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CLATSOP COUNTY  
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**ORDINANCE No. 177422**  
**As Amended**

Clarify and improve readability without changing policy or intent of the original land use regulations and allow the Planning Director to make clear and objective corrections to maps (Ordinance; amend Title 1 and 33)

The City of Portland Ordains:

**Section 1.** The Council finds:

**General Findings**

1. The City adopted a new Zoning Code in November 1990, to be implemented on January 1, 1991.
2. During the adoption of the new Zoning Code, the Council recognized that the new code would occasionally need "fine-tuning" to resolve unanticipated issues. The Council additionally recognized that minor amendments to the Code will periodically be required in order to maintain compliance with existing policy.
3. Code Maintenance 2003 is part of a continuing effort to improve the clarity and structure of the Portland Zoning Code. The amendments package consists primarily of technical amendments intended to correct and clarify the Zoning Code in order to improve its administration, without changing existing land use policy or intent. Code Maintenance 2003 is one of three amendment packages that make up the City's annual Regulatory Code Improvement List (ReCIL), which was adopted by City Council in October 2002. The ReCIL is the core of the Regulatory Improvement Work Program, which seeks to build an effective process of continuous improvement to Portland's land use and building regulations, regulatory-related procedures, costs, and customer services. In adopting ReCIL, City Council directed the Bureau of Development Services (BDS) to bring to the Planning Commission proposed Code improvements that address issues identified on the Code Maintenance ReCIL list. The Portland Planning Commission was directed to submit a recommendation report to City Council by April 2003.
4. The origin of the amendments included in the Code Maintenance 2003 package comes from suggestions submitted by a range of interested stakeholders, including neighborhood advocates, development services customers, business owners, environmental advocates, land use consultants, and City staff from BDS, Bureau of Planning, and other service agencies. In developing the annual ReCIL, a series of focus groups were assembled in the Fall of 2002 to request feedback on what amendments to consider for FY 2002-2003. Based on input from more than 120 stakeholders, a list of amendments was drafted. This draft was widely circulated, and available for review on BDS' website. Following further modifications based on input received, the list of amendments to consider in the Code Maintenance 2003 package was adopted by City Council in October 2002.

5. On January 7, 2003, notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020. Notice was also mailed to Metro on this date, in compliance with Urban Growth Management Functional Plan requirements.
6. On February 25, 2003, the Planning Commission held a hearing on the Code Maintenance 2003 project. Staff from BDS presented the proposal, and public testimony was received.
7. On March 11, 2002, the Planning Commission held a work session to further discuss the proposed amendments and consider public testimony. The Commission voted to forward to City Council the recommendations contained in *Code Maintenance 2003: Portland Planning Commission Report and Recommendation*, dated March 26, 2003 (Exhibit A).

### **Statewide Planning Goals Findings**

9. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with the state land use goals.
10. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement. Portland Comprehensive Plan findings on Goal 9, Citizen Involvement, and its related policies and objectives also support this goal. The amendments are supportive of this goal in the following ways:
  - On January 21, 2003, BDS sent notice to all neighborhood associations and coalitions in the City of Portland, as well as other interested persons, to inform them of an open house on February 11, 2003. The purpose of the open house was to allow the public the opportunity to review the proposed recommendations, and ask questions of staff.
  - Also on January 21, 2003, BDS sent notice to all neighborhood association and coalitions, and business associations in the City of Portland, as well as other interested persons, to inform them of a Planning Commission public hearing on the Code Maintenance 2003 project. This event was also advertised in the Oregonian.
  - On January 28, 2003, BDS published a document entitled, *Code Maintenance 2003: Proposed Report and Recommendation*. The report was made available to the public and mailed to all those requesting a copy. A copy of the draft was also delivered to all neighborhood association and coalition offices.
  - On February 25, 2003, the Planning Commission held a public hearing during which citizens discussed and commented on the *Proposed Report and*

*Recommendation.* On March 11, 2003, the Planning Commission held a public work session to further discuss the amendments.

- On March 21, 2003, BDS sent notice to all persons who testified, orally or in writing, at the Planning Commission hearing on February 25, 2003, informing them of a City Council public hearing to consider the Code Maintenance 2003 project. This notice was also sent to those persons requesting such notification.
  - On April 9, 2003, the City Council held a public hearing on *Code Maintenance 2003: Portland Planning Commission Report and Recommendation*, dated March 26, 2003. Citizens were provided to the opportunity to attend this hearing and present testimony.
  - Additionally, two amendments are included in the Code Maintenance package that will further public involvement in the City's land use review process. An amendment to PZC 33.730.020.C increases the public comment period for Type II land use reviews to 21 days. This exceeds the minimum 14-day comment period required by ORS 197.195(3)(c). An amendment to PZC 33.70.045 requires applicants to notify the affected neighborhood coalition of office of a land use proposal, in addition to the affected neighborhood association. This better ensures improved communication among all interested parties.
11. **Goal 2, Land Use Planning**, requires the development of a process and policy framework that acts as a basis for all land use decisions, and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments are supportive of this goal because they clarify existing language in Title 33, Planning and Zoning, which implements the policies of Portland's *Comprehensive Plan*. Portland *Comprehensive Plan* findings on Goal 1, Metropolitan Coordination, and its related policies and objectives, also support this goal.
  12. **Goal 3, Agricultural Lands**, requires the preservation and maintenance of the State's agricultural land, generally located outside of urban areas. The amendments do not affect the use of agricultural land so they are not applicable to this goal.
  13. **Goal 4, Forest Lands**, requires the preservation and maintenance of the State's forest lands, generally located outside of urban areas. The amendments do not affect the use of forest lands, so they are not applicable to this goal.
  14. **Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources**, requires the conservation of open space and the protection of natural and scenic resources. The amendments are consistent with this goal because the amendments do not change policy or intent of any of the