sanitary Sewer Disposal Service Standard, must be met;
5. The standard of Section 33.655.100, School District Enrollment Capacity Standard, must be met; and
6. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.

B. Tree preservation. The proposal must meet the requirements of Chapter 33.630, Tree Preservation.

C. Flood hazard areas.

1. RF through R2.5 zones. In the RF through R2.5 zones, all proposed building locations must be outside of the flood hazard area.
2. RM2 through RX, C, E, I, and IR zones. In the RM2 through RX, C, E, I, and IR zones, all proposed building locations must be outside of the flood hazard area where possible. Where it is not possible to have all building locations outside of the flood hazard area, all proposed building locations must be configured to reduce the impact of flooding and to provide the greatest protection for development from flooding. Proposed building locations must be clustered on the highest ground and near the highest point of access, and they must be configured in a manner that will minimize obstruction of floodwaters.

D. Landslide hazard areas. Buildings, services and utilities should be located on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site, is reasonably limited.

Determination of whether the proposed layout and design reasonably limits the risk of a landslide will include evaluation of the Landslide Hazard Study and will take into consideration accepted industry standards for factor of safety. Alternative development options including alternative housing types and reduced density may be required in order to limit the risk to a reasonable level.

E. Clearing, grading, and land suitability.

1. Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;

2. Clearing and grading should be sufficient for construction of development shown on the Clearing and Grading Plan;

3. Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Clearing and Grading Plan;

4. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete;

5. Soil stockpiles must be on the site and located in areas designated for clearing and grading, if practicable;

6. The limits of disturbance and tree protection measures shown on the Preliminary Clearing and Grading Plan must be adequate to protect trees shown to be retained on the tree preservation plan; and

7. Where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the site is suitable for the proposed development. The applicant may be required to make specific improvements in order to make the site suitable for the intended uses and the provision of services and utilities.

F. Streams, springs, seeps, and wetlands.

1. If there is a stream, spring, seep, or wetland outside of an Environmental Overlay Zone on the site, then the stream, spring, seep, or wetland must be preserved in an easement. The edges of the easement must be at least 15 feet from the edges of the stream, spring, seep, or wetland. The edges of a seep, spring, or wetland are determined through a wetland delineation, performed by an environmental scientist, and approved by BDS. For seeps and springs, if one or more wetland characteristics are absent from the resource, the delineation will be based on the wetland characteristics present. The edges of a stream are defined as the top-of-bank where the edge of the stream, spring, seep, or wetland is less than 15 feet from the edge of the site, the easement boundary will be located along the edge of the site.

2. The following development, improvements, and activities are allowed in the easement:

   a. Disturbance associated with discharging stormwater to the stream channel, if BES has determined that the site's storm water cannot discharge to a storm sewer and BDS has determined that on-site infiltration is not an option;

   b. Removal of non-native invasive species with hand held equipment;

   c. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment;

   d. Erosion control measures allowed by Title 10 of Portland City Code;

   e. Construction of required driveway connections or required connections to services when there is no practicable alternative to locating the driveway or service connections within the easement; and

   f. Maintenance and repair of existing utilities, services, and driveways;

3. Public or private rights of way may cross the seep, spring, stream, or wetland easement if the following approval criteria are met:

   a. There is no reasonable alternative location for the right-of-way;

   b. The applicant has demonstrated that it is possible to construct street improvements within the right-of-way that will meet all of the following:

      (1) The street improvements will not impede the flow of the stream, spring, or seep;

      (2) The street improvements will impact the slope, width, and depth of the stream channel, spring, seep, or wetland to the minimum extent practicable; and

      (3) The street improvements will not impede fish passage in a stream, spring, or seep that has been identified by the Oregon Department of Fish and Wildlife as fish-bearing.

4. Minimum density is waived in order to better meet the standards of paragraphs F.1-F.3, above.

G. Transportation impacts.

1. The transportation system must be capable of supporting the proposed development 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 should 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 as required by criterion G.2;

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 or private street improvements, intersection improvements, transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit stop 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;

Changes to an Approved Planned Development

33.854.500 Types of Changes

There are three types of changes; major, minor, and administrative.

A. Major change. A major change is one that will have significant impacts on the development in the PD, or on the site surrounding the PD. Major changes include:

1. An increase in the site area of more than 5 percent;
2. Changes to the building heights or floor area allocations of more than 10 percent;
3. In residential zones:
   a. An increase in density, including the number of housing units;
   b. A change in the mix of single-dwelling and multi-dwelling structures; and
   c. An increase in the amount of land in nonresidential uses;
4. A reduction in the amount of open space;
5. In commercial/mixed use zones:
   a. Changes to building locations or required plaza or park locations;
   b. A decrease in the amount or location of required affordable housing; and
   c. Changes to the location of additional height;
6. Deleting or changing the purpose of flood hazard or landslide hazard easements; or
7. Changes to the vehicular system which result in a significant change in the amount or location of streets and shared driveways, common parking areas, circulation patterns, and access to the PD; or
8. Changes in the amount of parking by more than 20 percent.

B. Minor change. A minor change is a change that is neither major nor administrative.

C. Administrative change. An administrative change is a change to an element of a Planned Development that:

1. Is consistent with all conditions of the Planned Development approval and the conditions of any concurrent approval;
2. Meets all development standards not modified by the Planned Development; and
3. Does not change any quantity, dimension or area identified in the approved plans or narrative by more than 5 percent.

33.854.510 Review Procedures

Requests for changes to an approved PD are processed as follows:

A. Major changes. Major changes are processed as follows:

1. If the original PD application was processed through a Type III procedure then the change is processed through a Type III procedure;
2. If the original PD application was processed through a Type IIx procedure then the change is processed through a Type IIx procedure.

B. Minor changes. Minor changes are processed through a Type IIx procedure.

C. Administrative changes. Administrative changes are allowed without a land use review.

33.854.520 Approval Criteria

The approval criteria for changes to a Planned Development are those used for approval of the original planned development application.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 186053, effective 1/1/15; Ord. No. 188259, effective 3/3/31; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20.)

33.855 Zoning Map Amendments

855

Sections:

33.855.010 Purpose
33.855.020 Initiating a Zoning Map Amendment
33.855.030 When a Comprehensive Plan Map Amendment Is Also Required
33.855.040 Procedure
33.855.050 Approval Criteria for Base Zone Changes
33.855.060 Approval Criteria for Other Changes
33.855.070 Corrections to the Official Zoning Maps
33.855.075 Automatic Map Amendments for Historic Resources
33.855.080 Recently Annexed Areas

33.855.010 Purpose

This chapter states the procedures and approval criteria necessary to process an amendment to the base zones, overlay zones, plan districts, and other map symbols of the Official Zoning Maps. The chapter differentiates between amendments which are processed in a quasi-judicial manner and those processed in a legislative manner. A discussion of quasi-judicial and legislative is found in 33.700.070.

33.855.020 Initiating a Zoning Map Amendment

A. Quasi-Judicial. Requests for a zoning map amendment which are quasi-judicial may be initiated by an individual, a representative of the owner, the Planning and Sustainability Commission, or the City Council. The Historical Landmarks Commission may initiate amendments concerning historic districts, and the Design Commission may initiate amendments concerning design districts. The Director of BDS may request amendments for initiation by the Planning and Sustainability Commission. Initiations by a review body are made without prejudice towards the outcome.

B. Legislative. Requests for zoning map amendments which are legislative may be initiated by the Planning and Sustainability Commission or the City Council. The Historical Landmarks Commission may initiate amendments concerning historic districts, and the Design Commission may initiate amendments concerning design districts. Others may request to the Planning and Sustainability Commission to initiate a legislative zoning map amendment. The Planning and Sustainability Commission will review these amendment requests against adopted initiation criteria. Initiations by a review body are made without prejudice towards the outcome.

33.855.030 When a Comprehensive Plan Map Amendment Is Also Required

Zoning map amendments may also require an amendment to the Comprehensive Plan Map. Determination of whether the Comprehensive Plan Map must also be amended is based upon whether the proposed zoning map amendment is to a zone designated by the Comprehensive Plan Map. See Policy 1.18 in the Comprehensive Plan. If an amendment to the Comprehensive Plan Map

is required, the zoning map amendment cannot be made unless the amendment to the Comprehensive Plan Map is approved first. Both amendments may be processed concurrently.

33.855.040 Procedure

A. Quasi-Judicial. Requests for quasi-judicial zoning map amendments are reviewed through a Type II or Type III procedure. Zoning map amendments to rezone a site to IR, Institutional Residential, are processed through a Type II procedure. Amendments for all other zones are processed through a Type III procedure.

B. Legislative. Requests for legislative zoning map amendments are reviewed through the legislative procedure stated in Chapter 33.740.

C. Manufactured dwelling park special notice. The applicant for a zoning map amendment that changes the zoning on a manufactured dwelling park must provide written notice by first class mail to each unit in the manufactured dwelling park. The notice must include the time, date, and location of the public hearing and the new zone being proposed. The notices must be mailed 20 to 40 days before the hearing date.

33.855.050 Approval Criteria for Base Zone Changes

An amendment to the base zone designation on the Official Zoning Maps will be approved (either quasi-judicial or legislative) if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. Compliance with the Comprehensive Plan Map. The zone change is to a corresponding zone of the Comprehensive Plan Map. When the Comprehensive Plan Map designation has more than one corresponding zone, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes or characteristics of each zone and the zoning pattern of surrounding land.

B. Adequate public services.

1. Adequacy of services applies only to the specific zone change site.

2. Adequacy of services is determined based on performance standards established by the service bureaus. The burden of proof is on the applicant to provide the necessary analysis. Factors to consider include the projected service demands of the site, the ability of the existing and proposed public services to accommodate those demand numbers, and the characteristics of the site and development proposal, if any.

    a. Public services for water supply, and capacity, and police and fire protection are capable of supporting the uses allowed by the zone or will be capable by the time development is complete.

    b. Proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services. Performance standards must be applied to the specific site design. Limitations on development level, mitigation measures or discharge restrictions may be necessary in order to assure these services are adequate.

c. Public services for transportation system facilities are capable of supporting the uses allowed by the zone or will be capable by the time development is complete. Transportation capacity must be capable of supporting the uses allowed by the zone by the time development is complete, and in the planning period defined by the Oregon Transportation Rule, which is 20 years from the date the Transportation System Plan was adopted. Limitations on development level or mitigation measures may be necessary in order to assure transportation services are adequate.

d. The school district within which the site is located has adequate enrollment capacity to accommodate any projected increase in student population over the number that would result from development in the existing zone. This criterion applies only to sites that are within a school district that has an adopted school facility plan that has been acknowledged by the City of Portland.

3. Services to a site that is requesting rezoning to IR Institutional Residential, will be considered adequate if the development proposed is mitigated through an approved impact mitigation plan or conditional use master plan for the institution.

C. **When the requested zone is IR, Institutional Residential.** In addition to the criteria listed in subsections A. and B. of this Section, a site being rezoned to IR, Institutional Residential must be under the control of an institution that is a participant in an approved impact mitigation plan or conditional use master plan that includes the site. A site will be considered under an institution's control when it is owned by the institution or when the institution holds a lease for use of the site that covers the next 20 years or more.

D. **When the requested zone change is CI1 or CI2.** When the requested zone change is CI1 or CI2, a Transportation Impact Review is required as part of the zoning map amendment.

E. **Location.** The site must be within the City's boundary of incorporation.
See Section 33.855.080.

33.855.060 Approval Criteria for Other Changes

In addition to the base zones and Comprehensive Plan designations, the Official Zoning Maps also show overlay zones, plan districts, and other items such as special setback lines, recreational trails, scenic viewpoints, and historic resources. Amendments to all of these except historic resources and the creation of plan districts are reviewed against the approval criteria stated in this section. Historic resources are reviewed as stated in Chapter 33.846, Historic Resource Reviews. The creation of a new plan district is subject to the approval criteria stated in 33.500.050. An amendment will be approved (either quasi-judicial or legislative) if the review body finds that all of the following approval criteria are met:

A. Where a designation is proposed to be added, the designation must be shown to be needed to address a specific situation. When a designation is proposed to be removed, it must be shown that the reason for applying the designation no longer exists or has been addressed through other means;

B. The addition or removal is consistent with the purpose and adoption criteria of the regulation and any applicable goals and policies of the Comprehensive Plan and any area plans; and

C. In the Marquam Hill plan district, relocation of a scenic viewpoint must be shown to result in a net benefit to the public, taking into consideration such factors as public access, the quality of the view, the breadth of the view, and the public amenities that are or will be available.

33.855.070 Corrections to the Official Zoning Maps

The Director of BDS may initiate and approve a review following the Type II procedure for the types of discretionary corrections to the Official Zoning Maps listed below. Nondiscretionary corrections to the Official Zoning Maps may be initiated by the Director of Planning and Sustainability as described in Section 1.01.037 of the Portland City Code.

A. Mapping errors. The correction may be made for mapping errors such as:

1. A map line that was intended to follow a topographical feature does not do so. Topographical features include the tops and bottoms of hillsides, the banks of water bodies, and center lines of creeks or drainage ditches; or

2. There is a discrepancy between maps and on balance there is sufficient evidence of legislative intent for where the line should be located.

B. Movement of the reference item for the map line. The correction may be made when it can be clearly shown that a map line is based on the location of a reference item that has since been moved. Reference items are rights-of-way, tentative rights-of-way, utility easements and similar type items. Map line changes in these cases must not be more than a trivial change to the map pattern and must not result in any significant impacts to abutting lots.

C. Land within the Urban Growth Boundary. The correction may be made when it involves the removal of the Future Urban overlay zone from properties that are now within the Urban Growth Boundary.

33.855.075 Automatic Map Amendments For Historic Resources

The Official Zoning Maps will be amended automatically to add or remove historic resources as follows:

A. Resources listed in the National Register of Historic Places.

1. When a historic resource is listed in the National Register of Historic Places, it is automatically identified on the Official Zoning Maps as a Historic Landmark or Historic District on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the listing of the resource in the National Register; and

2. When a historic resource is removed from the National Register of Historic Places and it has no local historic designation, it is automatically removed from the Official Zoning Maps as a Historic Landmark or Historic District on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the removal of the resource from the National Register.

Landmark designation for the resource is automatically removed from the Official Zoning Maps.

D. Removal after relocation. If a Historic Landmark or Conservation Landmark is relocated, the Landmark designation for the resource is automatically removed from the sending site on the Official Zoning Maps.

33.855.080 Automatic Zone Map Amendments for Annexed Areas

A. Areas with Multnomah County zoning. Areas annexed into the City from Multnomah County with Multnomah County zoning automatically receive comparable City zoning upon officially being incorporated into the City. Comparable zoning is shown in Table 855-1 and will apply to the area unless it is superseded by a special area study or a plan district.

B. Areas with City zoning. In areas annexed into the City from Multnomah County that already have City zoning and Comprehensive Plan designations, zoning is automatically changed to conform with the Comprehensive Plan designation when the site is officially incorporated into the City.

Table 855-1
Assigned City Zoning for Multnomah County Zones

Multnomah County Zones	Assigned City Zoning
Base zones	
Areas with farm or residential zoning outside the UGB	FR + f
Areas with commercial zoning outside the UGB	CM1
CFU, F2, MUA-20, RR, SR, LR-40, R-40, LR-30, R-30, MUF-19, MUF-38	RF [1]
UF-10, UF-20 inside the UGB	[2]
RC inside the UGB	CM1
LR-20, R-20	R20
LR-10, R-10	R10
LR-7, R7	R7
LR-7.5	R7 + Glendoveer Plan District
LR-5	R5
MR-4, MR-3	RM1 [3]
HR-2, A-2	RM1 [3]
HR-1, A1B	RM2 [3]
BPO	CM2
LC, C4, SC	CM1
GC, EC, C2, NC, C3	CE
LM, M3, M4	EG1
Gm, M2	IG2

Table 855-1 Assigned City Zoning for Multnomah County Zones	
HM, M1	IH
THR	RM3
TMR	RM1 [3]
TLR-5	R5
TLC	CM1
TNC	CM2
TGC	CM2
TO	CM2
TLM	EG1
Overlay zones	
SEC	p, c [4]
FH, FF, FW	not mapped; handled by Bureau of Development Services
NI	X
PD, RPD	Not mapped; becomes an approved PUD
OP	Not mapped
CS	If open space, then OS base zone; just the base zone otherwise
HP	D
LF	H
WRG	g, r, i, n [4]

Notes:

[1] The designation will be RF unless this land is in an approved subdivision at a density higher than RF or has been preplanned by an adopted City plan, in which case a higher density zone may be applied.

[2] Reviewed through a quasi-judicial review; initiated by the Director of BDS.

[3] Sites with a documented, approved office are CM1. Sites with a documented, approved retail or commercial use are CM1.

[4] The most appropriate overlay zone will be applied based on any approved City plans.

(Amended by: Ord. No. 167054, effective 10/25/93; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 4/15/00; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 176742, effective 7/31/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178961, effective 6/13/05; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 185915, effective 5/1/13; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20.)

33.865 River Review

865

Sections:

33.865.010 Purpose
33.865.020 When River Review is Required
33.865.030 Procedure
33.865.040 Supplemental Application Requirements
33.865.100 Approval Criteria
33.865.110 Modification of Site-Related Development Standards
33.865.120 Corrections to Violations of the River Environmental Overlay Zone Standards
33.865.200 Use of Performance Guarantees
33.865.210 Special Evaluations by a Trained Professional

33.865.010 Purpose

River Review is intended to:

- Protect, conserve and enhance identified resources and functional values in the River Environmental overlay zone, compensate for unavoidable significant detrimental impact to those resources and functional values, and ensure the success of mitigation and enhancement activities;
- Help the City meet existing and future requirements pursuant to federal and state laws including the Clean Water Act, the Safe Drinking Water Act, the Endangered Species Act, the Migratory Bird Treaty Act, and the National Flood Insurance Act;
- Provide flexibility for unusual situations. River Review allows for evaluation of alternative development scenarios that may have less detrimental impact on protected resources, and allows for the evaluation of off-site mitigation proposals;
- Provide a mechanism for the evaluation of detailed, site-specific information on the location or quality of resources and functional values;
- Provide a mechanism for modifying the location of the River Environmental overlay zone to reflect permitted changes in the location or quality of resources and functional values.
- Provide for the replacement of resources and functional values that are lost through violations of the River Environmental overlay zone standards;
- Provide a mechanism to modify the River Environmental overlay zone standards of Chapter 33.475, River Overlay Zones; and
- Allow for modifications to site-related development standards when modification will result in greater resource protection.

33.865.020 When River Review is Required

River Review is required in the following situations:

A. When a development or regulated activity in the River Environmental overlay zone is not exempt from the River Environmental overlay zone regulations and either does not meet the standards of subsection 33.475.440 or there are no development standards applicable to the proposal;

B. When River Review is required to correct a violation of the River Environmental overlay zone regulations, as described in subsection 33.475.450;

C. When an applicant wishes to fine tune the boundary of the River Environmental overlay zone based on a detailed environmental study that more accurately identifies the location and quality of resources and functional values. Minor boundary changes are allowed through River Review. Map error corrections are reviewed under 33.855.070, Corrections to the Official Zoning Maps, and removal of the River Environmental overlay zone is processed as a change of overlay zone as stated in 33.855.060, Approval Criteria for Other Changes; or

D. To modify the boundary of River Environmental overlay zone to reflect permitted changes in the location or quality of resources or functional values. The modification of River Environmental overlay zone procedure does not apply to changes caused by violations of subsection 33.475.440.

33.865.030 Procedure

A River Review is processed through a Type IIx procedure, except as described in 33.475.450.B when River Review is required to correct a violation of the River Environmental overlay zone regulations.

33.865.040 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, the following information is required when the River Review application is for development in the River Environmental overlay zone, or for modification of the River Environmental overlay zone boundary:

A. **Supplemental site plan requirements.** Five copies of each required site plan must be submitted. The site plans must show the entire site, must be drawn accurately to a scale that is between 1 inch to 50 feet and 1 inch to 10 feet, and must show all property lines with dimensions, a north arrow and a date. Additional site plans that show only a portion of the site may be submitted. All copies of site plans must be suitable for reproduction on paper no smaller than 8.5 x 11 inches and no larger than 36 x 48 inches. The Director of BDS may waive items listed in this subsection if they are not applicable to the specific review; otherwise they must be included. Additional information such as wetland characteristics or soil type may be requested through the review process.

1. Existing conditions site plan. The existing conditions site plan must show the following:

   a. Location of any wetlands or water bodies on the site or within 50 feet of the site. Indicate the location of the top of bank, including structures and topographic contours referenced to determine top of bank, centerline of stream, ordinary high water, or wetland boundary as appropriate. See Section 33.910.030, Environmental-Related Definitions, Top of Bank. In the case of a violation, also identify the location of the wetland or water body prior to alteration;

   b. 100-year floodplain and floodway boundaries. In the case of a violation, also identify the location of the 100-year floodplain and floodway prior to alteration;

   c. Drainage patterns, using arrows to indicate the direction of major drainage flow;

   d. Boundaries of the River Environmental overlay zone. These boundaries may be scaled in relation to property lines from the Official City Zoning Maps;

   e. Within the River Environmental overlay zone:

(1) Distribution outline of shrubs and ground covers, with a list of most abundant species; and

(2) Trees over 1.5 inches in diameter identified by species and size, including the location and size of the trunk, canopy crown diameter and the root protection zone. In the case of a violation, also identify the trees that were cut or damaged by showing a stump diameter and species;

f. Outside of the River Environmental overlay zone, trees over 3 inches in diameter, including the location of the trunk and canopy crown cover, identified by species and size;

g. Location and boundaries of designated scenic resources. The location of viewpoints, view corridors and scenic corridors must be show in relation to the property lines, existing and proposed public trails and boundaries of the River Environmental overlay zone;

h. Topography shown by contour lines at 2 foot vertical contours in areas of slopes less than 10 percent and at 5 foot vertical contours in areas of slopes 10 percent or greater. In the case of a violation, also identify the topography prior to alteration; and

i. Existing improvements such as structures, buildings, utility lines, stormwater systems, septic or sewer facilities, fences, etc.

2. Proposed development site plan. The proposed development site plan must show the following:

a. Location of the River Environmental overlay zone, the top of bank and river setback areas, and the landscaping area subareas;

b. Location of all proposed development including buildings, structures, decks, retaining walls, bridges, trails/pathways;

c. Location of proposed utility lines and connections, stormwater systems and septic or sewer facilities;

d. Location of protected scenic resources;

e. Delineation and total square footage of temporary and permanent disturbance areas including equipment maneuvering areas;

f. Delineated areas of vegetation removal and identification of trees to be removed using a bold X;

g. Proposed final contour lines at 2 foot vertical intervals in areas of slopes less than 10 percent and at 5 foot vertical contours in areas of slopes 10 percent or greater;

h. Location of excavation and fill and total quantities of each, including balanced cut and fill calculation for any grading in the 100-year floodplain;

i. Delineated areas to be left undisturbed; and

j. Location and species of existing trees, shrubs, and ground covers to remain including the required root protection zone per Title 11.

3. Construction management site plan. The construction management site plan must show the following:

a. Location of the River Environmental overlay zone;

b. Delineation and total square footage of temporary and permanent disturbance areas including equipment maneuvering areas;

c. Proposed grading plan with existing and proposed contours. The grading plan must show proposed alteration of the ground at 2-foot vertical contours in areas of slopes less than ten percent and at 5-foot vertical contours in areas of slopes ten percent or greater;

d. Location of excavation and fill and total quantities of each, including balanced cut and fill calculation for any grading in the 100-year floodplain;

e. Location of all proposed development;

f. Delineated areas of vegetation removal and identification of trees to be removed using a bold X;

g. Areas where existing topography and vegetation will not be affected by the development proposal;

h. Location of trees to remain including the required root protection zone per Title 11;

i. Location of site access and egress;

j. Material staging and stockpile areas; and

k. Erosion control measures.

4. Mitigation or remediation site plan. A mitigation site plan is required when the proposed development will result in unavoidable significant detrimental impact on the resources and functional values ranked high or medium in the *Willamette River Natural Resources Protection Plan* or when mitigation is proposed in order to meet River Review approval criteria. A remediation site plan is required when significant detrimental impacts occur in violation of the Zoning Code and no permit was applied for. The on-site or off-site mitigation or remediation site plan must show the following:

a. Location of the River Environmental overlay zone in relation to the mitigation site;

b. Distribution outline, species composition, and percent cover of ground covers to be seeded or planted using standard landscape graphics;

c. Location, species, and size of each individual tree to be planted;

d. A planting table listing the size, number, and species (common and scientific) of all trees, shrubs, groundcover or seeds to be installed;

e. The area of the mitigation site in square feet in relation to the project impact area;

f. The location of the mitigation site in relation to existing, proposed or anticipated future development on the site;

g. Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;

h. Location of protected viewpoints and scenic overlay zones;

i. Water bodies to be created, including centerline, top of bank, wetland boundary and depth;

j. Water sources to be used, including volumes;

k. Location of excavation and fill and total quantities of each including balanced cut and fill calculation for any grading in the 100-year floodplain; and

l. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

B. Supplemental narrative. The following is required:

1. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria, and to evaluate practicable development alternatives for a particular site. The alternatives must be evaluated on the basis of their impact on identified resources and functional values. Significant resources and functional values are identified in the Willamette River Central Reach Natural Resources Protection Plan (2016), and a supplemental environmental assessment can be provided to more accurately identify resources and functional values on the site. In the case of a violation, the impact evaluation is used to determine the nature and scope of the significant detrimental impacts.

a. An impact evaluation includes:

(1) Identification, by characteristic and quantity, of the natural resources and their functional values found on the site. The *Willamette River Central Reach Natural Resources Protection Plan* provides site-specific information on the natural resource features including:

- open water;
- shallow water (river depth 0-20 feet);
- beach;
- riparian vegetation;
- upland and bottomland forest;
- grassland;
- flood area and floodplain;
- wetlands, streams and ponds; and
- special habitat area.

The *Willamette River Central Reach Natural Resources Protection Plan (2016)* provides site-specific information on the functional values provided by the various natural resource features including:

- Microclimate and shade;
- Stream flow moderation and water storage;
- Bank function, and sediment, pollution and nutrient control;
- Large wood and channel dynamics;
- Organic inputs, food web and nutrient cycling;
- Fish and wildlife habitat; and
- Habitat connectivity/movement corridor.

The *Willamette River Central Reach Natural Resources Protection Plan* also provides information on wildlife and plant special status species that are known or reasonably expected to occur within or use a site. The application must contain current information regarding any special status species known or expected to occur on the site;

(2) Identification and description of the scenic resources on the site. Scenic resources are mapped on the official zoning maps with the Scenic (s) overlay zone and are described in the *Central City Scenic Resources Protection Plan*;

(3) Identification of significant unavoidable detrimental impacts on identified natural and scenic resources and functional values. Actions that could cause detrimental impacts and should be identified include:

- excavation and fill both in the water and above the ordinary high water mark. The quality and source of fill material is an important factor to be considered;
- clearing and grading;
- construction;
- vegetation removal;
- tree planting;
- altering bathymetry;
- altering a vegetated riparian corridor or upland vegetated area;
- altering the floodplain; and
- altering the temperature of the river especially the altering of existing cold water sources.

(4) Evaluation of practicable alternative locations, design modifications, or alternative methods of development that both achieve the project purpose, taking into account cost and technology, and minimize significant detrimental impacts on identified natural and scenic resources and functional values; and

(5) Determination of the practicable alternative that best meets the applicable approval criteria.

b. An impact evaluation for a violation includes:

(1) Description, by characteristics and quantity, of the natural and scenic resources and functional values on the site prior to the violation; and

(2) Determination of the impact of the violation on the natural and scenic resources and functional values.

2. Biological assessment. A biological assessment developed for the purposes of a federal or state permit may be submitted in place of some or all of the impact evaluation if the biological assessment includes the information described in subparagraph B.1, above. In the event that the applicant submits a biological assessment in place of some or all of the impact evaluation, the applicant must identify which aspects of the impact evaluation are covered by the biological assessment and, if necessary, identify which pieces of information will be included in the impact evaluation.

3. Supplemental environmental site assessment. A site-specific environmental assessment, prepared by a qualified consultant, to more precisely determine the existence, location, type, extent, and quality of the natural resources and functions on the site can be provided as part of the supplemental narrative. The assessment may verify, supplement, or challenge the information in the City's inventory for the purpose of informing the impact evaluation and identifying mitigation obligations;

4. Construction management plan. Identify measures that will be taken during construction or remediation to protect the remaining natural and scenic resources and functional values at and near the construction site and provide a description of how areas that are not affected by the construction will be protected. For example, describe how trees will be protected, erosion controlled, construction equipment controlled, and the timing of construction; and

5. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to compensate for unavoidable significant detrimental impacts on identified natural and scenic resources and functional values that result from the chosen development alternative or violation. A mitigation or remediation plan includes:

   a. Natural or scenic resources and functional values to be restored, created, or enhanced within mitigation or remediation area;

   b. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;

   c. Construction timetables;

   d. Operation and a long-term maintenance plan;

   e. Monitoring and evaluation procedures that include periodic reporting;

   f. Remedial actions for unsuccessful mitigation;

   g. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings; and

   h. If off-site mitigation is proposed, demonstration that on-site mitigation is not practicable or ecologically beneficial.

33.865.100 Approval Criteria.
Requests for a River Review will be approved if the review body finds that the applicant has shown that all applicable approval criteria have been met.

A. Development within the River Environmental overlay zone. The applicant's supplemental narrative must demonstrate that all of the following are met:

1. Resource enhancement projects:

   a. There will be no net loss of total resource area;

   b. There will be no net loss of functional values; and

   c. There will be a significant improvement of at least one functional value.

2. All other proposals in the River Environmental overlay zone:

   a. Proposed development minimizes the loss of identified natural or scenic resources and functional values consistent with the uses that are generally permitted or allowed in the base zone without a land use review, or permitted or allowed by an approved conditional use review;

   b. Proposed development locations, designs, and construction methods are less detrimental to identified natural and scenic resources and functional values than practicable and significantly different alternatives, including alternatives on the same site but outside of the River Environmental overlay zone;

   c. There will be no significant detrimental impact on areas of the site reserved for mitigation, areas within the River Environmental overlay zone not proposed for development at this time, downstream river habitat within the Central Reach, or other sites in the Central Reach where environmental restoration is in progress or complete;

   d. Mitigation:

      (1) The mitigation plan demonstrates that all significant detrimental impacts on identified scenic and natural resources and functional values, and the interim loss of functional value will be compensated for;

      (2) To the extent practicable, the natural and scenic resources and functional values restored or enhanced as mitigation must be the same kind of resource, performing the same functions as the lost resource;

      (3) The amount of natural resource mitigation due as compensation must be based on the amount and relative condition of the resources and functional values impacted by the proposal. The amount of natural resource mitigation required will be at a ratio of no less than 1.5:1 of mitigation area to project impact area, but may be more to address the following:

         - the uniqueness of the resources and functional values impacted;
         - the relative condition of the mitigation area;
         - the distance between the impact area and mitigation area; and

- the time lag between when the resources and functional values are lost due to the impacts and the point when the mitigation site will achieve full functions;

(4) Mitigation must occur within the River Environmental overlay zone or in an area that is contiguous to the River Environmental overlay zone. The applicant must own the mitigation site, possess a legal instrument that is approved by the City as sufficient to ensure the right to carry out, monitor, and maintain the mitigation (such as an easement or deed restriction);

(5) Mitigation must occur on-site when practicable, and ecologically beneficial. Factors to be considered when evaluating this criterion include:

- The potential for the long-term success of the restored resources and functional values in the mitigation area;
- The amount, size, shape, and connectivity potential of on-site mitigation areas;
- The location of the mitigation area in relation to existing, proposed or future development on the site, and the impact development may have on the mitigation area;
- Contamination; and
- Any other site specific issue or constraint;

(6) If on-site mitigation is not practicable or ecologically beneficial, the applicant may perform mitigation off-site. The off-site mitigation must meet all other approval criteria in this Subparagraph and the following:

- Mitigation must occur at a minimum 3:1 ratio of mitigation area to project impact area; and
- The mitigation area must be located within the Willamette River Central Reach, shown on Map 475-1; and

(7) The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.

B. Modification of River Environmental overlay zone boundaries. Modifications of River Environmental overlay zone boundaries that reflect permitted changes in the location or quality of resource areas will be approved upon finding that the applicant's statement demonstrates that either Paragraph B.1 or B.2 are met. For modification of environmental zone boundaries based on a more detailed site specific environmental study, that confirms the location of natural resource features identified in the adopted Natural Resources Inventory, the applicant's impact evaluation must demonstrate that Paragraph B.3, below, is met:

1. Successful mitigation. An approved mitigation plan has been successful and a new, restored, or enhanced resource exists which should be included in the River Environmental overlay zone; or

2. Approved loss of resource area. All of the following must be met:

   a. All approved development in a resource area has been completed;

   b. All mitigation required of this development has been successful; and

c. The identified resources and functional values at the developed site no longer exist, or have been subject to a significant detrimental impact.

3. Modification of River Environmental overlay zone boundaries based on a more detailed site-specific environmental study. The River Environmental overlay zone line location may be modified to more accurately reflect the location of natural resources and functional values on the site. All of the following must be met:

   a. The modified River Environmental overlay zone boundary must include all natural resource features that receive a high or medium rank using the methodology within the adopted Natural Resources Inventory; and

   b. The modified River Environmental overlay zone boundary must be located no closer than 50 feet from the top of bank of a river, stream, drainageway, wetland or other water body.

33.865.110 Modifications of Site-Related Development Standards
The review body may consider modifications to site-related development standards that are not otherwise prohibited from being adjusted as part of the River Review process. These modifications are done as part of the River Review process and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor-area ratios, intensity of use, size of the use or concentration of uses) are subject to the adjustment process of Chapter 33.805. In order to approve these modifications, the review body must find that the development will result in greater protection of the resources and functional values identified on the site and will, on balance, be consistent with the purpose of the applicable regulations.

33.865.120 Corrections to violations of the River Environmental Overlay Zone Standards
For corrections to violations of the River Environmental development standards the application must meet all applicable approval criteria stated in Subsection 33.865.100.A, above, and Subsection A, and Paragraphs B.2 and B.3, below. If these criteria cannot be met, then the applicant's remediation plan must demonstrate that all of the following are met:

A. The remediation is done in the same area as the violation; and

B. The remediation plan demonstrates that after its implementation there will be:

1. No permanent loss of any type of resource or functional value;
2. A significant improvement of a least one functional value; and
3. There will be minimal loss of resources and functional values during remediation until the full remediation program is established.

33.865.200 Performance Guarantees
The Director of BDS may require performance guarantees as a condition of approval to ensure mitigation or remediation. See Section 33.700.050, Performance Guarantees.

33.865.210 Special Evaluation by a Professional
A professional consultant may be hired to evaluate proposals and make recommendations if the Director of BDS finds that outside expertise is needed due to exceptional circumstances. The professional will have expertise in the specific resource or functional value or in the potential

adverse impacts on the resource or functional value. A fee for these services will be charged to the applicant in addition to the application fee.

(Added by: Ord. No. 189000, effective 7/9/18. Amended by: Ord. No. 190023, effective 8/10/20.)

900s

General Terms

33.900 List of Terms

33.910 Definitions

33.920 Descriptions of the Use Categories

33.930 Measurements

33.900 List of Terms

900

Sections:

33.900.010 List of Terms

33.900.010 List of Terms

The following terms are defined in Chapter 33.910, Definitions, unless indicated otherwise.

Accessible Route

Accessory Dwelling Unit *See Residential Structure Types*

Accessory Parking Facility

Accessory Recreational Vehicle *See Recreational Vehicle*

Accessory Structure

Accessory Use

Agriculture *See Chapter 33.920, Descriptions of the Use Categories*

Airport Airside Development

Airport Landside Development

Alley

Alteration *See Development, Alteration*

Alternative or Post Incarceration Facility

Applicant

Arborist

Area of the Facade of a Building, how to measure *See Chapter 33.930, Measurements*

Area with Squares of Specified Dimensions, how to measure *See Chapter 33.930, Measurements*

Arterial *See Street Types*

Attached Duplex *See Residential Structure Types*

Attached House *See Residential Structure Types*

Attached Structure

Auto-Accommodating Development *See Development Types*

Average Slope, how to measure *See Chapter 33.930, Measurements*

Aviation, General

Aviation And Surface Passenger Terminals *See Chapter 33.920, Descriptions of the Use Categories*

Basic Utilities *See Chapter 33.920, Descriptions of the Use Categories*

Beach

BDS

Block

Block Frontage

Building

Building Coverage

Building Line

Bulkhead

Bus Stop

Calendar Year

Caretaker

Carpool

Cemetery

Certificate of Occupancy

Change of Use

City

City-Designated Natural Resources

Clearing

Colleges *See Chapter 33.920, Descriptions of the Use Categories*

Commercial Outdoor Recreation *See Chapter 33.920, Descriptions of the Use Categories*

Commercial Parking *See Chapter 33.920, Descriptions of the Use Categories*

Common Green *See Street Types*

Community Garden

Community Service *See Chapter 33.920, Descriptions of the Use Categories*

Comprehensive Plan

Convenience Store

Conservation Landmark *See Historic Resource*

Contributing Resource *See Historic Resource*

Corner Lot *See Lot*

Council

Courtyard

Crown Cover

Daycare *See Chapter 33.920, Descriptions of the Use Categories*

Days

Delivery Days

Dead-End Street *See Street Types*

Density

Design Guidelines

Desired Character

Detention Facilities *See Chapter 33.920, Descriptions of the Use Categories*

Develop

Developed Portion of Right-of-Way

Development

Development, Alteration

Development, Exterior Alteration

Development, New

Development Types

- Auto Accommodating Development
- Pedestrian-Oriented Development

Director of BDS

Disabled Person

Distances, how to measure *See Chapter 33.930, Measurements*

Disturbance

Disturbance Area

- Permanent Disturbance Area
- Temporary Disturbance Area

Drainageway

Dredge Material

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Driveway

Duplex *See Residential Structure Types*

Dwelling Unit *See Residential Structure Types*

Easement

Eave

Ecologically and Scientifically Significant Natural Areas

ESEE Analysis

Excavating or Filling

Exchange Parcel

Exterior Alteration *See Development, Exterior Alteration*

Exterior Display

Exterior Improvements

Exterior Storage

Exterior Work Activities

Facade

Farmers Market

Final Plat

Fish and Wildlife Habitat Areas

Flag Lot *See Lot*

Floodway

Floor Area

Floor Area Ratio (FAR)

Food membership Distribution Site

- Food Buying Clubs
- Community Supported Agriculture Organizations

Fractions, how to measure *See Chapter 33.930, Measurements*

Front Lot Line *See Lot Lines*

Front Setback *See Setback*

Functional Values

Future Division Plan

Garage

Garage Entrance Setback *See Setback*

Garage Wall Area, how to measure *See Chapter 33.930, Measurements*

Grade

Grading

Gross Building Area

Groundwater Sensitive Areas

Group Living *See Chapter 33.920, Descriptions of the Use Categories*

Group Living Structure *See Residential Structure Types*

Hazardous Substances

Heavy Truck *See Truck under Vehicle Types*

Height, how to measure *See Chapter 33.930, Measurements*

Helicopter Approach-Departure Flight Path

Helicopter Landing Facility (HLF)

- Private Helicopter Landing Facility
- Public Helicopter Landing Facility

Helicopter Trip

Historic Landmark *See Historic Resource*

Historic Landmark Tree

Historic Resource

Historic Resources Inventory *See Historic Resource*

Historic Restoration

Historic Value

Home Occupation

House *See Residential Structure Types*

Household

Household Living *See Chapter 33.920, Descriptions of the Use Categories*

Houseboat *Moorage See Residential Structure Types*

Identified Wetlands, Identified Streams, Identified Waterbodies *See Environment-Related Definitions*

Industrial Service *See Chapter 33.920, Descriptions of the Use Categories*

Institutional Campus

Intensity

Kennel

Land Division

Land Use Approval

Ldn (or DNL)

Light Rail Line

Light Rail Alignment

Light Truck *See Truck under Vehicle Types*

Live Stake

Living Area

Loading Area

Long Term Bicycle Parking

Long Term Parking

Longest Street-Facing Wall

Lot

- Adjusted Lot
- Corner Lot
- Flag Lot
- New Narrow Lot
- Through Lot

Lot Depth, how to measure *See Chapter 33.930, Measurements*

Lot Lines

- Front Lot Line
- Rear Lot Line
- Side Lot Line
- Side Street Lot Line
- Street Lot Line

Lot of Record

Lot Remnant

Lot Width, how to measure *See Chapter 33.930, Measurements*

Main Entrance

Maintenance

Major Event Entertainment *See Chapter 33.920, Descriptions of the Use Categories*

Major Remodeling

Manufactured Dwelling *See Residential Structure Types*

Manufactured Dwelling Park

Manufactured Dwelling Space

Manufactured Home *See Residential Structure Types*

Manufacturing And Production *See Chapter 33.920, Descriptions of the Use Categories*

Marina

Market Garden

Mass Shelter

Mass Shelter Beds

Medical Centers *See Chapter 33.920, Descriptions of the Use Categories*

Medium Truck *See Truck under Vehicle Types*

Mining *See Chapter 33.920, Descriptions of the Use Categories*

Mitigate

Mixed-Use

Mobile Home See Residential Structure Types

Motor Home *See Recreational Vehicle, under Vehicle Types*

Motor Vehicle *See Vehicle Types*

Multi-Dwelling Development *See Residential Structure Types*

Multi-Dwelling Structure *See Residential Structure Types*

Near Shore Complexity

Net Building Area

New Development *See Development, New*

New Narrow Lot *See Lot*

Noise Contour

Nonconforming Development

Nonconforming Residential Density

Nonconforming Situation

Nonconforming Use

Nondiscretionary Reviews

Nuisance Plants List

Office *See Chapter 33.920, Descriptions of the Use Categories*

Operator

Ordinary High Water Mark

Organized Sports

Outfall

Owner

Ownership

Parcel *See Lot*

Parking Area

Parking Space

Parks And Open Areas *See Chapter 33.920, Descriptions of the Use Categories*

Partial Street *See Street Types*

Passenger Vehicle *See Vehicle Types*

Paved Area

Peace Officer

Peak Hour Service

Pedestrian Access Route

Pedestrian Connection

Pedestrian-Oriented Development *See Development Types*

Permanent Disturbance Area *See Disturbance Area, Permanent*

Person

Personal Wireless Service Facility

Phased Development Plan

Plane of a Building Wall, how to measure *See Chapter 33.930, Measurements*

Planning and Sustainability Director

Plat

Plaza

Plot

Pollution Reduction Facility

Potential Landslide Hazard Area

Practicable

Primary Structure

Primary Use

Private Helicopter Landing Facility *See Helicopter Landing Facility (HLF)*

Project

Property Line Adjustment

Pruning

Public Access Easement

Public Helicopter Landing Facility *See Helicopter Landing Facility (HLF)*

Public Safety Facility

Quick Vehicle Servicing *See Chapter 33.920, Descriptions of the Use Categories*

Radio or Television Broadcast Facility

Radio Frequency Transmission Facilities *See Chapter 33.920, Descriptions of the Use Categories*

Rail Lines And Utility Corridors *See Chapter 33.920, Descriptions of the Use Categories*

Rail Right-Of-Way *See Right-of-Way, Rail*

Railroad Yards *See Chapter 33.920, Descriptions of the Use Categories*

Rear Lot Line *See Lot Lines*

Rear Setback *See Setback*

Recognized Organization

Recreational Vehicle *See Vehicle Types*

Recreational Vehicle Park

Recycling Drop-Off Center

Recycling Operation

Regional Attractor

Religious Institutions *See Chapter 33.920, Descriptions of the Use Categories*

Remediation

Repair

Replacement

Residential Facility

Residential Home

Residential Structure Types

- Accessory Dwelling Unit
- Attached Duplex
- Attached House
- Duplex
- Dwelling Unit
- Fourplex
- Group Living Structure
- House
- Houseboat Moorage
- Manufactured Dwelling
  - Manufactured Home
  - Mobile Home
  - Residential Trailer
- Multi-Dwelling Development
- Multi-Dwelling Structure
- Single Room Occupancy Housing (SRO)
- Triplex

Residential Trailer *See Residential Structure Types*

Resource Enhancement

Retail Sales And Service *See Chapter 33.920, Descriptions of the Use Categories*

Retaining Wall

Review Body

Right-Of-Way

Right-of-Way, Rail

Riparian Areas

Riparian Functional Values

River Bank Complexity

River-Dependent

River-Related

Roadway

Root Protection Zone, how to measure *See Chapter 33.930, Measurements*

Scenic Corridor

Scenic Site

Scenic View

Scenic Viewpoint

Schools *See Chapter 33.920, Descriptions of the Use Categories*

School Site

Seep or Spring

Self-Service Storage *See Chapter 33.920, Descriptions of the Use Categories*

Services

Setback

- Front Setback
- Garage Entrance
- Setback
- Rear Setback
- Side Setback
- Street Setback

Setback Averaging, how to measure *See Chapter 33.930, Measurements*

Shallow Water Habitat

Shared Court *See Street Types*

Shelter Beds *See Mass Shelter Beds*

Short Term Bicycle Parking

Short Term Housing

Short Term Parking

Side Lot Line *See Lot Lines*

Side Setback *See Setback*

Side Street Lot Line *See Lot Lines*

Sign

Significant Detrimental Impact

Single Room Occupancy Housing (SRO) *See Residential Structure Types*

Site

Site Frontage

Small Scale Energy Production

- Biogas
- Biomass

Special Flood Hazard Area

Stormwater Facility

Stormwater Management System

Stream

Stream Channel

Street *See Street Types*

Street Lot Line *See Lot Lines*

Street Setback *See Setback*

Street-facing Facade

Streetcar Alignment

Streetcar Line

Street Types

- Arterial
- Common Green
- Dead-End Street
- Local Service Street
- Partial Street
- Shared Court
- Street
- Through Street
- Transit Street

Structure

Structured Parking

Superblock

Supermarket

Surface Parking

Temporary Disturbance Area *See Disturbance Area, Temporary*

Through Lot *See Lot*

Through Street *See Street Types*

Top of Bank

Topping

Tower

Tract

Transit Station

Transit Street *See Street Types*

Transportation Management Association

Tree Diameter, how to measure *See Chapter 33.930, Measurements*

Tree Types

- Dangerous Tree
- Dead Tree
- Dying Tree

Triplex *See Residential Structure Types*

Truck *See Vehicle Types*

Underground Parking

Uplands

Utility Scale Energy Production

Utility Trailer *See Vehicle Types*

Utilities

Valet Parking

Vegetation

Vegetative Maintenance

Vehicle Areas

Vehicle Repair *See Chapter 33.920, Descriptions of the Use Categories*

Vehicle Types

- Motor Vehicle
- Passenger Vehicle
- Recreational Vehicle
  - Accessory recreational vehicle
  - Motor home
- Truck
  - Light Truck
  - Medium Truck
  - Heavy Truck
- Utility Trailer

View Corridor

Viewing Area

Warehouse And Freight Movement *See Chapter 33.920, Descriptions of the Use Categories*

Waste Collection Areas

Waste-Related *See Chapter 33.920, Descriptions of the Use Categories*

Water Bodies

Water Quality Resource Area

Wetland

Wholesale Sales *See Chapter 33.920, Descriptions of the Use Categories*

Wildlife Species of Concern

Wind Turbine or Wind Energy Turbine

(Added by Ord. No. 164264, effective 7/5/91. Amended by: Ord. No. 164899, effective 12/11/91; Ord. No. 165417, effective 6/5/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167293, effective 1/19/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169763, effective 3/25/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170248, effective 9/17/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171740, effective 11/14/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 172882, effective 11/18/98; Ord. No. 173015, effective 2/12/99; Ord. 173528, effective 7/30/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 176351, effective 3/27/02; Ord. No. 176443, effective 5/30/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; 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. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179540, effective 9/26/05; Ord. No. 179845, effective 1/20/06; Ord. No. 179925, effective 3/17/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183750, effective 6/4/10; Ord. No. 184235, effective 11/26/10; Ord. No. 184521, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. 185412, effective 6/13/12.; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 189000, effective 7/9/18; Ord. No. 190076, effective 8/10/20.)

33.910 Definitions

910

Sections:

33.910.010 Defining Words
33.910.020 Use of Terms
33.910.030 Definitions

33.910.010 Defining Words

Words used in the zoning code have their normal dictionary meaning unless they are listed in 33.910.030 below. Words listed in 33.910.030 have the specific meaning stated, unless the context clearly indicates another meaning.

33.910.020 Use of Terms

Information about the use of terms in the zoning code is contained in 33.700.070.D.

33.910.030 Definitions

The definition of words with specific meaning in the zoning code are as follows:

Accessible Route. A route that can be used by a disabled person using a wheelchair and that is also safe for and usable by people with other disabilities.

Accessory Dwelling Unit. See Residential Structure Types.

Accessory Parking Facility. A parking facility that provides parking for a specific use or uses. The facility may be located on or off the site of the use or uses to which it is accessory. A fee may or may not be charged. An accessory parking facility need not be in the same ownership as the specific uses to which it is accessory. See also Commercial Parking in Chapter 33.920, Descriptions of Use Categories.

Accessory Recreational Vehicle. See Recreational Vehicle, under Vehicle Types.

Accessory Structure. A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures may be attached or detached from the primary structure. Examples of accessory structures include: garages, decks, fences, trellises, flag poles, stairways, heat pumps, awnings, and other structures. See also Primary Structure.

Accessory Use. A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

Adjusted Lot. See Lot-Related Definitions

Airport Airside Development. Airside development occurs at the Portland International Airport within the Perimeter Security Fence and the Runway Protection Zone. Examples include runways, taxiways, airfield roadways, aviation approach lighting systems, navigational beacons, associated equipment sheds, and security fencing.

Airport Landside Development. Landside development occurs at the Portland International Airport outside the Perimeter Security Fence. This area is comprised of the Passenger Terminal, airport access roadways, parking lots, aircraft maintenance facilities, cargo hangers, maintenance buildings, fire and rescue facilities, and other similar types of development.

Alley. A right-of-way that provides vehicle access to a lot or common parking area. Generally, alleys provide secondary vehicle access; however, where vehicle access from the street is not allowed or not possible, the alley may provide primary vehicle access. See also Street-Types.

Alteration. See Development, Alteration.

Alternative or Post Incarceration Facility. A Group Living use where the residents are on probation or parole.

Applicant. A person who applies for a land use review or building permit. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, consultant, or architect.

Arborist. A professional listed as a certified arborist or a registered consulting arborist.

Arterial. See Street Types.

Attached Duplex. See Residential Structure Types.

Attached House. See Residential Structure Types.

Attached Structure. Any structure that is attached to another structure by a common wall, by a roof, or by structural connections that allow pedestrian access to both structures. For example, decks or stairways are attached structures when they are connected to another structure. A garage may be attached to another structure by sharing a wall or by a roofed structure such as a breezeway. Structures connected by an "I" beam or similar connections are not considered attached.

Auto-Accommodating Development. See Development Types.

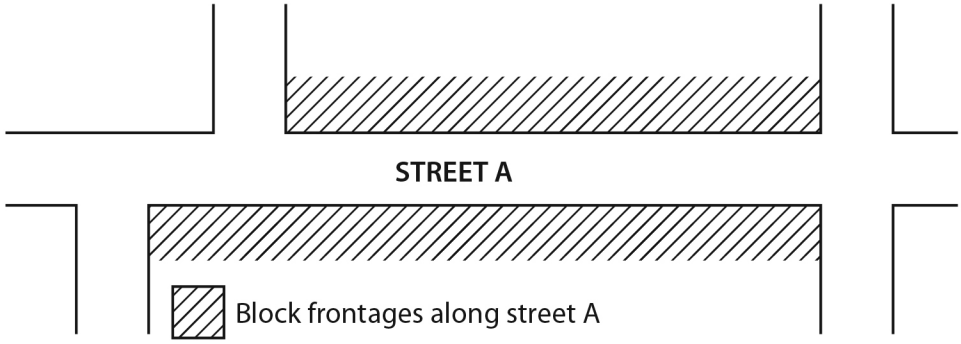
Aviation, General. General aviation refers to all flights other than military and scheduled airline and cargo flights, both private and commercial. Examples include business aviation, private flying, flight training, air ambulance, police aircraft, aerial firefighting, and air charter services.

BDS. Bureau of Development Services.

Block. All of the property bounded by streets, rights-of-way, and water features, but is not divided or separated in any way by streets, rights-of-way, or water features.

Block Frontage. All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts. See Figure 910-1.

Figure 910-1
Block Frontage

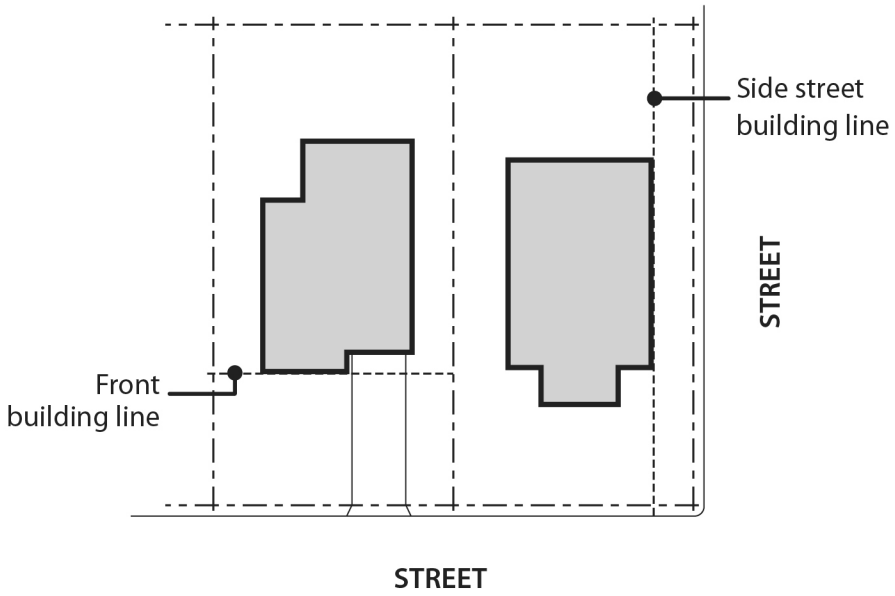


Building. A structure that has a roof and is enclosed on at least 50 percent of the area of its sides.

Building Coverage. The area that is covered by buildings or other roofed structures. A roofed structure includes any structure more than 6 feet above grade at any point, and that provides an impervious cover over what is below. Building coverage also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than 6 feet above grade. Eaves are not included in building coverage.

Building Line. A line running parallel to a lot line, that is the same distance from the lot line as the closest portion of a building on the site. See Figure 910-2.

Figure 910-2
Building Lines



Bus Stop. A location where regularly scheduled bus service or streetcar service stops to load and unload passengers. For purposes of measuring, the bus stop is the location of a sign denoting the bus stop.

Calendar Year is the year from January 1 through December 31.

Caretaker. A caretaker looks after or provides security for goods or property.

Carpool. At least two people sharing a vehicle at least four days per week, generally for the purpose of commuting to work.

Cemetery. An open space site for burial, entombment, inurnment, interment, cremation, or funeral purposes.

Certificate of Occupancy. A certificate of occupancy or a certificate of inspection issued by BDS at the completion of a building permit or change of occupancy.

Change of Use. Change of the primary type of activity on a site. For example, in the Retail Sales and Service use category, a change from a restaurant to a bank would be considered a change in the primary type of activity; a change from a restaurant to a restaurant would not be considered a change in the primary type of activity.

City. The City of Portland, Oregon.

City-Designated Natural Resources. Natural resources and functional values protected by Environmental Overlay Zones.

Clearing. Any activity that removes existing vegetation or strips surface material from any portion of the site.

Common Green. See Street Types.

Community Garden. A site where any kind of plant, including flowers, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners, or for donation, and only limited sales are allowed.

Comprehensive Plan. The current adopted, acknowledged, and effective Comprehensive Plan of the City of Portland.

Convenience Store. Any retail grocery store that has all of the following characteristics:

- Is under 4,000 square feet in area;
- Requires a package store liquor license; and
- Is open more than 15 hours a day.

Conservation Landmark. See Historic Resource.

Contributing Resource. See Historic Resource.

Corner Lot. See Lot-Related Definitions.

Courtyard. An outdoor area, designed for use by pedestrians, surrounded on at least two sides by buildings and open on at least one side to an abutting right-of-way.

Council. The City Council of Portland, Oregon.

Crown Cover. The area directly beneath the crown and within the dripline of a tree or shrub. The crown consists of the above ground branches, stems, and leaves.

Days. Calendar days, unless specifically stated as working days. Working days include Monday through Friday, excluding holidays as identified in Section 4.16.080 of Title 4, Personnel.

Delivery Days. Days when deliveries of food or other goods are made to Food Membership Distribution Sites for later pick-up by members of Food Buying Clubs or Community Supported Agriculture Organizations.

Dead-End Street. See Street Types.

Density. A measurement of the number of people, dwelling units, living units in Single Room Occupancy (SRO) housing, or lots in relationship to a specified amount of land. Density is a measurement used generally for residential uses. See Chapter 33.205, Accessory Dwelling Units for how density is calculated for ADUs. See also Intensity.

Design Guidelines. A set of design parameters for development which apply within a design district, subdistrict, or overlay zone. The guidelines are adopted public statements of intent and are used to evaluate the acceptability of a project's design.

Desired Character. The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.

Develop. To construct or alter a structure or to make a physical change to the land including excavations and fills.

Developed Portion of Right-of-way. Those portions of a right-of-way that contain development, including retaining walls or other structures, vehicle travel lanes, parking and loading areas, curbs, landscape strips, sidewalks, shoulders, other paved or graveled areas, and other areas used for bicycle or pedestrian traffic. It does not include natural geologic forms or unimproved land.

Development. All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. See also Exterior Improvements.

Development, Alteration. A physical change to a structure or site. Alteration does not include normal maintenance and repair or total demolition. Alteration does include the following:

- Changes to the facade of a building;
- Changes to the interior of a building;
- Increases or decreases in gross building area;
- Changes to other structures on the site, or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

Development, Exterior Alteration. A physical change to a site that is outside of any buildings. Exterior alteration does not include normal maintenance and repair or total demolition. Exterior alteration does include the following:

- Changes to the facade of a building;
- Increases or decreases in gross building area that result in changes to the exterior of a building;
- Changes to other structures on the site or the development of new structures;
- Changes to exterior improvements;

- Changes to landscaping; and
- Changes in the topography of the site.

Development, New. Development of a site that was previously unimproved or that has had previously existing buildings demolished.

Development Types

- **Auto-Accommodating Development.** Development which is designed to accommodate customers who use autos to travel to the site. This type of development usually has more than the minimum required number of parking spaces. Buildings feature entrances providing convenient access to parking areas. In many cases, the building will have parking between secondary streets and the building. Other typical characteristics are drive-through facilities, more than one driveway, and a low percentage of the site covered by buildings. Auto-accommodating development along transit streets and in pedestrian districts typically include a mix of auto-accommodating and pedestrian-oriented characteristics.
  See also Pedestrian-Oriented Development.
- **Pedestrian-Oriented Development.** Development which is designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site.
  See also Auto-Accommodating Development.

Director of BDS. The Director of the City of Portland Bureau of Development Services, or the Director's designee.

Disabled Person. For the purposes of Chapter 33.229, Elderly and Disabled High Density Housing, a disabled person is a person who has a condition of physical or mental disability which substantially limits one or more major life activities as stated in Section 504 of the Federal Rehabilitation Act of 1973 and state law.

Disturbance. An action that causes an alteration to soil or vegetation. The action may create temporary or permanent disturbance. Examples include development, exterior alterations, exterior improvements, demolition and removal of structures and paved areas, cutting, clearing, damaging, or removing native vegetation.

Disturbance Area. The area where all temporary and permanent disturbance occurs. For new development the disturbance area must be contiguous. Native vegetation planted for resource enhancement, mitigation, remediation, and agricultural and pasture lands is not included. The disturbance area may contain two subareas, the permanent disturbance area and the temporary disturbance area:

- **Permanent Disturbance Area.** The permanent disturbance area includes all areas occupied by existing or proposed structures or exterior improvements. The permanent disturbance area also includes areas where vegetation must be managed to accommodate overhead utilities, existing or proposed non-native planting areas, and roadside areas subject to regular vegetation management to maintain safe visual or vehicle clearance.

- **Temporary Disturbance Area.** The temporary disturbance area is the portion of the site to be disturbed for the proposed development but that will not be permanently occupied by structures or exterior improvements. It includes staging and storage areas used during construction and all areas graded to facilitate proposed development on the site, but that will not be covered by permanent development. It also includes areas disturbed during construction to place underground utilities, where the land above the utility will not otherwise be occupied by structures or exterior improvements.

Drainageway. A constructed or natural channel or depression, which at any time collects and conveys water. It may be permanently or temporarily inundated.

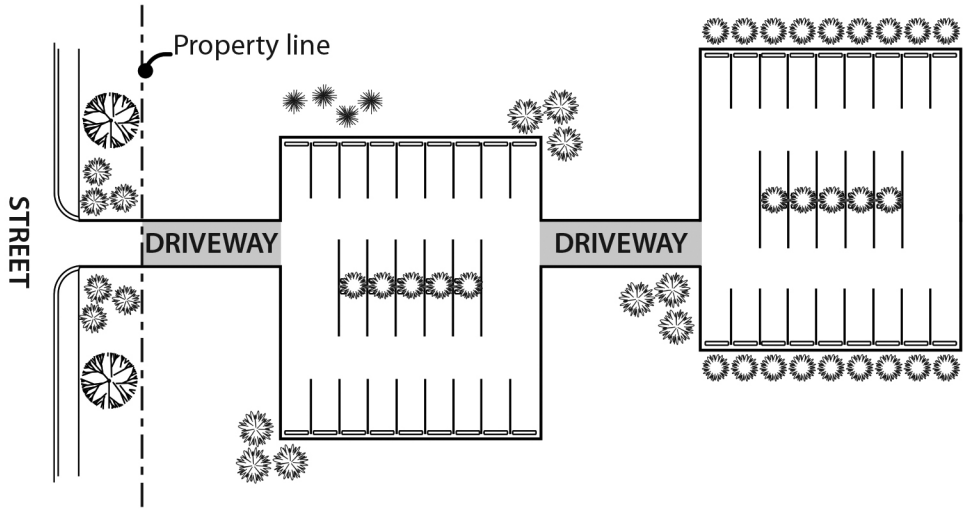
Drive-Through Facility. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a Quick Vehicle Servicing use or a Retail Sales And Service use. Drive-through facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters. Parking spaces used for customer pick-up or loading of goods or products purchased on-site, on the phone, or on-line from the establishment are not a drive-through facility. Facilities designed for the picking-up or loading of goods or products purchased from the establishment that include a stacking lane and a service area are a drive-through facility.

Driveway. There are two types of driveways:

- The area that provides vehicular access to a site. A driveway begins at the property line and extends into the site. A driveway does not include parking, maneuvering, or circulation areas in parking areas, such as aisles; and
- The area that provides vehicular circulation between two or more noncontiguous parking areas. A driveway does not include maneuvering or circulation areas within the interior of a parking area. A driveway must be used exclusively for circulation, with no abutting parking spaces. See Figure 910-13.

See also Parking Area and Vehicle Areas.

Figure 910-13
Driveway



Duplex. See Residential Structure Types.

Dwelling Unit. See Residential Structure Types.

Easement. A grant of rights by a property owner that allows others to use the owner's land for a specific purpose, such as access, or to locate utilities.

Eave. Projecting overhang at the lower border of a roof and extending from a primary wall or support. See Figure 910-14.

Figure 910-14
Eave

Ecologically and Scientifically Significant Natural Areas. Land and water that has substantially retained its natural character, but is not necessarily completely natural or undisturbed, and which is significant for historical, scientific, paleontological, or natural features.

ESEE Analysis. A type of analysis which is used to help determine if a particular resource should be protected in accordance with Statewide Planning Goal 5. The analysis examines competing values to

determine what the controlling value should be for the individual resource being examined. The analysis considers economic, social, energy, and environmental values.

Excavating or Filling. The removal, placement, or replacement of earth, concrete, asphalt, and similar nondecomposable materials whether permanent or temporary in nature. Excavating or filling does not include the movement of earth or placement of gravel, asphalt, or other paving materials that is done in conjunction with road improvements. It does not include the excavation of mineral or aggregate resources. Excavating or filling includes the terms grading, preloading, surcharging, and stockpiling.

Exchange Parcel. The area of land to be conveyed from one property to another through a Property Line Adjustment. A single Property Line Adjustment may involve more than one exchange parcel. See Property Line Adjustment.

Exterior Alteration. See Development, Exterior Alteration.

Exterior Display. Exterior display includes the outdoor display of products, vehicles, equipment, and machinery for sale or lease. Exterior display is an outdoor showroom for customers to examine and compare products. There is variety or a distinction among the goods on display, through different products, brands, or models. The display area does not have to be visible to the street. Exterior display does not include goods that are being stored or parked outside, if there is no variety or distinction among the goods, and the goods are not examined and compared by customers. It does not include damaged or inoperable vehicles, vehicles or equipment being serviced, bulk goods and materials, and other similar products. Exterior display does not include car and boat sales and leasing when such vehicles are not accessible to customers to inspect and compare; this situation is considered exterior storage. Examples of uses that often have exterior display are car and boat sales and leasing, and plant nurseries. See also, Exterior Work Activities and Exterior Storage.

Exterior Improvements. All improvements except buildings or other roofed structures. Exterior improvements include surface parking and loading areas, paved and graveled areas, and areas devoted to exterior display, storage, or activities. It includes improved open areas such as plazas and walkways, but does not include vegetative landscaping, synthetic turf, natural geologic forms, or unimproved land. See also Development.

Exterior Storage. Exterior storage includes the outdoor storage of goods that generally have little or no differentiation by type or model. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare. Exterior storage also includes the outdoor storage of goods for sale, lease or rent that may be differentiated by type or model, but that are not accessible for customers to inspect or compare. Exterior storage includes the storage of raw or finished goods (packaged or bulk), including gases, oil, chemicals, gravel; building materials, packing materials; salvage goods; machinery, tools, and equipment; vehicles that are for sale, lease or rent, which are not accessible to the customer to inspect or compare; vehicles that have been unloaded at port facilities and are waiting transport to off-site locations; vehicles that have been towed and are being kept in an impound lot; and other similar items. The storage of recreational vehicles outdoors is also considered exterior storage. Damaged or inoperable vehicles or vehicles which have missing parts, that are kept outside, are also included as exterior storage. Examples of uses that often have exterior storage are lumber yards, wrecking yards, tool and equipment rental, bark chip and gravel sales, car dealerships or car rental establishments, and port facilities. If goods are stored inside a building that is not enclosed on 100 percent of the area of its sides, it is considered exterior storage. See also, Exterior Display and Exterior Work Activities.

Exterior Work Activities. Exterior work activities include the outdoor processing, assembly, or fabrication of goods; the maintenance, repair, and salvage of vehicles and equipment; and other similar activities that generally have an industrial orientation. Exterior work activities do not include normal pick-up and deliveries to a site, parking, excavation and fills, exterior eating areas, outdoor recreation, or outdoor markets. See Exterior Display and Exterior Storage.

Facade. All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans. For information on how to measure facades, see Chapter 33.930, Measurements.

Farmers Market. Farmers Markets are events where farmers, ranchers, and other agricultural producers sell food, plants, flowers, and added-value products, such as jams and jellies, they have grown, raised, or produced from products they have grown or raised. In addition, some vendors sell food that is available for immediate consumption on site, and some may be community groups, services, or other vendors or organizations. Farmers Markets occur on a regular basis in the same location. They are free and open to the public. Some markets are seasonal, while others occur year-round.

Final Plat. The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions and information concerning a land division.

Fish and Wildlife Habitat Areas. Lands which contain significant food, water, or cover for native terrestrial and aquatic species of animals. Examples include forests, fields, riparian areas, wetlands, and water bodies.

Flag Lot. See Lot-Related Definitions.

Floodway. The active flowing channel during a flood, as designated on the flood maps adopted under authority of Title 24 of the Portland City Code. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor Area. The total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following:

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way;
- Roof area, including roof top parking;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.

See also Net Building Area, Gross Building Area

Floor Area Ratio (FAR). The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 2 to 1 means two square feet of floor area for every one square foot of site area.

Food Membership Distribution Site. A site where items ordered through the following organizations are picked up by the members.

- **Food Buying Clubs** are membership organizations. The members, as a group, buy food and related products from wholesalers, distributors, growers, and others. All products are pre-ordered and pre-paid, and at least 70 percent of the products are food.
- **Community Supported Agriculture Organizations** are membership organizations. Individuals or households become members by purchasing a share or a specified amount of an agricultural producer's output in advance. Members receive food items from the producer on a regular schedule.

Fossil Fuel. Fossil fuels are petroleum products (such as crude oil and gasoline), coal, methanol, and gaseous fuels (such as natural gas and propane) that are made from decayed plants and animals that lived millions of years ago and are used as a source of energy. Denatured ethanol and similar fuel additives with less than 5 percent fossil fuel content, biodiesel/renewable diesel with less than 5 percent fossil fuel content, and petroleum-based products used primarily for non-fuel uses (such as asphalt, plastics, lubricants, fertilizer, roofing, and paints) are not fossil fuels.

Front Lot Line. See Lot Lines.

Front Setback. See Setback.

Functional Values. Functional values are the benefits provided by resources. The functional value may be physical, aesthetic, scenic, educational, or some other nonphysical function, or a combination of these. For example, two values of a wetland could be its ability to provide stormwater detention for x units of water draining y acres, and its ability to provide food and shelter for z varieties of migrating waterfowl. As another example, an unusual native species of plant in a natural resource area could be of educational, heritage, and scientific value. Most natural resources have many functional values.

Future Division Plan. A document that shows lot, tract and right-of-way boundaries for all future phases of a land division. The plan is not binding on the City or the applicant. The purpose of the plan is to document that the design of the first phase of the plan does not preclude future phases from meeting the requirements of this and other Titles.

Garage. A covered structure that is accessory to a use in a house, attached house, duplex, triplex, fourplex, manufactured dwelling, or houseboat, and that:

- Is designed to provide shelter for vehicles;
- Is connected to a right-of-way by a driveway; and
- Has an opening that is at least 8-feet wide.

Carports are considered garages. Floor area adjacent to the space designed to provide shelter for vehicles, if not entirely separated from the garage area by floor-to-ceiling walls, is considered part of the garage. A garage may be attached to or detached from another structure. See also Structured Parking.

Garage Entrance Setback. See Setback.

Grade. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building. This is the definition used in the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State.)

Grading. All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

Gross Building Area. The total area of all floors of a building, both above and below ground. Gross building area is measured from the exterior faces of a building or structure. Gross building area includes structured parking but does not include the following:

- Roof area;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 75 percent or more of their perimeter.

Groundwater Sensitive Areas. Areas from which groundwater is replenished and the flow enables contaminants to be carried into aquifers (aquifer recharge areas), or areas of an aquifer in which the groundwater level and flow characteristics are influenced by the withdrawal of groundwater (areas of influence).

Group Living Structure. See Residential Structure Types.

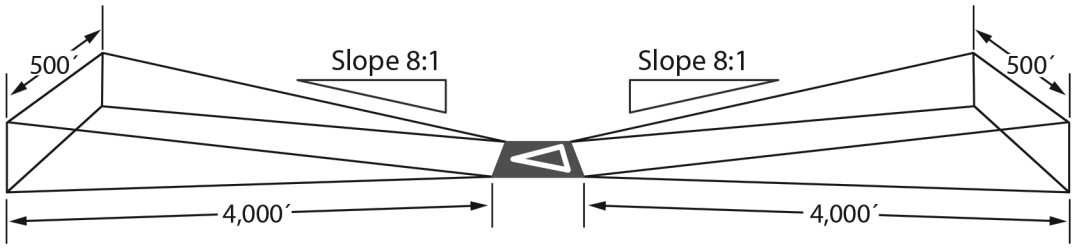
Hazardous Substances. Any substance, material, or waste listed below:

- Nuclear or radioactive materials or waste;
- Chemicals listed in the List of Lists: Chemicals Subject to the Emergency Planning and Community Right-To-Know Act (EPCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Section 112(r) of the Clean Air Act, published March 15, 2015, U.S. Environmental Protection Agency, or as subsequently updated or amended; and
- Hazardous Materials Table, in the Code of Federal Regulations (CFR), Title 49, Part 172.101, or as subsequently updated or amended.

Heavy Truck. See Truck under Vehicle Types.

Helicopter Approach-Departure Flight Path. The approved route used by helicopters when approaching or departing from a helicopter landing facility. In general, the helicopter approach-departure flight path has dimensions as follows: 1) It is a trapezoid-shaped plane; 2) its inner width is the same as the width of the landing pad and its outer width is 500 feet at a distance of 4,000 feet from the landing pad; and 3) it has a slope of 1 (vertical) to 8 (horizontal). See Figure 910-3. See also, FAA Heliport Design Guide for more detailed flight path standards and requirements.

Figure 910-3
Helicopter Approach-Departure Flight Paths



Helicopter Landing Facility (HLF). Any area used for the landing and take off of helicopters including heliports, helipads, and helistops. Peripheral areas, hangars, parking pads, passenger terminals, and helicopter service areas are also part of such facilities.

- **Private Helicopter Landing Facility.** A helicopter landing facility which is restricted to use by the owner or by persons authorized by the owner. Such facilities cannot be used by the general public and are restricted to specific users and purposes.
- **Public Helicopter Landing Facility.** A helicopter landing facility which is open to use by the general public, and where helicopter landings do not require prior permission of the owner. It may be owned by a public agency, an individual, or other legal entity as long as it is open for public use.

Helicopter Trip. Each landing or take-off of a helicopter. A landing and a take-off is counted as two trips.

Heritage Tree. See Tree Types.

Historic Landmark. See Historic Resource.

Historic Landmark Tree. A tree designated by the Historic Landmarks Commission because of its historical or cultural significance.

Historic Resource. A place, structure, or object that has historic significance. Historic Resources include:

- **Historic Landmarks.** A Historic Landmark designation may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City or the Keeper of the National Register of Historic Places has designated or listed for their special historic, cultural, archaeological, or architectural merit;
- **Conservation Landmarks.** A Conservation Landmark may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City has designated or listed for their special historic, cultural, archaeological, or architectural merit. They are primarily of local or neighborhood importance;
- **Historic Districts**, including those listed in the National Register of Historic Places;
- **Conservation Districts**;
- **Contributing Resources**, including an associated building, site, structure, or object that adds to the historic associations, historic architectural qualities, or archeological values that make a Historic Landmark, Conservation Landmark, Historic District or Conservation District significant, as identified in the documentation prepared for the listing or designation of the landmark or district; and
- Structures or objects that are included in the **Historic Resources Inventory**. The Historic Resources Inventory is a documentation and preliminary evaluation of the significance of historic resources. Information for each resource may include a photograph, the year the resource was constructed, the builder or architect, original owner, significant features, architectural style, and in most cases, a ranking of significance.

Historic Resources Inventory. See Historic Resource.

Historic Restoration. Actions undertaken to accurately depict the form, features, and character of a historic resource as it appeared at a particular period of time. This is done by removing features not from that particular period, and reconstructing missing features from that particular period.

Historic Value. A physical, aesthetic, scenic, educational, or other characteristic which is a reminder of important events or developments in Portland's past.

Home Occupation. A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the Household Living use on the site.

House. See Residential Structure Types.

Household. One or more persons related by blood, marriage, domestic partnership, legal adoption or guardianship, plus not more than 5 additional persons, who live together in one dwelling unit; or one or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than 5 additional persons, who live together in one dwelling unit.

Houseboat Moorage. See Residential Structure Types.

Identified Wetlands, Identified Streams Identified Waterbodies. Those streams, wetlands, and waterbodies that are identified in the resource inventory or maps as being significant and in need of protection.

Institutional Campus. A medical or educational institution and associated uses, on a site at least 5 acres in area. Medical institutional campuses include medical centers and hospitals. Educational institutional campuses include universities, colleges, high schools, and other similar institutions offering course of study leading to a high school diploma or degree certified by a recognized accreditation body. Associated uses on institutional campuses may include some commercial and light industrial uses, major event entertainment, residential, and other uses.

Intensity. The amount or magnitude of a use on a site or allowed in a zone. Generally, it is measured by floor area. It may also be measured by such things as number of employees, amount of production, trip generation, or hours of operation. See also Density.

Kennel. Any location where 5 or more dogs or cats aged 6 months or older are boarded or bred. The sale of these animals may be a part of the kennel use. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

Land Division. The act of dividing land to create new lots or tracts, or to reconfigure lots or tracts within a recorded land division. The result of a land division is a subdivision plat or partition plat. Actions that are exempt from the State law definitions of partition or subdivision (i.e., property line adjustment) are not considered land divisions. See also, Lot, Tract, Plat, and Property Line Adjustment.

Land Use Approval. A land use decision for approval or approval with conditions. It includes any time limits or other restrictions that may apply to the land use decision.

Ldn (or DNL). An averaged sound level measurement, taken during a 24 hour period, with a weighting applied to night time sound levels. The Ldn noise contours described in Chapter 33.470, Portland International Airport Noise Impact Zone, are based on Ldn levels that have been averaged over the period of a year.

Light Rail Line. A public rail transit line that usually operates at grade level and that provides high capacity, regional level transit service. A light rail line is designed to share a street right-of-way although it may also use a separate right-of-way or easement. Existing and future light rail lines are designated on the Regional Transitways Map in the Transportation Element of the Comprehensive Plan. Low capacity, district level, or excursion rail transit service, such as a streetcar, is not included.

Light Rail Alignment. A public right-of-way or easement that has a light rail line in it, or that has been designated as a preferred alternative light rail alignment. A Preferred Alternative Light Rail Alignment is a public right-of-way or easement designated by City Council and the regional transit agency as a future light rail alignment after completion of a Draft Environmental Impact Statement (DEIS).

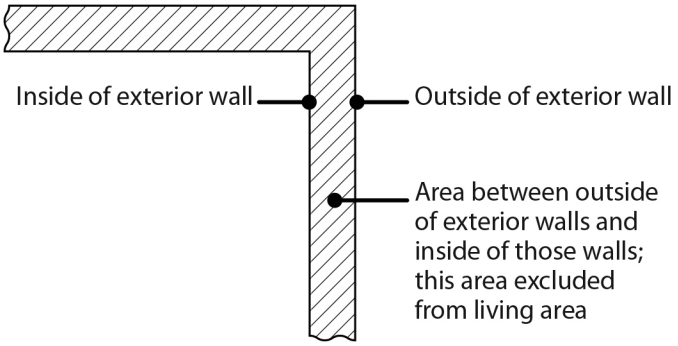
Light Truck. See Truck under Vehicle Types.

Live Stake. A live, rootable vegetative cutting that is driven into the ground. Live stakes can be integrated into rock (riprap), slopes, or used with bioengineering methods to stabilize slopes.

Living Area. The total gross building area of a residential structure excluding the following:

- garage area;
- basement area where the floor to ceiling height is less than 6 feet 8 inches;
- attic area, and other building area, that is not accessible by a stairway or where the floor to ceiling height is less than 5 feet; and
- area between the outside of exterior walls and the inside of those walls. See Figure 910-15.

Figure 910-15
Calculation of Living Area



Loading Area. The area available for the maneuvering and standing of vehicles engaged in delivering and loading of passengers, freight, or other articles.

Long-Term Bicycle Parking. Long-term bicycle parking serves employees, students, residents, commuters, and others who generally stay at a site for several hours or more. See also Short-Term Bicycle Parking.

Long Term Parking. Parking having a duration of more than four hours.

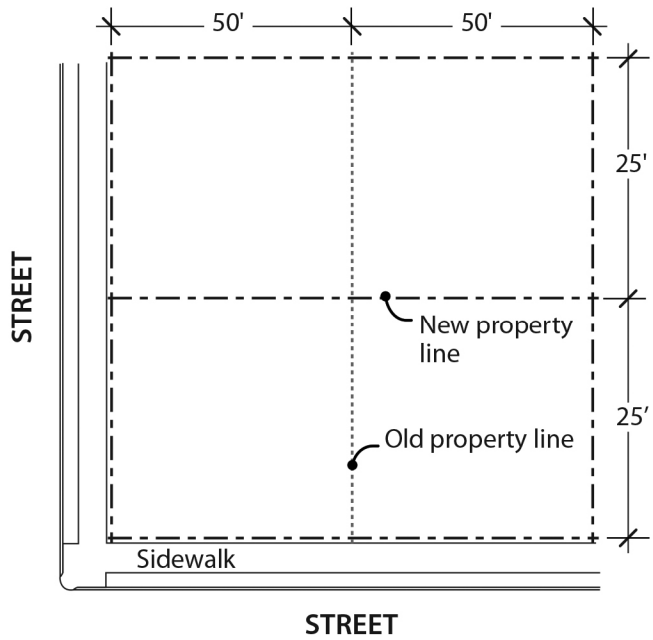
Longest Street-Facing Wall. The longest wall that faces a street. If two or more street-facing walls are of equal length, and are the longest that face the street, then the applicant chooses which is to be the longest street-facing wall for purposes of applying regulations of this Title. See also, Façade, and Chapter 33.930, Measurements.

Lot. See Lot-Related Definitions.

Lot-Related Definitions.

- **Adjusted Lot.** A lot that has had one or more of its lot lines altered through a deed, or other instrument relocating a property line, that was recorded with the appropriate county recorder prior to July 26, 1979, or through an approved property line adjustment. An adjusted lot has a lot area that is equal to or larger than the original platted lot. See Figures 910-17 and 910-18.

Figure 910-18
Adjusted Lots with Equal Lot Areas as the Original Lots



- **Corner Lot.** A lot, adjusted lot, lot remnant, or lot of record that has frontage on more than one intersecting street, and where the lot frontages intersect. A street that curves with angles that are 120 degrees or less, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See Figure 910-4. A corner lot may also be a through lot.
- **Flag Lot.** A lot, adjusted lot, lot remnant, or lot of record with two distinct parts. See Figure 910-5:
  - The flag, which is the only building site; and is located behind another lot; and
  - The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.
- **Lot.** A lot is a legally defined piece of land other than a tract that is the result of a land division. This definition includes the State definition of both lot, (result of subdividing), and parcel, (result of partitioning). This definition also includes a lot that is smaller than the original platted lot solely because of condemnation or required dedication by a public agency for right-of-way. See also Ownership and Site.
- **Lot of Record.** A lot of record is a plot of land:
  - That was not created through an approved subdivision or partition;
  - That was created and recorded before July 26, 1979; and
  - For which the deed, or other instrument dividing the land, is recorded with the appropriate county recorder.
- **Lot Remnant.** A lot that has had one or more of its lot lines altered through a deed, or other instrument relocating a property line, that was recorded with the appropriate county recorder prior to July 26, 1979, or through an approved property line adjustment. A lot remnant has a lot area that less than the lot area of the original platted lot. This definition

does not include lots that are smaller than the original platted lot solely because of condemnation or required dedication by a public agency for right-of-way. See Figure 910-17.

- **Through Lot.** A lot, adjusted lot, lot remnant, or lot of record that has frontage on two streets, and where the lot frontages do not intersect. See Figure 910-4. A through lot may also be a corner lot.

Figure 910-17
Adjusted Lot and Lot Remnant

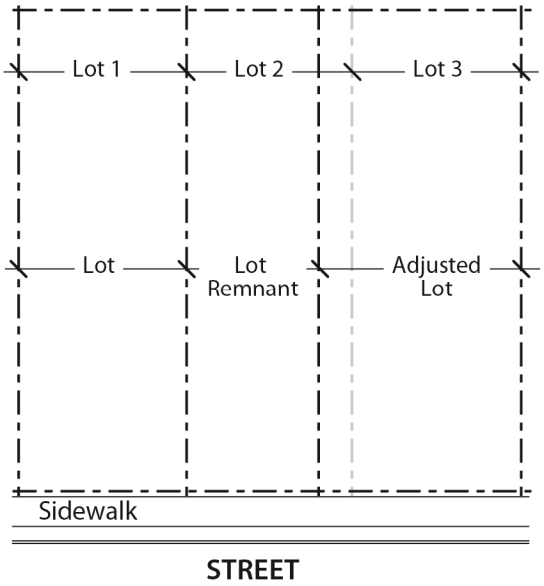


Figure 910-5
Flag Lot

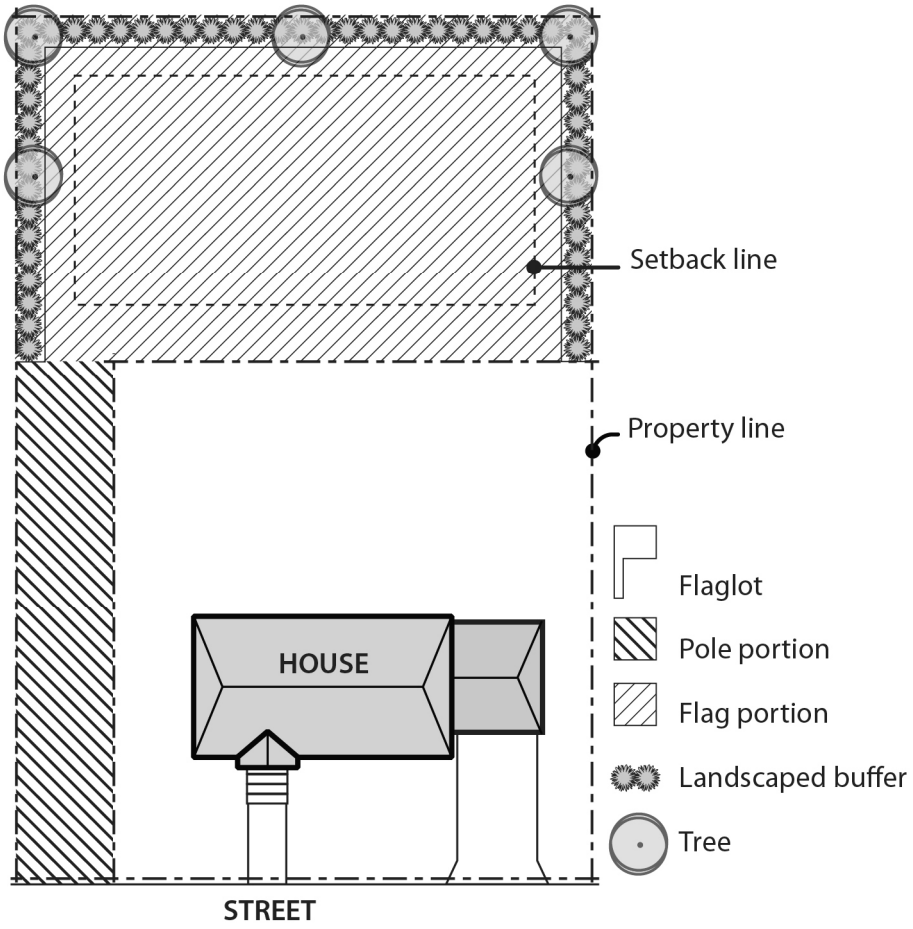
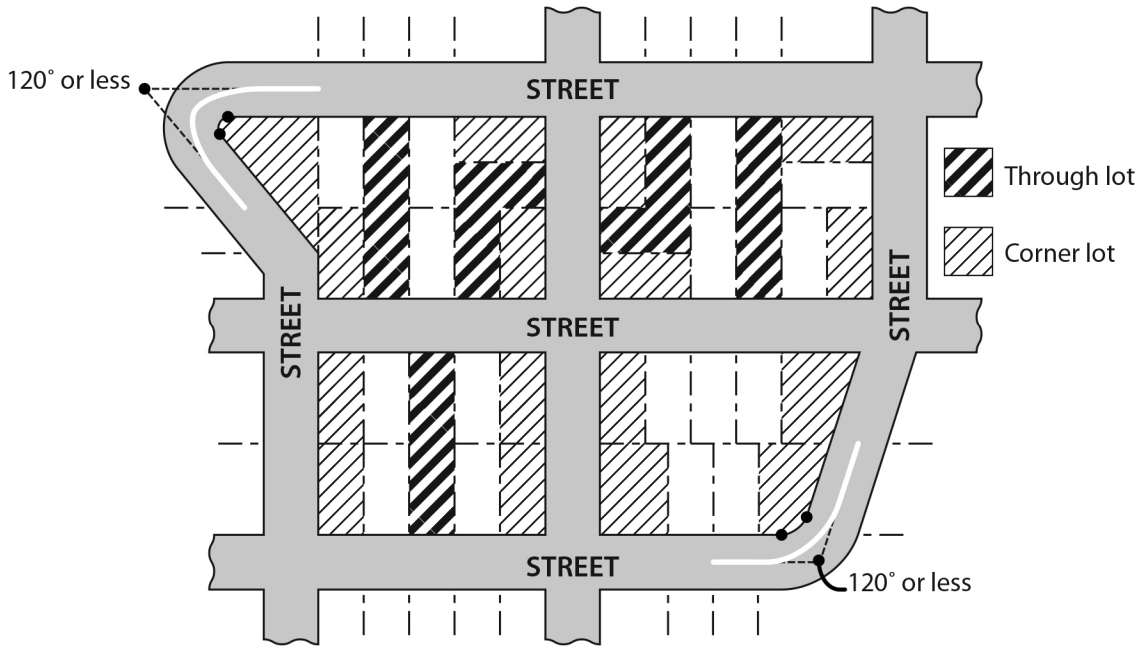


Figure 910-4
Corner and Through Lots



Lot Lines. The property lines along the edge of a lot, adjusted lot, lot of record, lot remnant, or site.

- **Front Lot Line.** A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length. See Figure 910-6.
- **Rear Lot Line.** A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. See Figure 910-8.
- **Side Lot Line.** A lot line that is neither a front or rear lot line. On a corner lot, the longer lot line which abuts a street is a side lot line. See Figure 910-6.
- **Side Street Lot Line.** A lot line that is both a side lot line and a street lot line. See Figures 910-6 and 910-7.
- **Street Lot Line.** A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot line can include front lot lines and side lot lines. See Figures 910-6 and 910-7.

Lot of Record. See Lot-Related Definitions.

Lot Remnant. See Lot-Related Definitions.

Figure 910-6
Front and Side Lot Lines

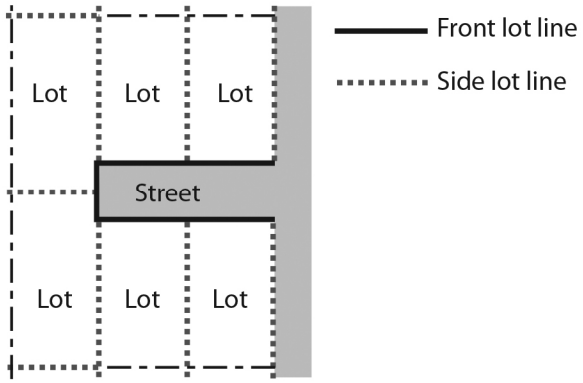


Figure 910-7
Street Lot Lines

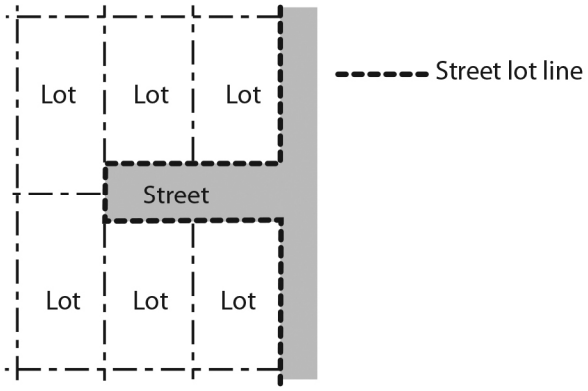
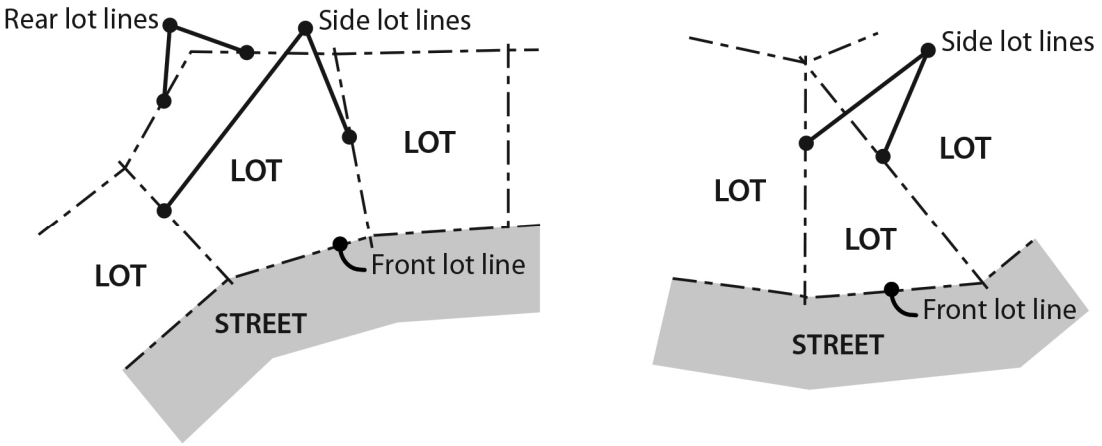


Figure 910-8
Lot Lines on Irregular Lots



Main Entrance. A main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance. Main entrances are the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. In single-tenant buildings, main entrances open directly into lobby, reception, or sales areas.

Maintenance. Actions, such as painting a previously painted surface or re-roofing using the same type of materials, performed to prevent a structure, or one of its constituent systems, from falling into a deteriorated condition.

Major Remodeling. Projects where the floor area is being increased by 50 percent or more, or where the cost of the remodeling is greater than the assessed value of the existing improvements on the site. Assessed value is the value shown on the applicable county assessment and taxation records for the current year.

Manufactured Dwelling. See Residential Structure Types.

Manufactured Dwelling Park. Four or more manufactured dwellings which are located on a single site for 30 days or more and intended for residential use. Manufactured dwelling park does not include sites where unoccupied manufactured dwellings are offered for sale or lease. See also Recreational Vehicle Park.

Manufactured Dwelling Space. The area occupied by a manufactured dwelling and its accessory uses and structures in a manufactured dwelling park.

Manufactured Home. See Residential Structure Types.

Marina. A facility which provides secure moorings for recreational or commercial boats. The term marina does not include houseboat moorages.

Market Garden. A site where food is grown to be sold. The food may be sold directly to consumers, restaurants, stores, or other buyers, or at Farmers Markets.

Mass Shelter. A structure that contains one or more open sleeping areas, or is divided only by non-permanent partitions, furnished with cots, floor mats, or bunks. Individual sleeping rooms are not provided. The shelter may or may not have food preparation or shower facilities. The shelter is managed by a public or non-profit agency to provide shelter, with or without a fee, on a daily basis.

Mass Shelter Beds. Accommodation provided in a mass shelter. The number of beds is determined by the maximum number of people who can be given overnight accommodations at one time on the site.

Medium Truck. See Truck under Vehicle Types.

Mitigate. To rectify, repair, or compensate for impacts that result from other actions.

- **Off-site Mitigation**. Mitigation that does not take place on the site where the impact occurs.
- **On-site Mitigation**. Mitigation that takes place on the site where the impact occurs.

Mixed-Use. The combination on a site of residential uses with commercial or industrial uses.

Mobile Home. See Residential Structure Types.

Motor Home. See Recreational Vehicle, under Vehicle Types.

Motor Vehicle. See Vehicle Types.

Multi-Dwelling Development. See Residential Structure Types.

Multi-Dwelling Structure. See Residential Structure Types.

Near Shore Complexity. A combination of conditions within a river channel that includes at least one of the following: diverse in-water vegetation communities, variations in water flow depth and velocity, and a variety of structural elements such as rocks, logs, and rootwads.

Net Building Area. Gross building area, excluding parking areas.

New Development. See Development, New.

Noise Contour. A line that indicates the perimeter of areas that are within a specified Ldn/DNL level.

Nonconforming Development. An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards. Nonconforming development includes development that is over a maximum allowed building size, as long as the development does not include a building size that is specifically prohibited by the current development standards.

Nonconforming Residential Density. A residential use that is an allowed use in the zone and that was constructed at a lawful density, but which subsequently, due to a change in the zone or zoning regulations, now has greater density than is allowed in the zone.

Nonconforming Situation. A Nonconforming Residential Density, Nonconforming Development, or Nonconforming Use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development. See also Nonconforming Residential Density, Nonconforming Development, and Nonconforming Use.

Nonconforming Use. A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, the use or the amount of area devoted to the use is now prohibited in the zone.

Nondiscretionary Reviews. A nondiscretionary review is one where compliance with the regulations can be determined based on objective standards. Decisions are made ministerially; they do not require a public hearing or notice. Examples of these reviews include: whether the proposed use is or is not allowed, whether the site area is or is not large enough for the proposed number of housing units, and whether the proposed building meets all setback, height, and parking requirements.

Nuisance Plants List. The Nuisance Plants List is part of the *Portland Plant List*, published by the Bureau of Planning and Sustainability.

Operator. A person undertaking a development, the proprietor of a use or development, or the owner of the land underlying a development. The operator may also be the manager or other person who has oversight responsibility for the day to day operations of the use or development.

Organized Sports. Any athletic team play (scheduled games), by any ages, on a physically defined sports field (natural or synthetic). Includes both scheduled athletic games associated with school programs and non-school programs. Examples include T-ball, high-school football, youth baseball,

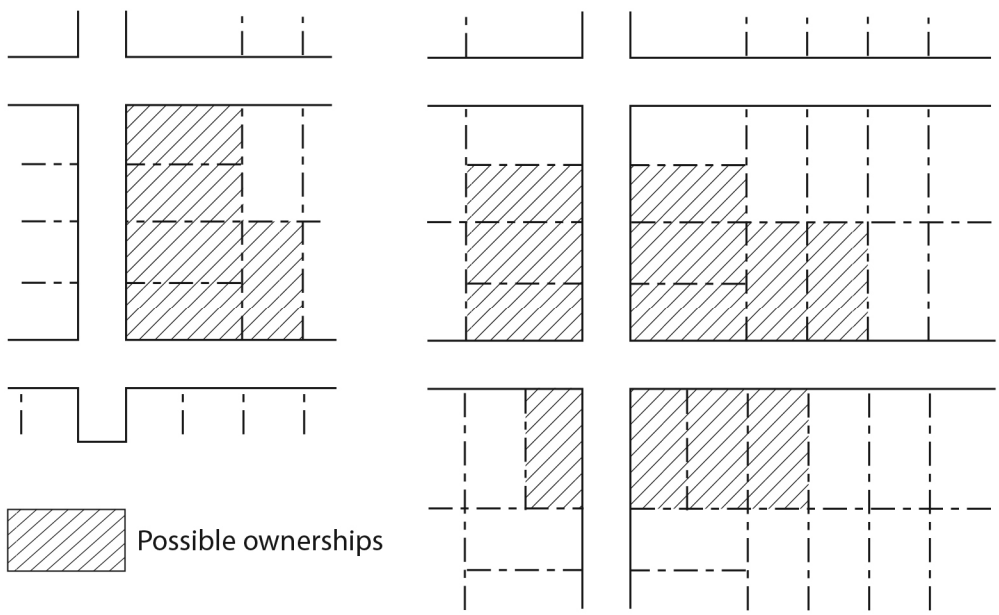
and soccer clubs. Organized sports does not include practice or other unstructured play such as pick-up games or impromptu use and does not include play on hard-surfaced courts.

Outfall. A location where collected and concentrated water is discharged. The water may be treated or untreated. Outfalls include discharge from stormwater management facilities, drainage pipe systems, constructed open channels, and vegetated swales.

Owner. The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale showing date, book, and page of recording.

Ownership. An ownership is one or more contiguous lots that are owned by the same person, partnership, association, or corporation. Ownership also includes lots that are in common ownership but are separated by a shared right-of-way. See Figure 910-9. See also, Lot and Site.

Figure 910-9
Ownership



Parcel. See Lot.

Parking Area. A parking area is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading. See also, Driveway, Garage, Structured Parking, and Vehicle Areas.

Parking Space. A space designed to provide standing area for a motor vehicle.

Partial Street. See Street Types.

Passenger Vehicle. See Vehicle Types.

Paved Area. An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as "Grasscrete") that is able to withstand vehicular traffic or other heavy-impact uses. Graveled areas are not paved areas.

Peace Officer. Peace Officer includes a member of the Oregon State Police, sheriff, constable, marshal, or officer of the Bureau of Police.

Peak Hour Service. Service provided by public transit to a site, measured on weekdays between 7:00 AM and 8:30 AM and between 4:00 PM and 6:00 PM. The service is measured in one direction of travel, and counts bus lines, streetcars, and light rail lines.

Pedestrian Access Route. A route between the main entrance of a building and short-term bicycle parking that is hard surfaced, free of obstacles, and at width equal to that of the Pedestrian standards of the Base Zone. The route can be on sidewalks, walkways, plazas, and other hard-surfaced areas.

Pedestrian Connection. A pedestrian connection generally provides a through connection for bicyclists and pedestrians between two streets or two lots. It may be a sidewalk that is part of a street that also provides vehicle access, or it may be a self-contained street created solely for pedestrians and bicyclists.

Pedestrian-Oriented Development. See Development Types.

Permanent Disturbance Area. See Disturbance Area, Permanent.

Person. Any person, partnership, association, or corporation.

Personal Wireless Service Facility. A type of Radio Frequency Transmission Facility that provides telecommunication service as defined by the Federal Telecommunications Act of 1996. These facilities include technologies that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, and similar Federal Communications Commission (FCC)-licensed commercial wireless telecommunications services.

Phased Development Plan. A phased development plan includes the following:

- A site plan showing the proposed final development of the site and phases, including the initial and interim phases.
- A written statement describing each phase, including the potential uses, and the approximate timeline for each phase of development.

Planning and Sustainability Director. The Director of the City of Portland Bureau of Planning and Sustainability, or the Director's designee.

Plat. Diagrams, drawings and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division. This term includes the State law definitions of “partition plat” and “subdivision plat”.

Plaza. An area generally open to the public on a controlled basis and used for passive recreational activities and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping, for use by pedestrians.

Plot. A piece of land created by a partition, subdivision, deed, or other instrument recorded with the appropriate county recorder. This includes a lot, an adjusted lot, a lot remnant, a lot of record, a tract, or a piece of land created through other methods.

Pollution Reduction Facility. A facility specifically designed to remove pollutants from stormwater. Pollutants may include sediment, heavy metals, or plant nutrients. These facilities generally include native wetland plants which blend into surrounding habitat.

Potential Landslide Hazard Area. Potential Landslide Hazard Areas are shown on the City's Potential Landslide Hazard Areas Map.

Practicable. Capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Primary Structure. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

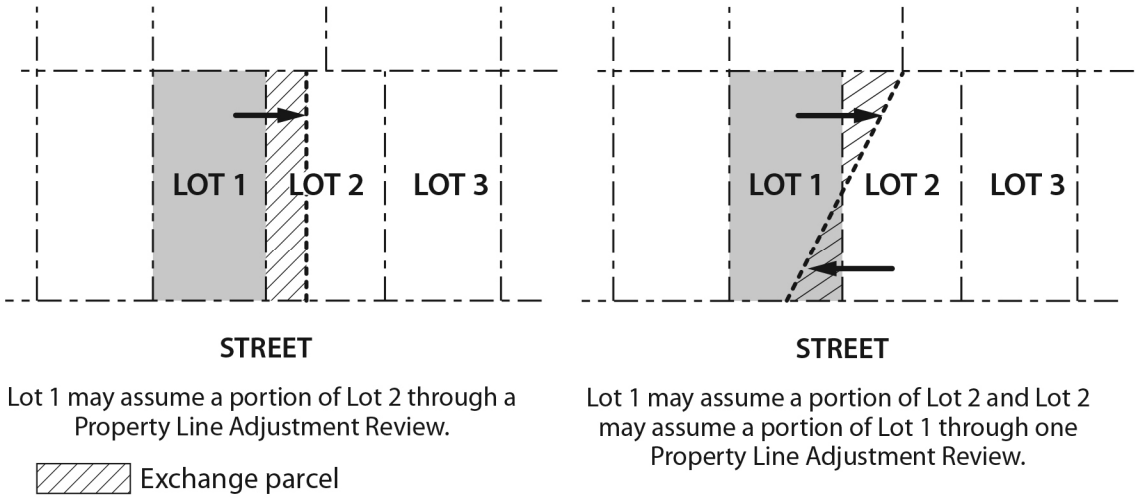
Primary Use. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

Private Helicopter Landing Facility. See Helicopter Landing Facility (HLF).

Project. An existing or proposed development.

Property Line Adjustment. The relocation of a single common property line between two abutting properties. Also see Exchange Parcel. See Figure 910-10.

Figure 910-10
Property Line Adjustment



Pruning. The cutting away or limbing of tree or shrub branches. Pruning does not include the removal of any portion of the top of the tree, sometimes referred to as "topping". Topping a tree is considered destruction of the tree.

Public Access Easement. A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel.

Public Safety Facility. A facility necessary to respond to an immediate hazard to the public health and safety, and that is owned, leased, or operated by the City of Portland. Public safety facilities include fire and police stations, flood control facilities, water towers and pump stations needed for emergency service, and emergency communication broadcast facilities.

Radio or Television Broadcast Facility. A type of Radio Frequency Transmission Facility that disseminates radio and television communications intended to be received by the public, including the direct transmission or by the intermediary of relay stations.

Rail Right-Of-Way. See Right-Of-Way, Rail.

Rear Lot Line. See Lot Lines.

Rear Setback. See Setback.

Recognized Organization. An organization formally recognized by the Office of Community & Civic Life pursuant to City Code 3.96.060, and organizations participating in Civic Life's Diversity and Civic Leadership Program.

Recreational Vehicle. See Vehicle Types.

Recreational Vehicle Park. A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks. See also Manufactured Dwelling Park.

Recycling Drop-Off Center. A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil. Processing of materials is limited to glass breaking and separation. Recycling materials are not sold to a recycling drop-off center. A recycling drop-off center is intended for household or consumer use. Use by commercial or industrial establishments is not included. Unattended drop-off stations for single materials, such as newsprint, are also not included.

Recycling Operation. A use where one or more recycling materials are accumulated, stored, sorted, or processed. A recycling operation may get recycling materials from drop-off centers, from a household or business pick-up operation, or from commercial or industrial uses. Materials may be processed on site or accumulated in large quantities for eventual sale or transfer to other processors. Recycling operation does not include the processing of yard debris or other decomposable material except for clean paper products.

Regional Attractor. A Major Event Entertainment Use, Commercial Outdoor Recreation Use, or Community Service Use with more than 100,000 square feet of net building area.

Remediation. The restoration and enhancement of resources and/or functional values lost as the result of a violation of the environmental zone regulations.

Repair. Actions to fix or mend a damaged or deteriorated structure, or one of its constituent systems, with similar material while retaining sound parts or elements.

Replacement. Actions to substitute one material or system for another.

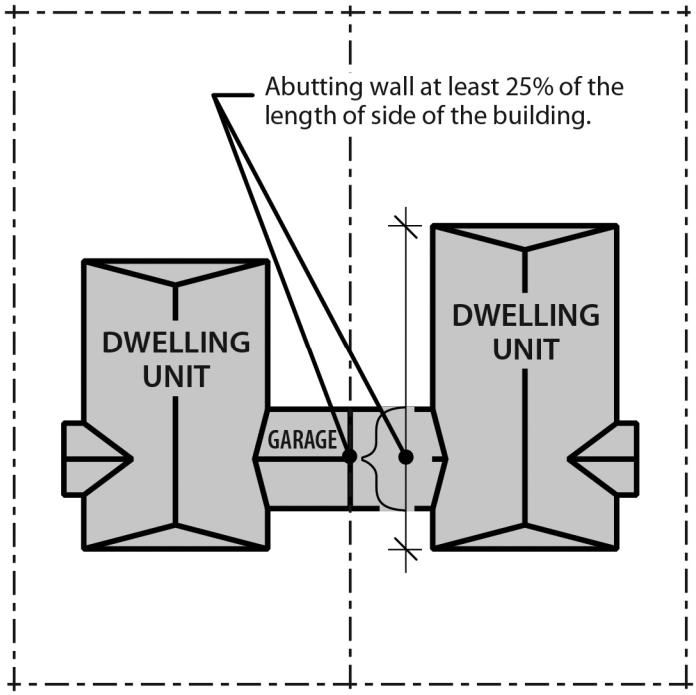
Residential Facility. A residence for 6 to 15 physically or mentally disabled persons, and for staff persons. The facility may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Facility.

Residential Home. A residence for five or fewer physically or mentally disabled persons, and for staff persons. The residence may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Home.

Residential Structure Types

- **Accessory Dwelling Unit.** A second dwelling unit created on a lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home. The unit includes its own independent living facilities including provision for sleeping, cooking, and sanitation, and is designed for residential occupancy by one or more people, independent of the primary dwelling unit. Kitchen facilities for cooking in the unit are described in Section 29.30.160 of Title 29, Property and Maintenance Regulations. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside.
- **Attached Duplex.** A duplex, **located on its own lot**, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the dwelling.
- **Attached House.** A dwelling unit, **located on its own lot**, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the building. The shared or abutting walls may be any wall of the buildings, including the walls of attached garages. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a rowhouse or a common-wall house. See Figure 910-16.

Figure 910-16
Attached Houses



- **Duplex.** A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.
- **Dwelling Unit.** A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Kitchen facilities for cooking are described in Section

29.30.160 of Title 29, Property and Maintenance Regulations. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

- **Fourplex.** A structure that contains four primary dwelling units on one lot. Each unit must share a common wall or common floor/ceiling with at least one other unit.
- **Group Living Facility.** A structure or structures that contain sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for Group Living uses.
- **House.** A detached dwelling unit located on its own lot.
- **Houseboat Moorage.** A facility which provides moorings for houseboats.
- **Manufactured Dwelling.** A dwelling unit constructed off of the site which can be moved on the public roadways. Manufactured dwellings include residential trailers, mobile homes, and manufactured homes.
  - **Manufactured Home.** A manufactured home is a manufactured dwelling constructed after June 15, 1976 in accordance with federal manufactured housing construction and safety standards (HUD code) in effect at the time of construction.
  - **Mobile Home.** A mobile home is a manufactured dwelling constructed between January 1, 1962, and June 15, 1976, in accordance with the construction requirements of Oregon mobile home law in effect at the time of construction.
  - **Residential Trailer.** A residential trailer is a manufactured dwelling constructed before January 1, 1962, which was not constructed in accordance with federal manufactured housing construction and safety standards (HUD code), or the construction requirements of Oregon mobile home law.
- **Multi-Dwelling Development.** A grouping of individual structures where each structure contains 1 or more dwelling units. The land underneath the structures is not divided into separate lots. The key characteristic of this housing type is that there is no requirement for the structures on the sites to be attached.
- **Multi-Dwelling Structure.** A structure that contains five or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwelling includes structures commonly called garden apartments, apartments, and condominiums.
- **Single Room Occupancy Housing (SRO).** A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. SRO includes structures commonly called residential hotels and rooming houses.
- **Triplex.** A structure that contains three primary dwelling units on one lot. Each unit must share a common wall or common floor/ceiling with at least one other unit.

Residential Trailer. See Residential Structure Types.

Resource Enhancement. The modification of resources or functional values. This may include the short-term loss of resources or functional values, to achieve improved quality or quantity of the resource or functional values in the long term or for future desired conditions. It can include actions that result in increased animal and plant species, increased numbers of types of natural habitat, and/or increased amount of area devoted to natural habitat. It may also include improvements in scenic views and sites, increased capacity for stormwater detention or infiltration, increased or improved floodplain function, changes in water quantity or quality, changes in ecosystem type, or other improvements to resources or functional values. A resource enhancement project must result

in a net gain in total functional value and improvement in the quality or quantity of resources on the site.

Retaining Wall. A vertical, or near vertical structure, that holds back soil or rock, and prevents movement of material down slope or erosion on a site.

Review Body. The person or group who is assigned to make decisions on land use reviews, whether initially or on appeal. Review body includes the Director of BDS, the Adjustment Committee, the Hearings Officer, the Historic Landmarks Commission, Design Commission, Planning Commission, and the City Council.

Right-Of-Way. An area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned. A right-of-way that is not dedicated or deeded to the public will be in a tract. Where allowed by Section 33.654.150, Ownership, Maintenance, and Public Use of Rights-Of-Way, the right-of-way may be in an easement.

Right-of-way, Rail. A public or private right-of-way, for the purpose of allowing rail travel.

Riparian Areas. Lands which are adjacent to rivers, streams, lakes, ponds, and other water bodies. They are transitional between aquatic and upland zones, and as such, contain elements of both aquatic and terrestrial ecosystems. They have high water tables because of their close proximity to aquatic systems, soils which are usually made up largely of water-carried sediments, and some vegetation that requires free (unbound) water or conditions that are more moist than normal.

Riparian Functional Values. The functional values provided along a healthy river shore, including: food and habitat for fish and wildlife; dynamic channel forming processes; cool clean water; an amount and timing of water flow that reflects the natural hydrologic regime; and a microclimate beneficial to fish and wildlife.

River Bank Complexity. A combination of conditions along a river shore that includes at least one of the following: diverse vegetation communities, variations in bank slope and shoreline roughness, and a variety of structural elements such as rocks, log, and rootwads.

River-Dependent. A use which can be carried out only on, in, or adjacent to a river because it requires access to the river for waterborne transportation or recreation. River-dependent also includes development, which by its nature, can be built only on, in, or over a river. Bridges supported by piers or pillars, as opposed to fill, are river-dependent development.

River-Related. A use or development which is not directly dependent upon access to a water body but which provides goods or services that are directly associated with river-dependent land or waterway use or development, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Residences (including houseboats), parking areas, spoil and dump sites, roads and highways, restaurants, businesses, factories, and recreational vehicle parks are not generally considered dependent or related to water. Recreational trails and viewpoints adjacent to the river are river-related development. Bridge exit and entrance ramps supported by piers or pillars, as opposed to fill, are river-related development. Removal or remedial actions of hazardous substances conducted under ORS 465.200 through 465.510 and 475.900 are considered river-related development for the duration of the removal or remedial action.

Roadway. The portion of a right-of-way that is improved for motor vehicle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

Scenic Corridor. A scenic corridor is a linear scenic resource. It may include streets, bikeways, trails, or waterways (rivers, creeks, sloughs) through parks, natural areas, or urban areas. The corridor may include scenic views along it, but may also be valued for its intrinsic scenic qualities, such as a winding road through a wooded area. See also, View Corridor.

Scenic Site. A scenic site is an area valued for its aesthetic qualities. The area may be made up primarily of natural vegetated cover and water, or include structures and manmade landscaping. Scenic sites may include scenic viewpoints, but do not necessarily do so.

Scenic View. A scenic view is a view that may be framed, wide angle, or panoramic and may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a far away object, such as a mountain, or of a nearby object, such as a city bridge.

Scenic Viewpoint. A scenic viewpoint is a location from which to enjoy a scenic view. A viewpoint may be a generalized location, such as a butte, and include several vantage points where the view may be seen to best advantage, or a single observation point.

School Site. An improved site that has, formerly had, or proposes to have a school use on it and that is owned by the entity that runs, ran, or will run the school.

Seep or Spring. An area where groundwater is discharged onto the land surface, creating either saturated soil conditions or visible flow at the land surface.

Services. For the purposes of the 600s series of chapters, services are water service, sanitary sewage disposal, stormwater management systems, and rights-of-way.

Setback. The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. Unless otherwise indicated, an unspecified setback refers to a building setback. In addition, the following setbacks indicate where each setback is measured from. See Chapter 33.930, Measurements, for measurement information.

- **Front Setback.** A setback that is measured from a front lot line.
- **Garage Entrance Setback.** A setback that is measured from a street lot line to the entrance to a garage or carport. It is essentially a minimum driveway length. See Chapter 33.930, Measurements, for more specific measurement information.
- **Rear Setback.** A setback that is measured from a rear lot line.
- **Side Setback.** A setback that is measured from a side lot line.
- **Street Setback.** A setback that is measured from a street lot line.

Shelter Beds. See Mass Shelter Beds.

Short-Term Bicycle Parking. Short-term bicycle parking serves shoppers, customers, messengers, and other visitors to a site who generally stay for a short time. See also Long-Term Bicycle Parking.

Short Term Housing. A structure that contains one or more individual sleeping rooms, and where tenancy of all rooms may be arranged for periods of less than one month. The short term housing facility may or may not have food preparation facilities, and shower or bath facilities may or may not

be shared. The facility is managed by a public or non-profit agency to provide short term housing, with or without a fee. Examples include transitional housing, and emergency shelter where individual rooms are provided. Where individual rooms are not provided, the facility may be a mass shelter.

Short Term Parking. Parking having a duration of four hours or less.

Side Lot Line. See Lot Lines.

Side Setback. See Setback.

Side Street Lot Line. See Lot Lines.

Sign. As defined in Title 32, Signs and Related Regulations

Significant Detrimental Impact. An impact that affects the natural environment to the point where existing ecological systems are disrupted or destroyed. It is an impact that results in the loss of vegetation, land, water, food, cover, or nesting sites. These elements are considered vital or important for the continued use of the area by wildlife, fish, and plants, or the enjoyment of the area's scenic qualities.

Single Room Occupancy Housing (SRO). See Residential Structure Types.

Site. For land divisions, the site is the lots, lots of record, or tracts proposed to be divided or reconfigured. For all other purposes, the site is an ownership except as follows:

- If a proposed development includes more than one ownership, then all the ownerships are included as the site.
- If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
- If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

Site Frontage. The part of a site that abuts a street. See also, Block Frontage.

Small Scale Energy Production. Energy production where the energy is derived from the following:

- Solar;
- Small wind energy turbines;
- Geothermal;
- Hydroelectric systems that produce up to 100 kW;
- Waste heat capture, heat exchange or co-generation of energy as a byproduct of another manufacturing process;
- The following systems that use only biological material or byproducts produced, harvested or collected on-site. Up to 10 tons a week of biological material or byproducts from other sites may be used where the base zone regulations specifically allow it:
    - **Biogas.** Generation of energy by breaking down biological material in anaerobic conditions to produce gas that can be used to generate electricity or heat. The process generally occurs inside a closed system such as a tank or container.
    - **Biomass.** Generation of energy through the combustion of biological material to produce heat, steam, or electricity.

- Any of the methods listed here or natural gas used to produce steam, heat or cooling, with an output up to 1 megawatt.

See also Utility Scale Energy Production, and Wind Energy Turbine.

Special Flood Hazard Area. Land area covered by the floodwaters of the base flood, as shown on the Federal Emergency Management Agency (FEMA) maps in effect on November 26, 2010. The base flood is the flood having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the "100-year flood."

Stormwater Facility. A facility designed to improve the quality and manage the quantity of stormwater runoff. Stormwater facilities include vegetated and sand filters, wet or dry ponds, marshes, infiltration facilities, and structural storm sewer devices. Stormwater facilities do not include conveyance systems that are meant only for conveying the stormwater from one place to another and do not affect the quality or quantity of the stormwater.

Stormwater Management System. A stormwater facility, and a conveyance system or an outfall.

Stream. An area where enough natural surface water flows to produce a stream channel, such as a river or creek, that carries flowing surface water during some portion of the year. This includes:

- The water itself, including any vegetation, aquatic life, or habitat;
- Beds and banks below the high water level which may contain water, whether or not water is actually present;
- The floodplain between the high water level of connected side channels;
- Beaver ponds, oxbows, and side channels if they are connected by surface flow to the stream during a portion of the year; and
- Stream-associated wetlands.

See also Identified Streams.

Stream Channel. An area which demonstrates evidence of the passage of water. The depression between the banks worn by the regular and usual flow of the water. The channel need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses.

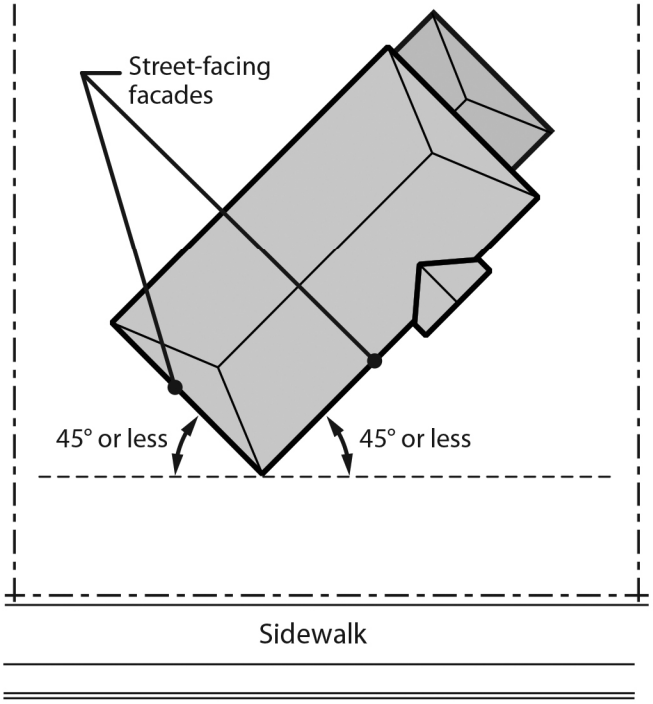
Street. See Street Types.

Street Lot Line. See Lot Lines.

Street Setback. See Setback.

Street-facing Facade. All the wall planes of a structure as seen from one side or view that are at an angle of 45 degrees or less from a street lot line. See Figure 910-12.

Figure 910-12
Street-facing Facade



Streetcar Alignment. A street, right-of-way, or easement that has a streetcar line in it. For comparison, see Light Rail Alignment.

Streetcar Line. A public rail transit line that generally operates at grade level and that provides local transit service with stops that are close together. A streetcar line is designed to share a street with traffic, although it may also use a separate right-of-way or easement. For comparison, see also Light Rail Line.

Street Types. See also Alley, Pedestrian Connection, Right-of-Way, and Roadway.

- **Arterial.** Any street that is not a Local Service Traffic Street according to the Transportation System Plan. It includes Regional Trafficways, Major City Traffic Streets, District and Neighborhood Collectors, and Traffic Access Streets.
- **Common Green.** A street that provides for pedestrian and bicycle access, but not vehicle access, to abutting property and generally provides a common area for use by residents. A common green may function as a community yard. Hard and soft landscape features may be included in a common green, such as groundcover, trees, shrubs, surfaced paths, patios, benches, or gazebos.
- **Dead-End Street.** A street that connects to another street at only one end, or extends from an existing dead-end street. Dead-end streets serve 2 or more lots that have frontage only on the dead-end street. A pedestrian connection may extend from the end of a dead-end street to connect with another street of any type, or with another pedestrian connection.
- **Local Service Street.** A street that is a Local Service Traffic Street according to the Transportation System Plan.

- **Partial Street.** A partial street is one or more parts of a dead-end street or through street; each part usually is located on a different site. Partial streets are created when a street will be completed in stages, on more than one site. Partial streets may include the whole or part of a turnaround, part of the total width, or part of the total length.
- **Shared Court.** A street that is designed to accommodate – within the same circulation space – access for vehicles, pedestrians, and bicycles to abutting property. Instead of a sidewalk area that is separate from vehicle areas, a shared court is surfaced with paving blocks, bricks or other ornamental pavers to clearly indicate that the entire street is intended for pedestrians as well as vehicles. A shared court may also include traffic calming measures to ensure safe co-existence of pedestrians, vehicles, and bicycles. Like a common green, a shared court may function as a community yard. Hard and soft landscape features and street furniture may be included in a shared court, such as trees, shrubs, lighting fixtures, and benches.
- **Street.** A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this Title, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or the interstate freeways and the Sunset Highway including their ramps.
- **Through Street.** A street that connects to other streets at both ends.
- **Transit Street.** A street that is classified in the Transportation System Plan as:
  - A Major Transit Priority Street, Transit Access Street, or Community Transit Street; or
  - A Regional Transitway not also classified as a Regional Trafficway, according to the Transportation System Plan. Regional Transitways that are entirely subsurface are not included for the purposes of this Title.

Structure. Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

Structured Parking. A covered structure or portion of a covered structure that provides parking areas for motor vehicles. Parking on top of a structure—where there is gross building area below the parking, but nothing above it—is structured parking. The structure can be the primary structure for a Commercial Parking facility or be accessory to multi-dwelling residential, commercial, employment, industrial, institutional, or other structures. A structure that is accessory to a single-dwelling residential structure (including houses, attached houses, duplexes, triplexes, fourplexes, manufactured dwellings, or houseboats) is a garage and is not included as structured parking. See also Garage, Parking Area, and Underground Parking.

Superblock. A continuous area, either in single or multiple ownerships, which includes a vacated street and which has a total gross area in private property of at least 75,000 square feet.

Supermarket. A supermarket is a retail store with more than 20,000 square feet of net building area, selling a complete assortment of food, food preparation and wrapping materials, and household cleaning and servicing items.

Surface Parking. A parking area for motor vehicles where there is no gross building area below the parking area and no gross building area or roof above it. Area occupied by small, permanent buildings, such as booths used by parking attendants, is not parking area. Temporary vending carts are not gross building area.

Temporary Disturbance Area. See Disturbance Area, Temporary.

Through Lot. See Lot-Related Definitions.

Through Street. See Street Types.

Top of Bank. The first major change in the slope of the incline from the ordinary high water level of a water body. A major change is a change of ten degrees or more. If there is no major change within a distance of 50 feet from the ordinary high water level, then the top of bank will be the elevation 2 feet above the ordinary high water level.

Topping. The inappropriate pruning practice used to reduce tree height by cutting to a predetermined crown limit without regard to tree health or structural integrity. Topping does not include acceptable pruning practices as described in the American National Standards Institute (ANSI) "A 300 Pruning Standards" and companion "Best Management Practices for Tree Pruning" published by the International Society of Arboriculture, such as crown reduction, utility pruning, or crown cleaning to remove a safety hazard, dead or diseased material.

Tower. A tall structure with the intended purpose of elevating a Radio Frequency Transmission Facility high above the ground. This definition includes but is not limited to a tower, pole, or mast over 20 feet tall.

Tract. A piece of land created and designated as part of a land division that is not a lot, adjusted lot, lot remnant, lot of record, or a public right-of-way. Tracts are created and designed for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, or in the maintenance agreements, or through Conditions, Covenants and Restrictions (CC&Rs). Examples include stormwater management tracts, private street or alley tracts, tree preservation tracts, environmental resource tracts, and open space tracts.

Transit Station. A location where light rail vehicles stop to load or unload passengers. For purposes of measuring, the Transit Station consists of the station platform.

Transit Street. See Street Types.

Transportation Management Association. An organization devoted to managing transportation or parking within a local community. A main goal for a Transit Management Association is to reduce reliance on the automobile for both work and non-work trips. A Transit Management Association typically provides information, programs, and activities that encourage the use of carpooling, transit, and other alternative modes of travel along with efficient use of parking resources.

Tree Grove. A group of six or more native trees at least 12 inches in diameter, or Oregon white oak trees or Pacific madrone trees that are at least 6 inches in diameter and that form a generally continuous canopy, or are spaced as appropriate for that species or species assemblage. Groves are generally non-linear. Other trees and understory vegetation located within the grove are considered part of the grove and are counted as part of the canopy area. A tree grove may be identified by a qualified professional, such as an arborist or environmental scientist, based on the types, configuration, or functions of a grouping of trees. Functions include structural support and wind protection for the trees within the grove, microclimate and shade, and habitat such as nesting, foraging, and cover for birds and other wildlife.

Tree Types

- **Dangerous Tree** is one where the condition of the tree presents a foreseeable danger of inflicting damage that cannot be alleviated by treatment or pruning. A tree may be dangerous because it is likely to injure people or damage vehicles, structures, or development, such as sidewalks or utilities.

- **Dead Tree** is a tree that is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, or branches exist to sustain life as determined by an arborist.
- **Dying Tree** is a tree in an advanced state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees or is imminently likely to become a danger or die.
- **Heritage Tree.** Trees designated as Historic Landmark Trees, Historic Trees, and Heritage Trees by the City of Portland.
- **Non-Native Non-Nuisance Tree.** A tree that is not identified as either a native tree species or a nuisance tree species in the *Portland Plant List*.

Triplex. See Residential Structure Types.

Truck. See Vehicle Types.

Underground Parking. Structured parking that does not qualify as floor area. See Structured Parking, Gross Building Area, and Floor Area.

Uplands. Lands not characterized by the presence of riparian areas, water bodies, or wetlands.

Utilities. Infrastructure services, including those in the Basic Utility Use Category, and structures necessary to deliver those services. These services may be provided by a public or a private agency. Examples include water, sanitary sewer, electricity, natural gas, and telephone.

For the purposes of the 600s series of chapters, utilities are telephone, cable, natural gas, electric, and telecommunication facilities.

Utility Scale Energy Production. Energy production that does not meet the definition of Small Scale Energy Production.

Utility Trailer. See Vehicle Types.

Valet Parking. Parking arrangement in which drivers leave and reclaim their cars at a destination site, with the cars parked at an off-site location by employees associated with the destination site. The valet parking occurs at the off-site location where the cars are parked.

Vegetation. All types of vegetation, including trees, shrubs, forbs, grasses, and other plants.

Vegetative Maintenance. Control of vegetation that encroaches or grows into public pathways or public drainageways and where maintenance is required for public safety. The control methods may include vegetation trimming or removal.

Vehicle Areas. All the area on a site where vehicles may circulate or park including parking areas, driveways, drive-through lanes, and loading areas. See also, Driveway and Parking Area.

Vehicle Types.

- **Motor Vehicle.** Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles with motive power. See also Passenger Vehicle, Recreational Vehicle, and Truck.
- **Passenger Vehicle.** A motor vehicle designed to carry ten persons or less including the driver. Passenger vehicle also includes motor vehicles designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road

use. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans, and jeeps. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multipurpose passenger vehicles by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle, and Truck.

- **Recreational Vehicle.** A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:
  - **Accessory recreational vehicle.** Accessory recreational vehicle includes nonmotorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicle also includes vehicles designed for off-road use, such as off-road vehicles, dune buggies, and recreational boats.
  - **Motor home.** Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise. See also Truck.
- **Truck.** A motor vehicle which is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten persons. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. Trucks are divided into three categories by size as stated below. See also Passenger Vehicle, and Recreational Vehicle.
  - **Light Truck.** Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.
  - **Medium Truck.** Medium trucks are trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.
  - **Heavy Truck.** Heavy trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles.
- **Utility Trailer.** A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment and that is 16 feet or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than 16 feet in length are considered industrial vehicles and are regulated as heavy trucks.

View Corridor. A view corridor is a three-dimensional area extending out from a viewpoint. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as Mt. Hood, which would result in a narrow corridor, or a group of objects, such as the downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors and may include a 360-degree perspective. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is based on the area where base zone heights must be limited in order to protect the view. See also, Scenic Corridor.

Viewing Area. Part of a site developed for educational or public viewing purposes. The viewing area may be hard surfaced or decking, or within a structure such as a duck blind.

Waste Collection Areas. Waste collection areas include areas set aside or designed to be used for garbage collection and collection of materials for recycling. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.

Water Bodies. Permanently or temporarily flooded lands which may lie below the deepwater boundary of wetlands. Water depth is such that water, and not the air, is the principal medium in which prevalent organisms live, whether or not they are attached to the bottom. The bottom may sometimes be considered nonsoil or the water may be too deep or otherwise unable to support emergent vegetation. Water bodies include rivers, streams, creeks, sloughs, drainageways, lakes, and ponds. See also Identified Waterbodies.

Water Quality Resource Area. The water quality resource area is a vegetated corridor and the adjacent protected water feature. The functional values of the water quality resource area include: providing a vegetated corridor to separate protected water features from development; maintaining or reducing stream temperatures; maintaining natural stream corridors; minimizing erosion, nutrient and pollutant loading into water; filtering, infiltration and natural water purification; and stabilizing slopes to prevent landslides contributing to sedimentation of water features.

Wetland. An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas. See also Identified Wetlands.

Wildlife Species of Concern. Wildlife species of concern are those species with a large enough body mass (i.e. raptors, waterfowl, coyote, great blue heron or species with flocking behavior (i.e. European starling, gulls) that can result in a high probability of severe impact with aircraft. The wildlife species of concern list is in the Port of Portland's Wildlife Hazard Management Plan, as authorized by the Federal Aviation Administration.

Wind Turbine or **Wind Energy Turbine.** A wind turbine or wind energy turbine converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a mast or mounting frame and structural supports, electrical generator, transformer, energy storage equipment, and a rotor with one or more blades. Some turbines use a vertical axis/helix instead of rotor blades.

- Small Wind Turbines or Small Wind Energy Turbines are turbines with an American Wind Energy Association (AWEA) rated power output of 10 kW or less. They also are certified by the Small Wind Certification Council to meet the American Wind Energy Associations (AWEA) Small Wind Turbine Performance and Safety Standards. These turbines may or may not be connected to the power grid.
- Large Wind Turbines or Large Wind Energy Turbines are turbines with a rated power output of more than 10kW and up to 300 kW. These turbines may or may not be connected to the power grid.

(Amended by: Ord. No. 163957, effective 4/12/91; Ord. No. 164899, effective 12/11/91; Ord. No. 165417, effective 6/5/92; Ord. No. 165681, effective 7/15/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167127, effective

12/17/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167293, effective 1/19/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169763, effective 3/25/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170248, effective 9/17/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171740, effective 11/14/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 172882, effective 11/18/98; Ord. No. 173015, effective 2/12/99; Ord. 173528, effective 7/30/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 175966, effective 10/26/01; Ord. No.176351, effective 3/27/02; Ord. No. 176443, effective 5/30/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178020, effective 12/20/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179540, effective 9/26/05; Ord. No. 179845, effective 1/20/06; Ord. No. 179925, effective 3/17/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183269, effective 10/1/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183750, effective 6/4/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184235, effective 11/26/10; Ord. No. 184521, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 815915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190093, effective 9/11/20.)

33.920 Description of Use Categories

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Introduction to the Use Categories

33.920.010 Purpose

This Chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain site factors. The use categories provide a systematic basis for assignment of present and future uses to zones. The decision to allow or prohibit the use categories in the various zones is based on the goals and policies of the Comprehensive Plan.

33.920.020 Category Titles

The names of the use categories start with capital letters throughout this Title.

33.920.030 Classification of Uses

A. Considerations.

1. Uses are assigned to the category whose description most closely describes the nature of the primary use. The "Characteristics" subsection of each use category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses. Developments with more than one primary use are addressed in Subsection B. below. Accessory uses are addressed in Subsection C. below.
2. The following items are considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:
   - The description of the activity(ies) in relationship to the characteristics of each use category;
   - The relative amount of site or floor space and equipment devoted to the activity;
   - Relative amounts of sales from each activity;
   - The customer type for each activity;
   - The relative number of employees in each activity;
   - Hours of operation;
   - Building and site arrangement;
   - Vehicles used with the activity;
   - The relative number of vehicle trips generated by the activity;
   - Signs;
   - How the use advertises itself; and
   - Whether the activity would be likely to be found independent of the other activities on the site.

B. Developments with multiple primary uses. When all the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a retail bakery and a cafe would be classified in the Retail Sales And Service category because all the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

C. Accessory uses. Accessory uses are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Common accessory uses are listed as examples with the categories.

D. Use of examples. The "Examples" subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Wholesale Liquidation" but that sells mostly to consumers, would be included in the Retail Sales And Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales And Service category.

Residential Use Categories

33.920.100 Group Living

A. Characteristics. Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group will be larger than the average size of a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales And Service and Community Service categories). Generally, Group Living structures have a common eating area for residents. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site. Group Living may include the State definition of residential facility (see Chapter 33.910, Definitions).

B. Accessory Uses. Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, parking of vehicles for the facility, and food membership distribution.

C. Examples. Examples include dormitories; communes; fraternities and sororities; monasteries and convents; nursing and convalescent homes; some group homes for the physically disabled, mentally retarded, or emotionally disturbed; some residential programs for drug and alcohol treatment; and alternative or post incarceration facilities.

D. Exceptions.

1. Lodging where tenancy may be arranged for periods less than one month is considered a hotel or motel use and is classified in the Retail Sales And Service category. However, in certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use such as short term housing or mass shelters.
2. Lodging where the residents meet the definition of Household, and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as Household Living.
3. Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category.

33.920.110 Household Living

A. Characteristics. Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales And Service and Community Service categories). Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living. Single Room Occupancy housing (SROs), that do not have totally self-contained dwelling units are also included if at least two thirds of the units are rented on a monthly basis. SROs may have a common food preparation area, but meals are prepared individually by the residents. In addition, residential homes as defined by the State of Oregon are included in the Household Living category (see Chapter 33.910, Definitions).

B. Accessory Uses. Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, accessory short-term rentals, and food membership distribution are accessory uses that are subject to additional regulations.

C. Examples. Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, houseboats, and other structures with self-contained dwelling units. Examples also include living in SROs if the provisions are met regarding length of stay and separate meal preparation.

D. Exceptions.

1. Lodging in a dwelling unit or SRO where less than two thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales And Service category.
2. SROs that contain programs which include common dining are classified as Group Living.
3. Guest houses that contain kitchen facilities are prohibited as accessory to Household Living uses.
4. In certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use, such as short term housing or mass shelter.

Commercial Use Categories

33.920.200 Commercial Outdoor Recreation

A. Characteristics. Commercial Outdoor Recreation uses are large, generally commercial uses that provide continuous recreation or entertainment oriented activities. They generally take place outdoors. They may take place in a number of structures which are arranged together in an outdoor setting.

B. Accessory Uses. Accessory uses may include concessions, restaurants, parking, caretaker's quarters, food membership distribution, and maintenance facilities.

C. Examples. Examples include amusement parks, theme parks, golf driving ranges, miniature golf facilities, zoos, marinas, and marine passenger docks for subregional cruise ships such as Willamette and Columbia River cruises.

D. Exceptions.

1. Golf courses are classified as Parks And Open Areas.
2. Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as Major Event Entertainment.

33.920.210 Commercial Parking

A. Characteristics. Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.

B. Accessory Uses. In a parking structure only, accessory uses may include gasoline sales, car washing, food membership distribution, and vehicle repair activities if these uses provide service to autos parked in the garage, and not towards general traffic.

C. Examples. Examples include short- and long-term fee parking facilities, commercial district shared parking lots, commercial shuttle parking, and mixed parking lots (partially for a specific use, partly for rent to others).

D. Exceptions.

1. Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
2. Parking facilities that are accessory to a primary use are not considered Commercial Parking uses, even if the operator leases the facility to the primary use or charges a fee to the individuals who park in the facility. See Accessory Parking Facilities in Chapter 33.910, Definitions.
3. Public transit park-and-ride facilities are classified as Community Services.

33.920.220 Quick Vehicle Servicing

A. Characteristics. Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development will include a drive-through facility, the area where the service is performed (see 33.910, Definitions.) Full-serve and mini-serve gas stations are always classified as a primary use (Quick Vehicle Servicing), rather than an accessory use, even when they are in conjunction with other uses.

B. Accessory Uses. Accessory uses may include auto repair, food membership distribution, and tire sales.

C. Examples. Examples include full-serve and mini-serve gas stations, unattended card key stations, car washes, quick lubrication services, and Department of Environmental Quality vehicle emission test sites.

D. Exceptions.

1. Truck stops are classified as Industrial Service.
2. Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) which are on the site where the vehicles are kept, are accessory to the use.

33.920.230 Major Event Entertainment

A. Characteristics. Major Event Entertainment uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.

B. Accessory Uses. Accessory uses may include restaurants, bars, concessions, parking, food membership distribution, and maintenance facilities.

C. Examples. Examples include stadiums, sports arenas, coliseums, race tracks (auto, horse, dog, etc.), auditoriums, exhibition and meeting areas, and fairgrounds.

D. Exceptions.

1. Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as Retail Sales And Service.
2. Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Retail Sales And Service category.
3. Theaters, including drive-in theaters, are classified as Retail Sales And Service.

33.920.240 Office

A. Characteristics. Office uses are characterized by activities conducted in an office setting that focus on the provision of goods and services, usually by professionals. There are two subgroups within the Office category:

1. Traditional Office. Traditional Office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. Traditional Office uses require customers or clients to visit the site on a regular basis.
2. Industrial Office. Industrial Office uses are characterized by activities that focus on science, technology, and design services associated with the production of physical or digital goods. They primarily provide products to other businesses. They do not require customers or clients to visit the site; any such visits are infrequent and incidental.

B. Accessory uses. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Accessory uses may also include food membership distribution.

C. Examples. Examples include uses from the two subgroups:

1. Traditional Office: Professional services such as lawyers, accountants, or management consultants; business services such as headquarters, temporary staffing agencies, sales offices, or call centers; financial services such as lenders, brokerage houses, banks, o real estate agents and developers or property managers; television and radio studios; portrait photography studios; government offices and public utility offices; medical and dental clinics, and blood collection facilities.

2. Industrial Office: Architectural, engineering and related services including landscape architects; drafting services; consultant service providers in the building inspection, architectural, geophysical surveying and mapping, environmental, agricultural, motion picture, biology and life sciences, biotechnology, physics, chemistry, economics, energy, and engineering fields; medical, dental, and veterinary labs primarily engaged in providing testing services to practitioners; interior, industrial, and graphic design services; commercial photography studios; computer system, software, or internet content design services where all support occurs off-site; data processing and hosting services.

D. Exceptions.

1. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.
2. Contractors and others who perform services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

33.920.250 Retail Sales And Service

A. Characteristics. Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.

B. Accessory uses. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, food membership distribution, and parking.

C. Examples. Examples include uses from the four subgroups listed below:

1. Sales-oriented: Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales, and Farmers Markets; and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.
2. Personal service-oriented: Branch banks; urgency medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; kennels limited to boarding, with no breeding; and animal grooming.
3. Entertainment-oriented: Restaurants, cafes, delicatessens, taverns, and bars; indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs, and lodges; hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days.

4. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.

D. Exceptions.

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
2. Sales of landscape materials, including bark chips and compost, is classified as Industrial Service.
3. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.
4. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.
5. Hotels, restaurants, and other services which are part of a truck stop are considered accessory to the truck stop which is classified as Industrial Service.
6. In certain situations, hotels and motels may be classified as a Community Service use, such as short term housing or mass shelter. See Community Services.
7. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Retail Sales And Service or Agriculture.
8. Trade schools where industrial vehicles and equipment, including heavy trucks, are operated are classified as Industrial Service.

33.920.260 Self-Service Storage

A. Characteristics. Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.

B. Accessory uses. Accessory uses may include security and leasing offices and food membership distribution. Living quarters for one resident manager per site in the E and I zones are allowed. Other living quarters are subject to the regulations for Residential Uses in the base zones. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.

C. Examples. Examples include single story and multistory facilities that provide individual storage areas for rent. These uses are also called miniwarehouses.

D. Exceptions. A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse And Freight Movement category.

33.920.270 Vehicle Repair

A. Characteristics. Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.

B. Accessory Uses. Accessory uses may include offices, sales of parts, vehicle storage, and food membership distribution.

C. Examples. Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.

D. Exceptions. Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

Industrial Use Categories

33.920.300 Bulk Fossil Fuel Terminal

A. Characteristics. Bulk Fossil Fuel Terminals are establishments primarily engaged in the transport and bulk storage of fossil fuels. Terminal activities may also include fuel blending, regional distribution, and wholesaling. The firms rely on access by marine, railroad, or regional pipeline to transport fuels to or from the site, and either have transloading facilities for transferring a shipment between transport modes, or have storage capacity exceeding 2 million gallons for fossil fuels. There is minimal on-site sales activity with the customer present.

B. Accessory uses. Accessory uses may include retail sales of petroleum products, offices, food membership distribution, parking, storage, truck fleet parking and maintenance areas, rail spur or lead lines, and docks.

C. Examples. Examples include crude oil terminals, petroleum products terminals, natural gas terminals, propane terminals, and coal terminals.

D. Exceptions.

1. Truck or marine freight terminals that do not store, transport or distribute fossil fuels are classified as Warehouse And Freight Movement uses.
2. Truck or marine freight terminals that do not have transloading facilities and have storage capacity of 2 million gallons or less are classified as Warehouse And Freight Movement uses. However, multiple fossil fuel facilities, each with 2 million gallons of fossil fuel storage capacity or less but cumulatively having a fossil fuel storage capacity in excess of 2 million gallons, located on separate parcels of land will be classified as a Bulk Fossil Fuel Terminal when two or more of the following factors are present:
   a. The facilities are located or will be located on one or more adjacent parcels of land. Adjacent includes separated by a shared right-of-way;
   b. The facilities share or will share operating facilities such as driveways, parking, piping, or storage facilities; or
   c. The facilities are owned or operated by a single parent partnership or corporation.
3. Gasoline stations and other retail sales of fossil fuels are not Bulk Fossil Fuel Terminals.
4. Distributors and wholesalers that receive and deliver fossil fuels exclusively by truck are not Bulk Fossil Fuel Terminals.

5. Industrial, commercial, institutional, and agricultural firms that exclusively store fossil fuel for use as an input are not Bulk Fossil Fuel Terminals.
6. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
7. The storage of fossil fuels for exclusive use at an airport, surface passenger terminal, marine, truck or air freight terminal, drydock, ship or barge servicing facility, rail yard, or as part of a fleet vehicle servicing facility are not Bulk Fossil Fuel Terminals.
8. Uses that recover or reprocess used petroleum products are not Bulk Fossil Fuel Terminals.

33.920.310 Industrial Service

A. Characteristics. Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

B. Accessory uses. Accessory uses may include offices, food membership distribution, parking, storage, rail spur or lead lines, and docks.

C. Examples. Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; truck stops; building, heating, plumbing or electrical contractors; trade schools where industrial vehicles and equipment, including heavy trucks, are operated; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; drydocks and the repair or dismantling of ships and barges; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.

D. Exceptions.

1. Contractors and others who perform services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site.
2. Hotels, restaurants, and other services which are part of a truck stop are considered accessory to the truck stop.

33.920.320 Manufacturing And Production

A. Characteristics. Manufacturing And Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

B. Accessory uses. Accessory uses may include offices, cafeterias, food membership distribution, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, or truck fleets. Living quarters for one caretaker per site in the E and I zones are allowed. Other living quarters are subject to the regulations for Residential Uses in the base zones.

C. Examples. Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; slaughter houses, and meat packing; feed lots and animal dipping; weaving or production of textiles or apparel; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie and video production facilities; recording studios; ship and barge building; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; production of artwork and toys; sign making; production of prefabricated structures, including manufactured dwellings; and Utility Scale Energy production.

D. Exceptions.

1. Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales And Service.
2. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.
3. Small Scale Energy Production is a Basic Utility.
4. Solid waste incinerators that generate energy but do not meet the definition of Small Scale Energy Production are considered Waste Related Uses.

33.920.330 Railroad Yards

A. Characteristics. Railroad yards are areas that contain multiple railroad tracks used for rail car switching, assembling of trains, and transshipment of goods from other transportation modes to or from trains.

B. Accessory Uses. Accessory uses include offices, employee facilities, food membership distribution, storage areas, and rail car maintenance and repair facilities.

33.920.340 Warehouse And Freight Movement

A. Characteristics. Warehouse And Freight Movement firms are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

B. Accessory uses. Accessory uses may include offices, food membership distribution, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.

C. Examples. Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants,

including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns and light rail barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

D. Exceptions.

1. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
2. Miniwarehouses are classified as Self-Service Storage uses.
3. Establishments that engage in the transfer or storage of fossil fuels, rely on access by marine, railroad or regional pipeline to transport fuels to or from the site, and either have transloading facilities or have storage capacity exceeding 2 million gallons for fossil fuels are classified as Bulk Fossil Fuel Terminal uses.

33.920.350 Waste-Related

A. Characteristics. Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to the regulations of OAR 340.100-110, Hazardous Waste Management.

B. Accessory Uses. Accessory uses may include recycling of materials, offices, food membership distribution, and repackaging and transshipment of by-products.

C. Examples. Examples include sanitary landfills, limited use landfills, waste composting, solid waste incinerators that generate energy but do not meet the definition of Small Scale Energy Production, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous-waste-collection sites.

D. Exceptions.

1. Disposal of clean fill, as defined in OAR 340-093-0030, is considered a fill, not a Waste-Related use.
2. Infrastructure services that must be located in or near the area where the service is provided in order to function are considered Basic Utilities. Examples include sewer pipes that serve a development or water re-use pipes and tanks, pump stations, and collection stations necessary for the water re-use that serve a development or institution.
3. Small Scale Energy Production is considered a Basic Utility.
4. Utility Scale Energy Production, other than solid waste incinerators that generate energy, is considered a Manufacturing and Production Use.

33.920.360 Wholesale Sales

A. Characteristics. Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result

of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

B. Accessory uses. Accessory uses may include offices, food membership distribution, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.

C. Examples. Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.

D. Exceptions.

1. Firms that engage primarily in sales to the general public are classified as Retail Sales And Service.
2. Firms that engage in sales on a membership basis are classified as either Retail Sales And Service or Wholesale Sales, based on a consideration of the characteristics of the use.
3. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse And Freight Movement.
4. Establishments that engage in the regional wholesaling of fossil fuels, rely on access by marine, railroad or regional pipeline to transport fuels to or from the site, and either have transloading facilities or have storage capacity exceeding 2 million gallons for fossil fuels are classified as Bulk Fossil Fuel Terminal uses.

Institutional Use Categories

33.920.400 Basic Utilities

A. Characteristics. Basic Utilities are infrastructure services which need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be public or privately provided. All public safety facilities are Basic Utilities.

B. Accessory uses. Accessory uses may include food membership distribution, parking; control, monitoring, data or transmission equipment; and holding cells within a police station.

C. Examples. Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; Small Scale Energy Production, water quality and flow control facilities; water conveyance systems; water harvesting and re-use conveyance systems and pump stations; stormwater facilities and conveyance systems; telephone exchanges; mass transit stops or turn arounds, light rail stations, suspended cable transportation systems, transit centers; and public safety facilities, including fire and police stations, and emergency communication broadcast facilities.

D. Exceptions.

1. Services where people are generally present, other than mass transit stops or turn arounds, light rail stations, transit centers, and public safety facilities, are classified as Community Services or Offices.
2. Utility offices where employees or customers are generally present are classified as Offices.
3. Bus and light rail barns are classified as Warehouse And Freight Movement.
4. Public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Rail Lines And Utility Corridors.
5. Utility Scale Energy Production is considered Manufacturing and Production.
6. Solid waste incinerators that generate energy but are not Small Scale Energy Production are considered Waste Related Uses.

33.920.410 Colleges

A. Characteristics. This category includes colleges and other institutions of higher learning which offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks.

B. Accessory Uses. Accessory uses include offices, housing for faculty, staff and students, up to six transitional housing units, food service, food membership distribution, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial. A transitional housing unit is a housing unit for one household and is occupied for less than 180 days within a calendar year.

C. Examples. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.

D. Exceptions. Business and trade schools are classified as Retail Sales And Service.

33.920.420 Community Services

A. Characteristics. Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide mass shelter or short term housing where tenancy may be arranged for periods of less than one month when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.

B. Accessory uses. Accessory uses may include offices, meeting areas, food preparation areas, food membership distribution, parking, health and therapy areas, daycare uses, and athletic facilities.

C. Examples. Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, ambulance stations, drug and alcohol centers, social service facilities, mass shelters or short term housing when operated by a public or non-profit agency, vocational training for the physically or mentally disabled, crematoriums, columbariums, mausoleums, soup kitchens, park-and-ride facilities for mass transit, and surplus food distribution centers.

D. Exceptions.

1. Private lodges, clubs, and private or commercial athletic or health clubs are classified as Retail Sales And Service. Commercial museums (such as a wax museum) are in Retail Sales And Service.
2. Parks are in Parks And Open Areas.
3. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential, and are classified as Household or Group Living.
4. Public safety facilities are classified as Basic Utilities.

33.920.430 Daycare

A. Characteristics. Daycare use includes day or evening care of two or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.

B. Accessory Uses. Accessory uses include offices, food membership distribution, play areas, and parking.

C. Examples. Examples include preschools, nursery schools, latch key programs, and adult daycare programs.

D. Exceptions. Daycare use does not include care given by the parents, guardians, or relatives of the children, or by babysitters. Daycare use also does not include registered or certified family child care homes as specified in ORS 329A. Registered or certified family child care homes for up to 16 or fewer children, including the children of the provider that also meet the State's requirements are Household Living uses.

33.920.450 Medical Centers

A. Characteristics. Medical Centers includes uses providing medical or surgical care to patients and offering overnight care. Medical centers tend to be on multiple blocks or in campus settings.

B. Accessory uses. Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, food membership distribution, parking, maintenance facilities, and housing facilities for staff, trainees, or patient families.

C. Examples. Examples include hospitals and medical complexes that include hospitals.

D. Exceptions.

1. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.

2. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.
3. Urgency medical care clinics are classified as Retail Sales And Service.

33.920.460 Parks And Open Areas

A. Characteristics. Parks And Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.

B. Accessory uses. Accessory uses may include club houses, maintenance facilities, concessions, caretaker's quarters, food membership distribution, and parking.

C. Examples. Examples include parks, golf courses, cemeteries, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, off-site mitigation, community gardens, and land used for grazing that is not part of a farm or ranch.

D. Exceptions. On-site mitigation is not a Parks and Open Areas use.

33.920.470 Religious Institutions

A. Characteristics. Religious Institutions are intended to primarily provide meeting areas for religious activities.

B. Accessory uses. Accessory uses include Sunday school facilities, food membership distribution, parking, caretaker's housing, up to six transitional housing units, and group living facilities such as convents. A transitional housing unit is a housing unit for one household and is occupied for less than 180 days within a calendar year. A religious institution may allow overnight car camping for up to three vehicles as specified in ORS 203.082.

C. Examples. Examples include churches, temples, synagogues, and mosques.

33.920.480 Schools

A. Characteristics. This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.

B. Accessory uses. Accessory uses include play areas, cafeterias, recreational and sport facilities, athletic fields, auditoriums, food membership distribution, before- or after-school daycare, and up to six transitional housing units. A transitional housing unit is a housing unit for one household and is occupied for less than 180 days within a calendar year.

C. Examples. Examples include public and private daytime schools, boarding schools and military academies.

D. Exceptions.

1. Preschools are classified as Daycare uses.
2. Business and trade schools are classified as Retail Sales and Service.

Other Use Categories

33.920.500 Agriculture

A. Characteristics. Agriculture includes activities that raise, produce or keep plants or animals.

B. Accessory uses. Accessory uses include dwellings for proprietors and employees of the use, food membership distribution, and animal training.

C. Examples. Examples include breeding or raising of fowl or other animals, dairy farms, stables, riding academies, kennels or other animal boarding places, farming, truck gardening, forestry, tree farming, Market Gardens, and wholesale plant nurseries.

D. Exceptions.

1. Processing of animal or plant products, including milk, and feed lots, are classified as Manufacturing And Production.
2. Livestock auctions are classified as Wholesale Sales.
3. Plant nurseries that are oriented to retail sales are classified as Retail Sales And Service.
4. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Agriculture or Retail Sales And Service.

33.920.510 Aviation And Surface Passenger Terminals

A. Characteristics. Aviation And Surface Passenger Terminals includes facilities for the landing and takeoff of flying vehicles, including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation facilities may be for commercial carriers or for shared use by private aircraft. Aviation And Surface Passenger Terminals also includes passenger terminals for aircraft, regional bus service, regional rail service, and regional marine transportation.

B. Accessory uses. Accessory uses include freight handling areas, concessions, offices, parking, maintenance and fueling facilities, and aircraft sales areas, rental car facilities, food membership distribution, and Basic Utilities.

C. Examples. Examples include airports, bus passenger terminals for regional bus service, railroad passenger stations for regional rail service, passenger docks for regional marine travel such as ocean-going cruise ships, air strips, seaplane facilities, and helicopter landing facilities.

D. Exceptions.

1. Bus and rail passenger stations for subregional service such as mass transit stops are classified as Basic Utilities. Park-and-ride facilities are classified as Community Service.
2. Marine passenger docks for subregional marine transportation such as water taxis, water buses and ferries; and other marine tie ups (such as the seawall between the Broadway bridge and the Hawthorne bridge) are not included in this category and are classified as accessory to their adjacent uses. Marine passenger terminals that are accessory to marine freight terminals are classified as accessory facilities in the Warehouse And Freight Movement category.

3. Private helicopter landing facilities which are accessory to another use, are considered accessory uses. However, they are subject to all the regulations and approval criteria for helicopter landing facilities.

33.920.520 Detention Facilities

A. Characteristics. Detention Facilities includes facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24 hour supervision by peace officers, except when on an approved leave.

B. Accessory Uses. Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities, food membership distribution, and hobby and manufacturing activities.

C. Examples. Examples include prisons, jails, probation centers, and juvenile detention homes.

D. Exceptions. Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by peace officers are classified as Group Living. Programs that provide transitional living experience for former offenders, such as halfway houses, where residents are not supervised by peace officers, are also classified as Group Living.

33.920.530 Mining

A. Characteristics. Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use.

B. Accessory uses. Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material

C. Examples. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling.

33.920.540 Radio Frequency Transmission Facilities

A. Characteristics. Radio Frequency Transmission Facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self supporting, guyed, or mounted on poles or buildings.

B. Accessory Uses. Accessory use may include transmitter facility buildings.

C. Examples. Examples include Personal Wireless Service Facilities, Radio or Television Broadcast Facilities, broadcast towers, communication towers, point to point microwave towers, accessory equipment, antennas, and transmitter radios.

D. Exceptions.

1. Receive-only antenna are not included in this category.
2. Radio and television studios are classified in the Office category.
3. Radio Frequency Transmission Facilities that are public safety facilities are classified as Basic Utilities.

33.920.550 Rail Lines And Utility Corridors

A. Characteristics. This category includes railroad tracks and lines for the movement of trains. The land may be owned or leased by the railroad. The category also includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.

B. Examples. Examples include rail trunk and feeder lines; regional electrical transmission lines; and regional gas and oil pipelines.

C. Exceptions.

1. Railroad lead and spur lines for delivery of rail cars to sites or for unloading of rail cars on specific sites are classified as accessory to the primary use of the site.
2. Rail lines and utility corridors that are located within motor vehicle rights-of-way are not included.
3. Light rail lines are not included.
4. Railroad yards are classified in the Railroad Yards category.

(Amended by: Ord. No. 165681, effective 7/15/92; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 170704, effective 1/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175837, effective 9/7/01; Ord. No. 176469, effective 7/1/02; Ord. No. 176742, effective 7/31/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 179092, effective 4/1/05; Ord. No. 180619, effective 12/22/06; Ord. No. 180667, effective 1/12/07; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184521, effective 5/13/11; Ord. No. 185412, effective 6/13/12; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188177, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189807, effective 12/18/19; Ord. No. 190023, effective 8/10/20.)

33.930 Measurements

930

Sections:

33.930.010 Purpose
33.930.020 Fractions
33.930.025 Measuring Development Standards
33.930.030 Measuring Distances
33.930.040 Measuring Distances on Maps
33.930.050 Measuring Height
33.930.055 Measuring the Area of Limited Uses
33.930.060 Determining Average Slope
33.930.070 Determining the Area of the Facade of a Building
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33.930.090 Determining the Garage Wall Area
33.930.100 Measuring Lot Widths and Depths
33.930.103 Measuring Lot Depths
33.930.110 Measuring Areas with Squares of Specified Dimensions
33.930.120 Setback Averaging
33.930.130 Measuring Tree Diameter
33.930.140 Measuring the Root Protection Zone
33.930.150 Measuring Top of Bank

33.930.010 Purpose

This Chapter explains how measurements are made in the zoning code.

33.930.020 Fractions

When calculations result in fractions the results will be rounded as follows:

A. Minimum requirements. Minimum requirements other than density are calculated as described in Paragraph A.1. Minimum requirements for density are calculated as described in Paragraph A.2.

1. Generally. When a regulation is expressed in terms of a minimum requirement, any fractional result will be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 feet is applied to a 50 foot strip, the resulting fraction of 1.67 is rounded up to 2 required trees.

2. Density. Minimum density calculations are rounded based on a fraction that is truncated to two numbers past the decimal point. For example, 3.4289 is truncated to 3.42. Where a minimum density calculation results in a fraction that is .50 or above, the fraction is rounded up to the next whole number. Where a minimum density calculation results in a fraction that is less than .50, the fraction is rounded down to the preceding whole number.

B. Maximum limits. Maximum limits other than density are calculated as described in Paragraph B.1. Maximum limits for density are calculated as described in Paragraph B.2.

1. Generally. When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the preceding whole number. For example, if a maximum limit of one parking space for every 2,500 square feet of site area is applied to an 8,000 square foot site, the resulting fraction of 3.2 is rounded down to 3 allowed parking spaces.

2. Density. Maximum density calculations are rounded as follows. For the purposes of this measurement, rounding is based on a fraction that is truncated to two numbers past the decimal point. For example, 1.7398 is truncated to 1.73.

   a. 1.01 to 3.99. Where a maximum density calculation results in number that is at least 1.01 and up to 3.99:

      (1) If the fraction is less than .90, the fraction is rounded down to the next whole number. For example, if a maximum limit of one dwelling unit for every 5,000 square feet of site area is applied to a 13,900 square foot site, the resulting fraction of 2.78 is rounded down to 2 allowed dwelling units.

      (2) If the fraction is .90 or above, the fraction is rounded up to the next whole number. For example, if a maximum limit of one dwelling unit for every 5,000 square feet of site area is applied to a 14,600 square foot site, the resulting fraction of 2.92 is rounded up to 3 allowed dwelling units.

   b. 4.01 to 10.99. Where a maximum density calculation results in a number that is at least 4.01 and up to 10.99:

      (1) If the fraction is less than .75, the fraction is rounded down to the next whole number. For example, if a maximum limit of one dwelling unit for every 5,000 square feet of site area is applied to a 23,400 square foot site, the resulting fraction of 4.68 is rounded down to 4 allowed dwelling units.

      (2) If the fraction is .75 or larger, the fraction is rounded up to the next whole number. For example, If a maximum limit of one dwelling unit for every 5,000 square feet of site area is applied to a 23,900 square foot site, the resulting fraction of 4.78 is rounded up to 5 allowed dwelling units.

   c. 11.01 or larger. Where a maximum density calculation results in a number that is 11.01 or greater:

      (1) If the fraction is less than .50, the fraction is rounded down to the next whole number. For example, if a maximum limit of one dwelling unit for every 5,000 square feet of site area is applied to a 56,200 square foot site, the resulting fraction of 11.24 is rounded down to 11 allowed dwelling units.

      (2) If the fraction is .50 or larger, the fraction is rounded up to the next whole number. For example, If a maximum limit of one dwelling unit for every 5,000 square feet of site area is applied to a 58,200 square foot site, the resulting fraction of 11.64 is rounded up to 12 allowed dwelling units.

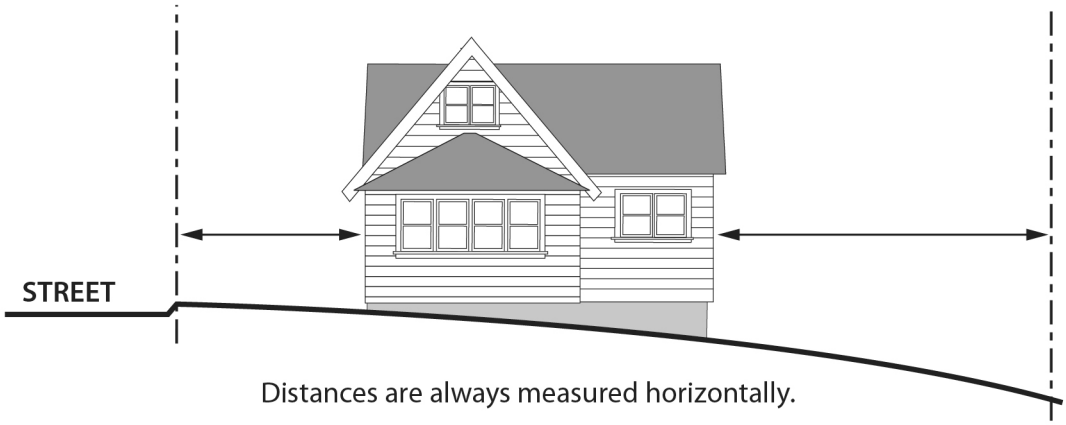
33.930.025 Measuring Development Standards

Unless otherwise stated below or elsewhere in this Title, all measurements involving development standards are based on the property lines and area of the site after dedication of public rights-of-way and/or designation of private rights-of-way. Standards include, but are not limited to, building coverage, floor area ratio, setbacks, and landscaping requirements. When site area is being dedicated for public right-of-way, calculation of floor area ratio is based on the site area at the time of building permit application.

33.930.030 Measuring Distances

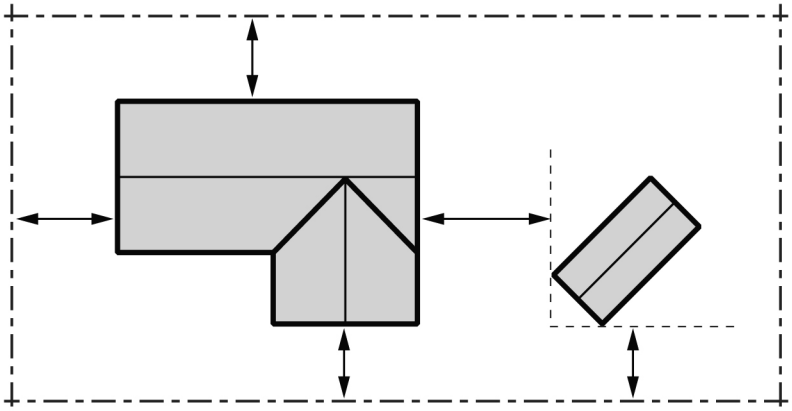
A. Distances are measured horizontally. When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate property line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography of the land. See Figure 930-1.

Figure 930-1
Horizontal Measurement



B. Measurements are shortest distance. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the shortest distance between the two objects. See Figure 930-2. Exceptions are stated in Subsections C., E., and F.

Figure 930-2
Closest Distance

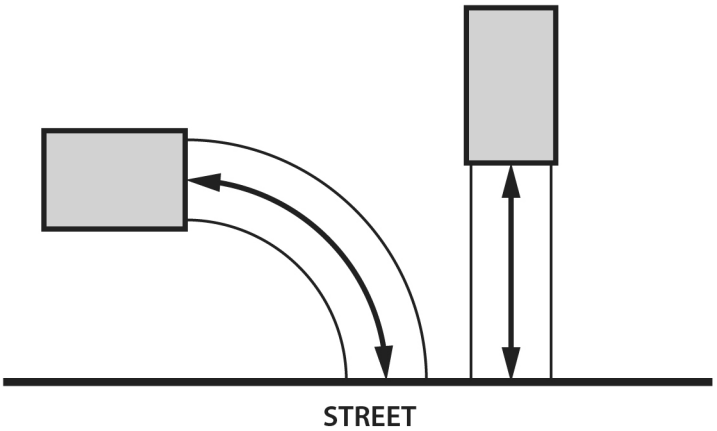


Measurement is taken from the shortest distance between the points.

C. Measurements of vehicle travel areas. Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the arc of the driveway or traffic lane. See Figure 930-3.

D. Measurement of distance between rights-of-way. Distance between rights-of-way is measured from centerline of one right-of-way to the centerline of the other right-of-way.

Figure 930-3
Measuring Vehicle Travel Areas

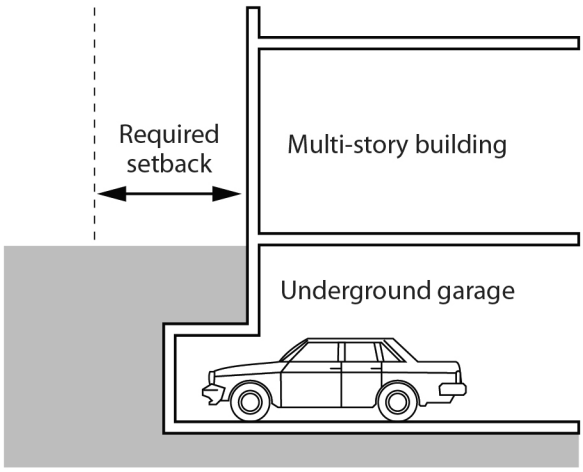


Measure down the middle of the travel area.

E. Measurements involving a structure. Measurements involving a structure are made to the closest wall of the structure. Chimneys, eaves, building and window trim, and bay windows up to 12 feet in length, are not included in the measurement. Other items, such as covered porches and entrances, are included in the measurement. See Figure 930-2 above, and the base zone chapters.

F. Underground structures. Structures or portions of structures that are entirely underground are not included in measuring required distances. See Figure 930-4.

Figure 930-4
Underground Structures



Measurements do not include underground structures

G. Landscaping. Measurements of the dimensions of a landscaped area include only the area that is actually landscaped, and not any other elements, such as protective curbs.

H. Measurement of distance from a bus stop or Transit Station. When measuring distance from a bus stop, the measurement is taken from the bus stop sign. When measuring distance from a Transit Station, the measurement is taken from the edge of the platform.

33.930.040 Measuring Distances on Maps

Zone boundaries that are shown crossing lots are usually based on a topographic feature or a set measurement from a property line or topographic feature, such as the top of slope, middle of stream, 25 feet from top of bank, or 30 feet from property line. When zone boundaries are shown crossing properties with no clear indication of the basis for the line, exact distances are to be determined by scaling the distances from the Official Zoning Maps, using the center of the zoning line.

33.930.050 Measuring Height

A. Measuring building height. Height of buildings is generally measured as provided in the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State.) The height of buildings is the vertical distance above the base point described in Paragraphs A.1. or A.2., unless the site is in a commercial/mixed use zone, in which case the height of buildings is measured as described in Paragraph A.3, or the site is in a multi-dwelling zone and the structure is a multi-dwelling structure, in which case the applicant may choose to measure the height of the building from base point A.1 or A.2, or from base point A.3. Methods to measure specific roof types are shown below and in Figure 930-5:

- Flat roof (pitch is 2 in 12 or less): Measure to the highest point of the roof except in the single-dwelling residential zones where the measurement is to the top of the parapet, or if there is no parapet, to the highest point of the roof.
- Mansard roof: Measure to the deck line.
- Gabled, hipped, or gambrel roof where roof pitch is 12 in 12 or less: Measure to the average height of the highest gable.
- Gabled or hipped roofs with a pitch steeper than 12 in 12: Measure to the highest point.
- Gambrel roofs where both pitches are steeper than 12 in 12: Measure to the highest point.
- Other roof shapes such as domed, shed, vaulted, or pyramidal shapes: Measure to the highest point.
- Stepped or terraced building: Measure to the highest point of any segment of the building.

1. Base point 1. Base point 1 is the elevation of the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade. See Figure 930-6.

2. Base point 2. Base point 2 is the elevation that is 10 feet higher than the lowest grade when the sidewalk or ground surface described in Paragraph 1., above, is more than 10 feet above lowest grade. See Figure 930-7.

3. In the commercial/mixed use zones, the height measurement is based on the location of a building relative to a street lot line and the elevation of sidewalk area adjacent to the site, as follows:

   a. When any portion of a building is within 20 feet of a street lot line, the base point from which height is measured is described below. See Figure 930-25 and Figure 930-26:

      (1) Within 25 feet of the building, when the difference between the highest elevation and the lowest elevation of sidewalk is 10 feet or less, the base point is the highest elevation of the sidewalk; or

      (2) Within 25 feet of the building, when the difference between the highest elevation and the lowest elevation of sidewalk is more than 10 feet, the base point is a point 10 feet above the lowest elevation of the sidewalk.

   b. For all other buildings, or if no sidewalk exists or is proposed within 25 feet of the building, height is measured using the base points described in Paragraphs A.1. and A.2.

Figure 930-5
Measuring Height – Roof Types

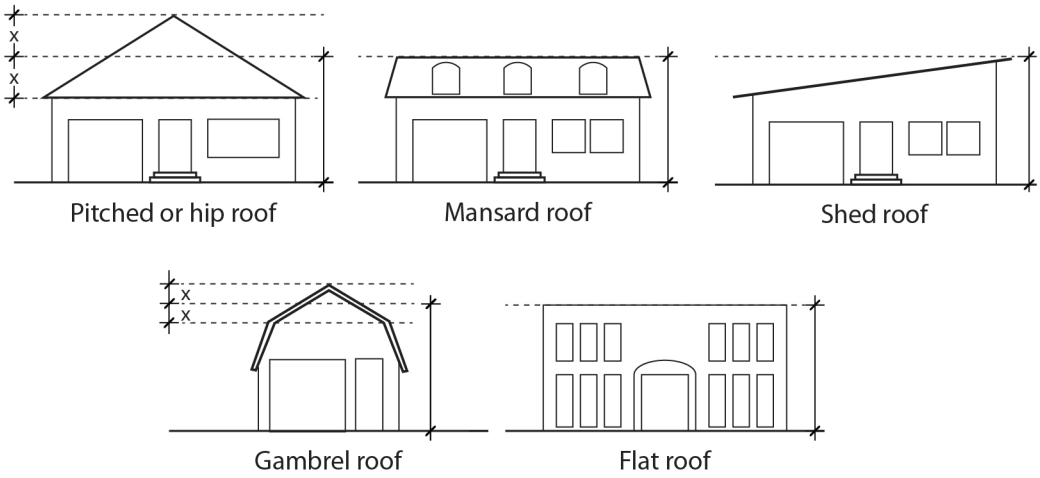
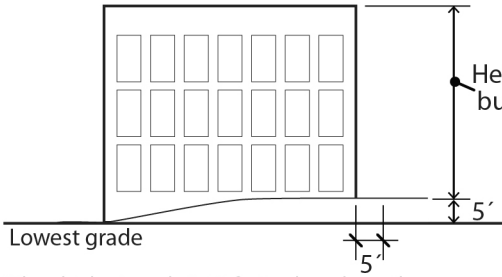
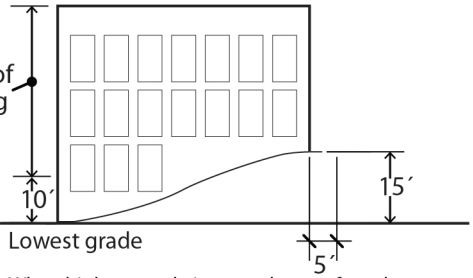


Figure 930-6
Measuring Height – Base Point 1



When highest grade is 10 feet or less above the lowest grade, the base point is the elevation of the highest adjoining sidewalk or grade within a 5-foot horizontal distance.

Figure 930-7
Measuring Height – Base Point 2



When highest grade is more than 10 feet above the lowest grade, the base point is the elevation 10 feet above the lowest grade.

Figure 930-25
Measuring Height – Commercial/Mixed Use Zones

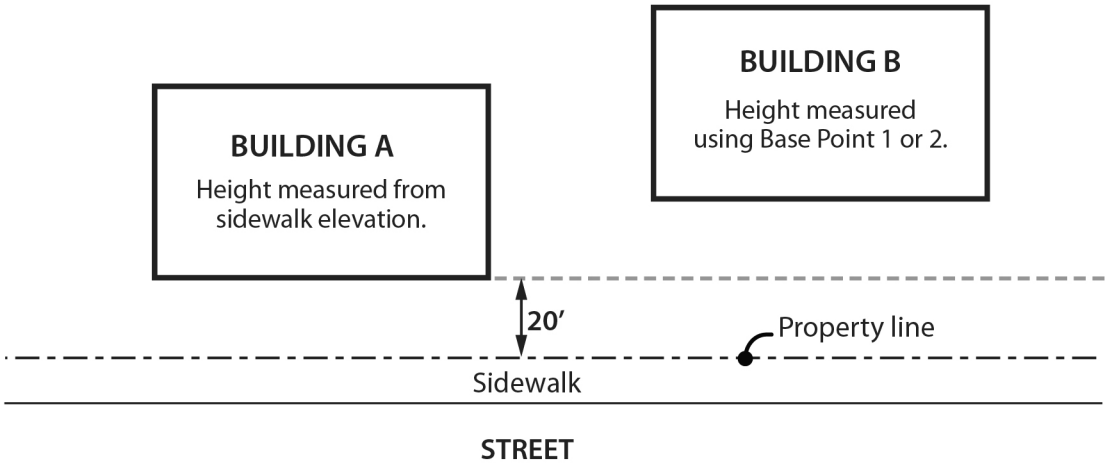
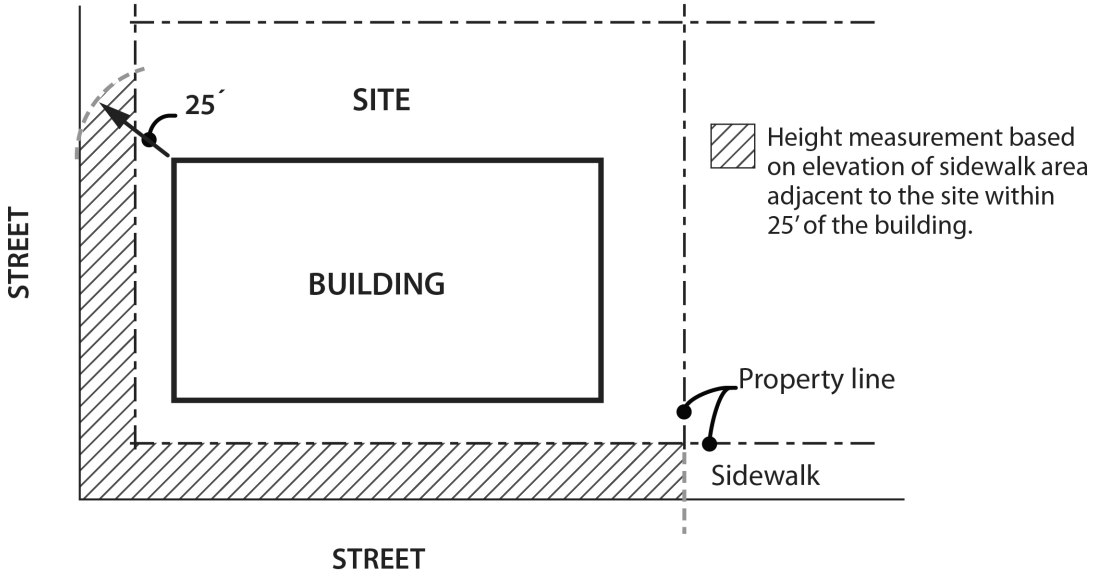


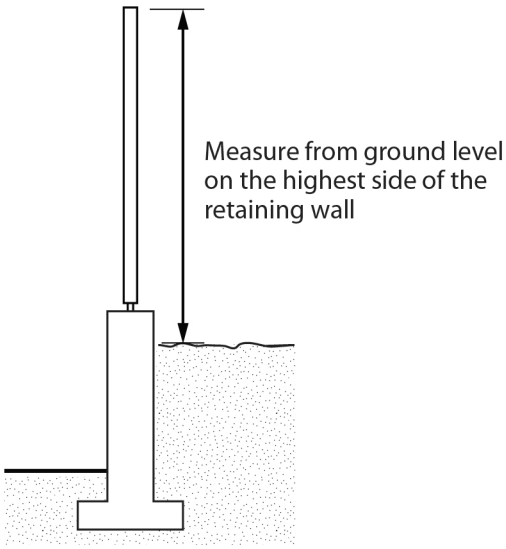
Figure 930-26
Measuring Height – Sidewalk Area Used for Height Measurement in Commercial/Mixed Use Zones



B. **Measuring height of other structures.** The height of other structures such as flag poles and fences is the vertical distance from the ground level immediately under the structure to the top of a structure, excluding exempted portions. When chimneys and other objects are allowed to exceed the base height of the zone by a set amount, that set amount is measured to the top of these objects. Special measurement provisions are also provided below.

1. Measuring height of retaining walls and fences. Retaining walls and fences on top of retaining walls are measured from the ground level on the higher side of the retaining wall. See Figure 930-8.

Figure 930-8
Measuring Height – Retaining Walls



2. Measuring height of decks. Deck height is determined by measuring from the ground to the top of the floor of the deck if there is no rail or if the rail walls are more than 50 percent open, and from the ground to the top of the rails for all other situations.

33.930.055 Measuring the Area of Limited Uses

The extent of allowed area for a use that is limited in size is determined by adding the square footage that the use occupies including exterior eating areas.

Area devoted to mechanical equipment, elevators, and stairwells are not included.

In multi-tenant buildings common areas, such as lobbies, bathrooms and hallways are not included when other permitted primary uses that are not limited uses occupy the building.

Regulations in the base zone, overlay zone or plan district may specify additional area that is either included or excluded from the total area, such as parking area, exterior storage, or exterior display.

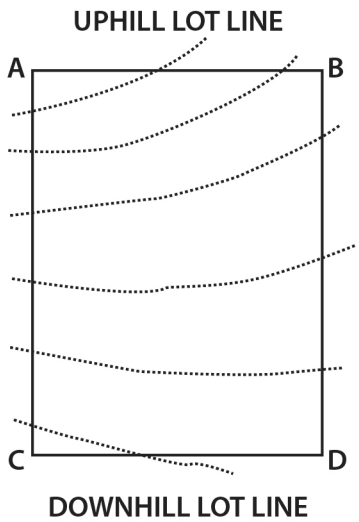
33.930.060 Determining Average Slope

A. Average slope used. When calculating the slope of a lot an average slope is used based on the elevations at the corners of the lot. The average slope of a lot is calculated by subtracting the average elevation of the uphill lot line and the average elevation of the downhill lot line and dividing the sum by the average distance between the two lot lines. The average elevation of the uphill or downhill lot line is calculated by adding the elevations at the ends of the lot line and dividing by two. See Figure 930-9.

33.930.070 Determining the Area of the Facade of a Building

The area of a specific facade of a building is determined by adding the square footage of surface area of each section of wall visible from that perspective. For buildings with more than one wall along one facade (for example, rooms jutting out from the main building or a building where each floor is set back from the floor below), all of the walls are included in the total area. The total area does not include any roof area. See Figure 930-10.

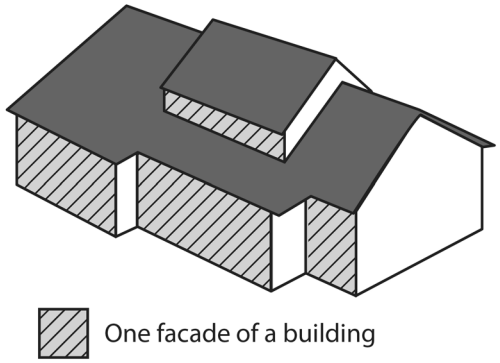
Figure 930-9
Calculating Average Slope



$$\frac{\text{Average elevation of uphill lot line} - \text{Average elevation of downhill lot line}}{\text{Average distance between the uphill and downhill lot lines}}$$

$$\frac{\left(\frac{A+B}{2}\right) - \left(\frac{C+D}{2}\right)}{\left(\frac{\text{Length of line AC} + \text{Length of line BD}}{2}\right)}$$

Figure 930-10
Facade of a Building



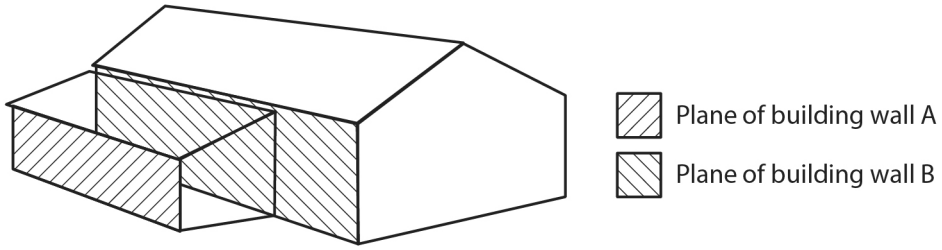
33.930.080 Determining the Plane of a Building Wall

The purpose of this measurement system is to provide a way to calculate varying amounts of bulk on a particular side of a structure. The plane of a building wall is a plane that extends from the ground to the top of each wall of a structure. A structure with more than one wall along one facade

(for example, rooms jutting out from the main structure or a structure where each floor is set back from the floor below) will have a different plane for each of the walls. The area of the plane is determined by calculating the area of the plane from the ground to the top of the wall. The plane does not include roof area.

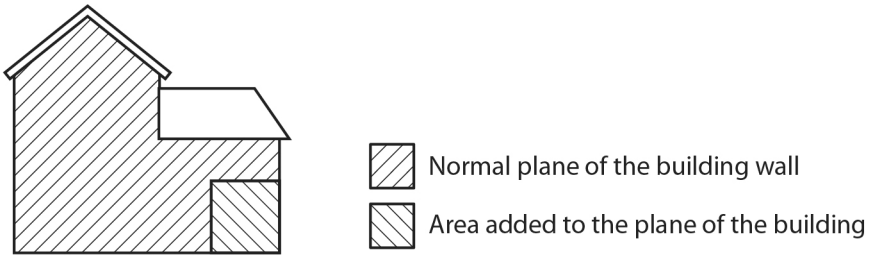
In situations where there is more than one wall along one facade, the bulk of the closer walls covers the bulk of walls that are farther back. In these situations, the wall is measured by extending the plane of the wall to the area that is behind a closer wall. See Figure 930-11. [There are special measurement rules for situations where the plane of the building wall is wider than portions of the wall below. See Figure 930-12, below.]

Figure 930-11
Plane of a Building Wall



Where the plane of a building wall contains portions that are wider than areas of the wall that are below it, the calculation of area is made using the wider dimension and extending the plane to the open area below. See Figure 930-12.

Figure 930-12
Additions to the Plane of a Building Wall



33.930.090 Determining the Garage Wall Area

The garage wall area is determined by calculating the area of the specific side of a structure that is backed by garage space. The garage wall area is not limited to the area of the garage door; it includes all the area on the specified side of a structure between the ceiling, floor, and walls of the garage (see Figure 930-13). For carports, the garage wall area is determined by calculating the area of a vertical plane extending from the outer edges of the roof to the nearest grade. The area within a gable is not included in the calculation. See Figure 930-14.

33.930.100 Measuring Lot Widths and Depths

A. **Single-Dwelling zones.** In the single-dwelling zones, lot width is measured by placing a rectangle along the minimum front building setback line. Where the setback line is curved, the rectangle is placed on the line between the intersection points of the setback line with the side lot lines. See Figure 930-20.

The rectangle must have a minimum width equal to the minimum lot width specified for the zone in Chapters 33.610 and 33.611. The rectangle must have a minimum depth of 40 feet, or extend to the rear property line, whichever is less. The rectangle must fit entirely within the lot. See Figure 930-20.

B. **All other zones.** In all other zones, lot widths and depths are measured from the midpoints of opposite lot lines. See Figure 930-15.

Figure 930-13
Garage Wall Area

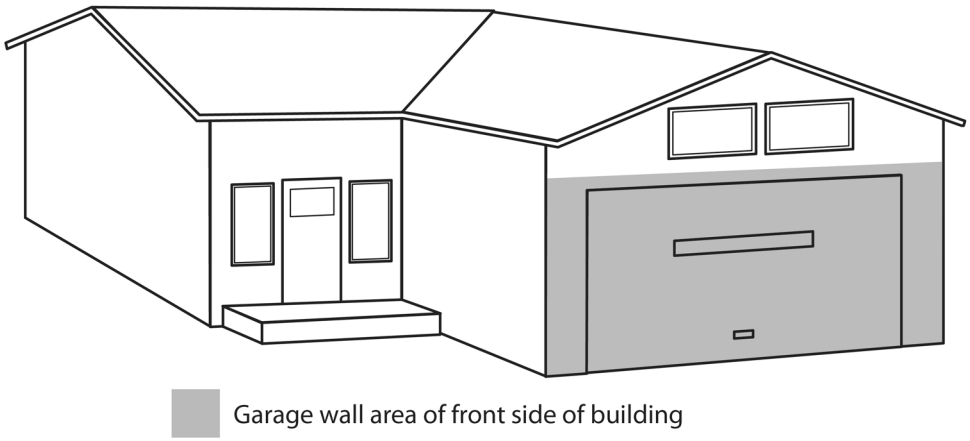


Figure 930-14
Garage Wall Area (Carport)

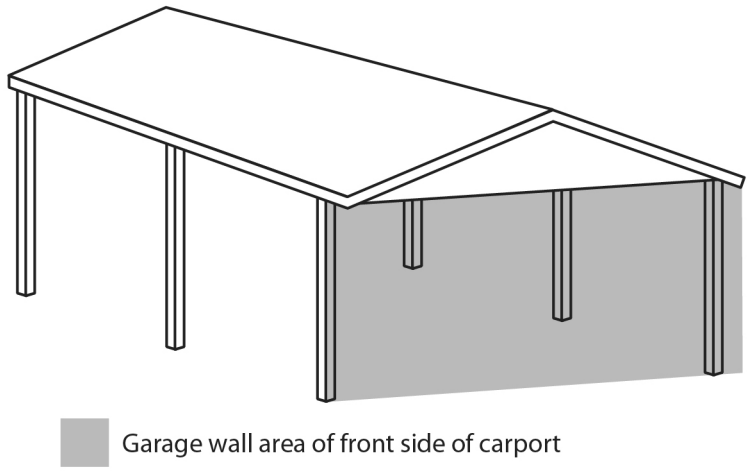
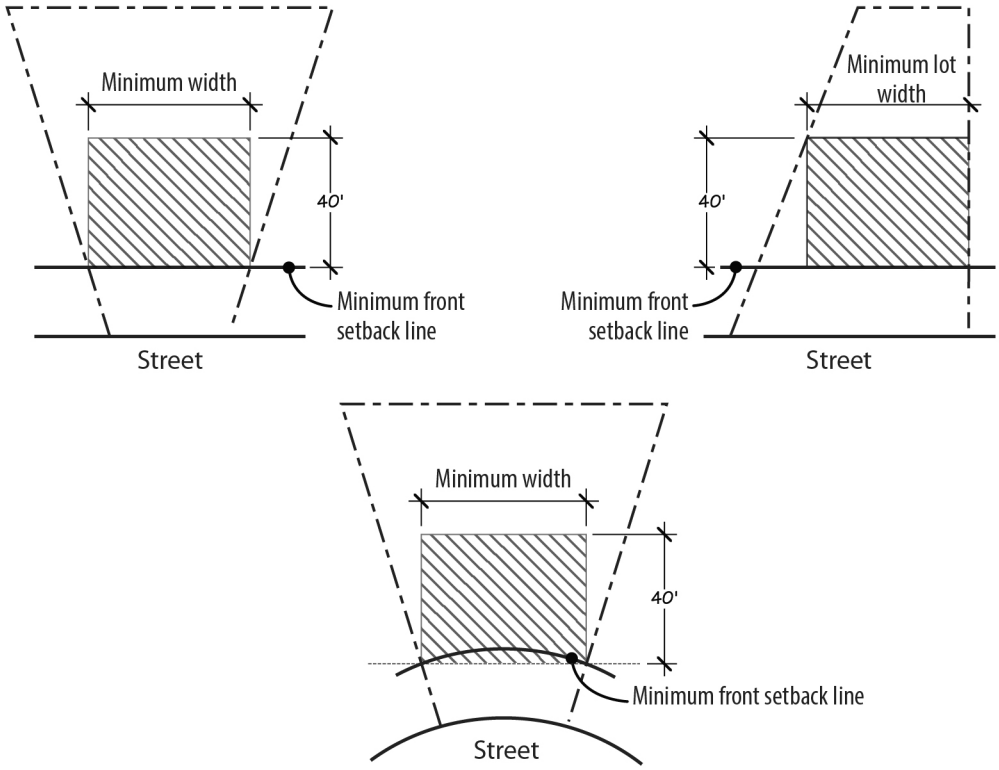


Figure 930-20
Measuring Lot Width in Single-Dwelling Zones



33.930.103 Measuring Lot Depths

Lot depths are measured from the midpoints of opposite lot lines. See Figure 930-16.

Figure 930-15
Measuring Lot Width

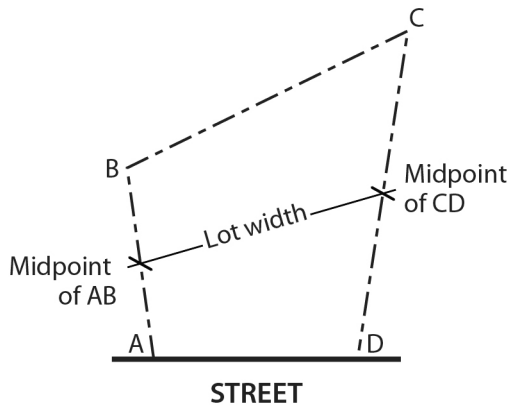
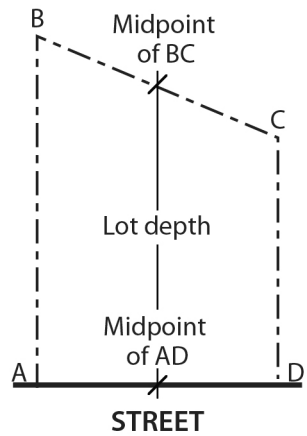
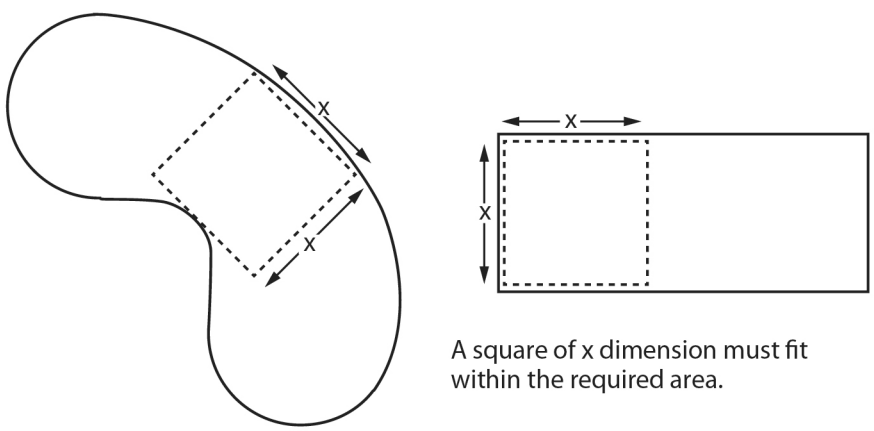


Figure 930-16
Measuring Lot Depth



33.930.110 Measuring Areas with Squares of Specified Dimensions
Required areas (for example, required usable outdoor areas in residential zones and the industrial zone lot standards) must be of a sufficient size and configuration so that a square measuring X by X can be placed totally within the required area. The dimensions of the square are stated in the base zone chapters. See Figure 930-17.

Figure 930-17
Using Squares With Specified Dimensions



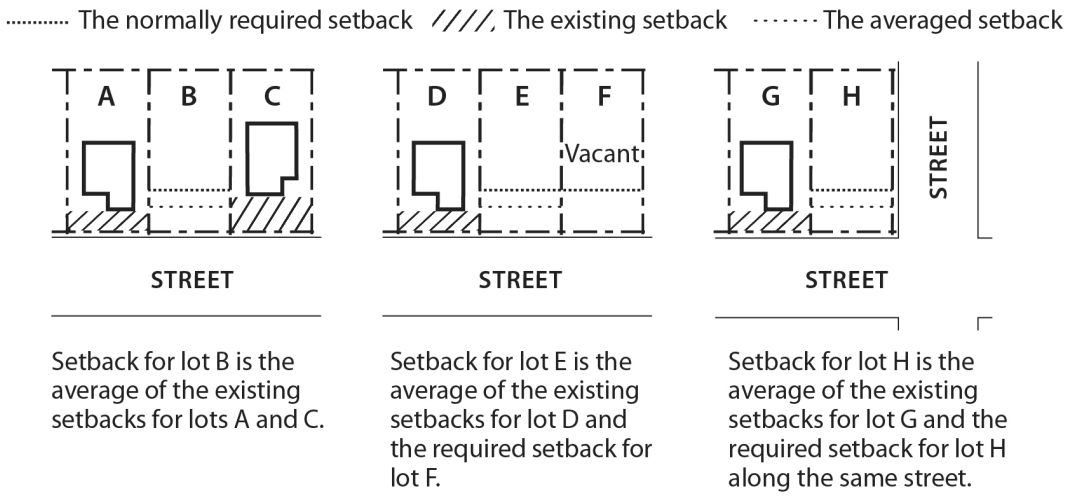
33.930.120 Setback Averaging
Certain regulations allow for setbacks to be averaged. In these situations the required setback may be reduced to the average of the existing setbacks of the lots that are on both sides of the site. See Figure 930-18. The following rules apply in calculating the average:

A. The setbacks used for the calculations must be for the same type of structure that is being averaged. For example, only garage entrance setbacks may be used to average a garage entrance setback, and only deck setbacks may be used to average a deck setback.

B. Only the setbacks on the lots that abut each side of the site and are on the same street may be used. Setbacks across the street or along a different street may not be used.

C. When one abutting lot is vacant or if the lot is a corner lot, then the average is of the setback of the nonvacant lot and the required setback for the zone.

Figure 930-18
Setback Averaging



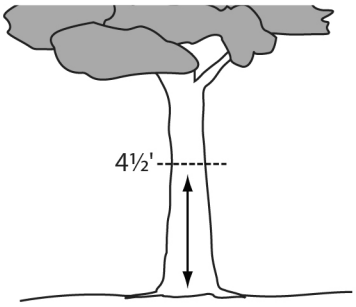
33.930.130 Measuring Tree Diameter

Tree diameter is measured in several ways:

A. Existing trees.

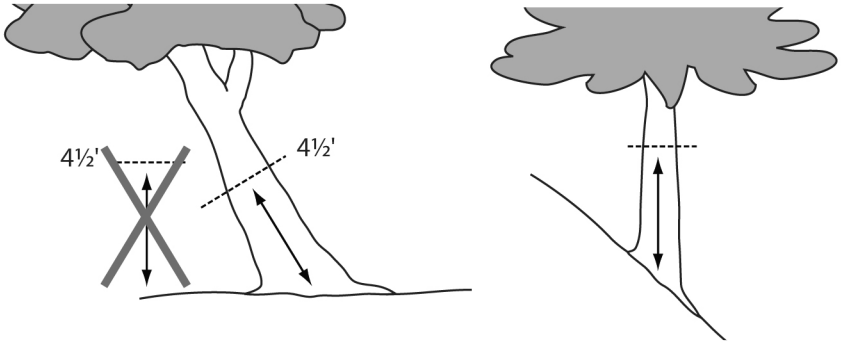
1. Existing trees are generally measured in terms of diameter inches at a height of 4-1/2 feet above the ground. The diameter may be determined by measuring the circumference of the tree trunk and dividing by 3.14. See Figure 930-19.

Figure 930-19
Measuring Tree Size for Existing Trees



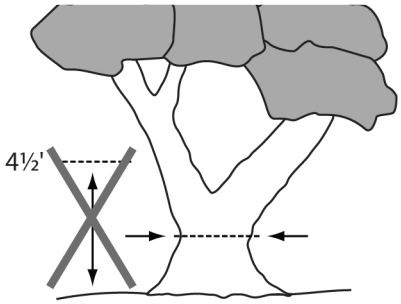
2. When the trunk is at an angle or is on a slope, the trunk is measured at right angles to the trunk 4-1/2 feet along the center of the trunk axis, so the height is the average of the shortest and the longest sides of the trunk. See Figure 930-21.

Figure 930-21
Measuring Existing Trees with an Angle or on Slopes



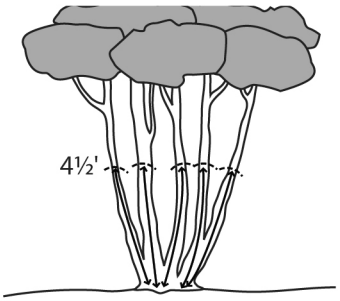
3. When the trunk branches or splits less than 4-1/2 feet from the ground, the trunk is measured at the smallest circumference below the lowest branch. See Figure 930-22.

Figure 930-22
Measuring Split Trunk Tree



4. For multi-stemmed trees, the size is determined by measuring all the trunks and adding the total diameter of the largest trunk and one-half the diameter of each additional trunk; see Figure 930-23. A multi-stemmed tree has trunks that are connected above the ground and does not include individual trees growing close together or from a common root stock that do not have trunks connected above the ground.

Figure 930-23
Measuring Multi-stemmed Trees

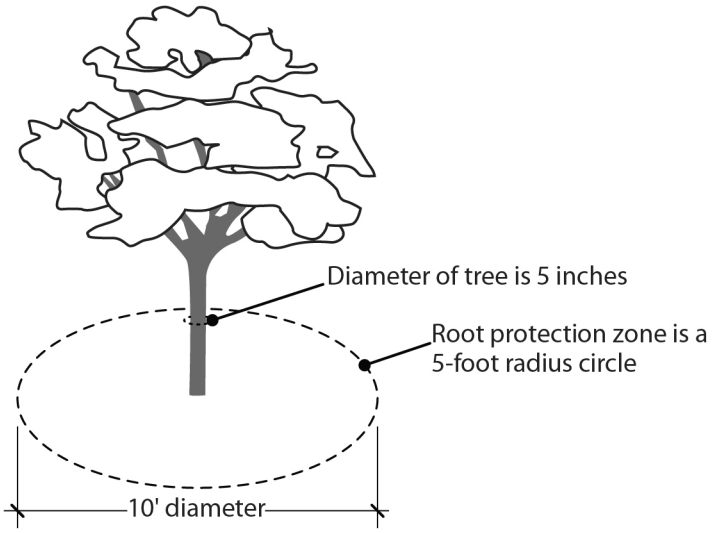


B. New trees. New trees are measured in caliper inch, which is the diameter of the trunk 6 inches above the ground or root ball. For coniferous trees, the tree height may also be used.

33.930.140 Measuring the Root Protection Zone

The root protection zone is a circular area around a tree that is based on the diameter of the tree. Each 1 inch diameter of tree equals 1 foot radius for the root protection zone. See Figure 930-24.

Figure 930-24
Measuring the Root Protection Zone



33.930.150 Measuring Top of Bank
See Section 33.910.030, Environmental-Related Definitions, Top of Bank

A. Using Percent Slope. Percent slope is determined by dividing the vertical rise by the horizontal run, and converting that decimal to a percentage. For example, a slope section that rises 1 foot over a distance of 4 feet is a 25 percent slope.

B. Identifying a Decrease in Slope. A decrease in slope is a change in percent slope from a steeper to a less steep grade. For example, a change from 40 percent slope to 30 percent slope is a decrease in slope of 10 percent. A change from 35 percent slope to 15 percent slope is a decrease in slope of 20 percent. To identify the decrease in slope the slope must be sampled every 3 feet between the ordinary high water mark and a point 50 feet from the ordinary high water mark. See Figure 930-27.

Figure 930-27a
Example 1: Identifying a Decrease in Slope

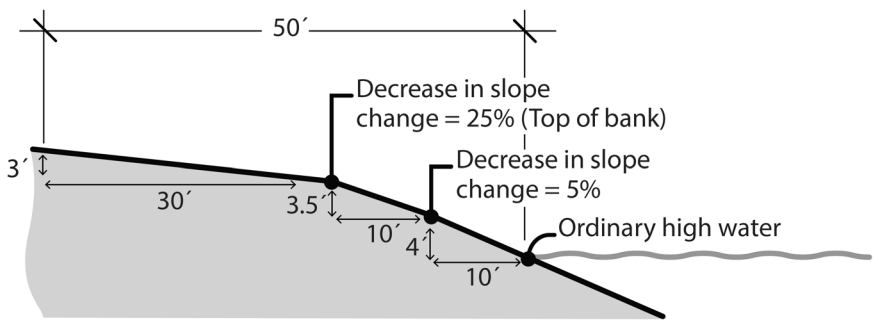
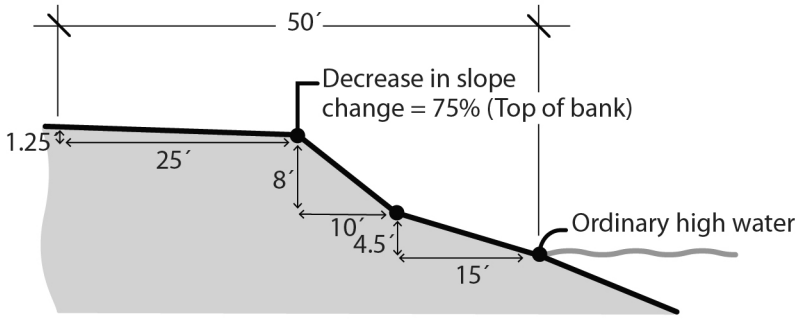


Figure 930-27b
Example 2: Identifying a Decrease in Slope



C. Relationship to Other Structures. See Figure 930-28.

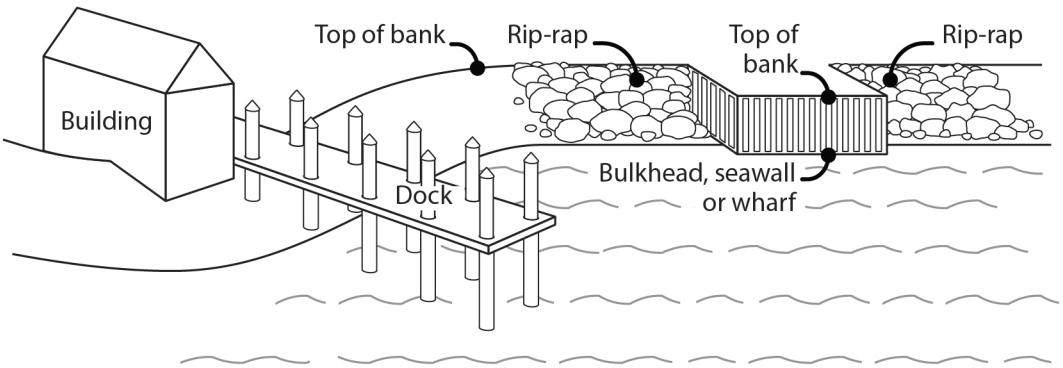
1. Where a structure straddles the top of bank, the top of bank line is drawn as a straight line through the structure, connecting the top of bank line on either side.

2. Where there is a vertical bulkhead or seawall, the top of bank is the point at the top of the bulkhead that is closest to the river.

3. Docks, pilings, slips, wharves and other similar structures built over the water are not factored into the determination of top of bank. Where there is a dock, wharf or other structure on the bank, measurements of slope are taken on the underlying dry land.

4. Where the bank itself is a structure, such as a rip-rap slope at the edge of reclaimed land, the top of bank line is based on the predominant slope of that structure, rather than the slope of individual boulders or structural elements.

Figure 930-28
Top of Bank in Relation to Other Structures



D. Default Top of Bank. If no slope decrease of 10 percent or more is found within 50 feet (measured horizontally) of the ordinary high water mark, then the top of bank will be one of the following default locations, see Figure 930-29. The Willamette River Reaches are shown on Map 440-1 and 475-1:

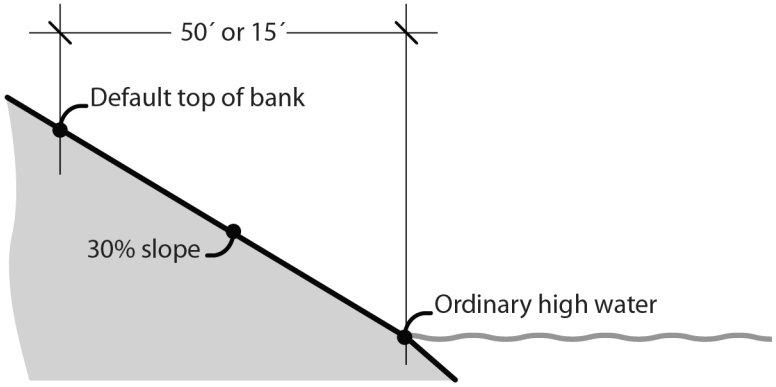
1. For the Willamette River Central Reach, the default top of bank is 50 feet (measured horizontally) from the ordinary high water mark.

2. For the Willamette River North Reach, Willamette River South Reach, and the Columbia River, the default top of bank is 2 feet (measured vertically) from the ordinary high water mark.

3. For perennial streams, seeps and wetlands the default top of bank is 15 feet (measured horizontally) from the ordinary high water mark.

4. For intermittent and ephemeral streams, the default top of bank is 15 feet (measured horizontally) from the centerline of the stream.

Figure 930-29
Measuring Default Top of Bank



(Amended by: Ord. No.168698, effective 4/17/95; Ord. No. 173533, effective 8/2/99; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. No. 176443, effective 5/30/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 184524, effective 7/1/11; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20.)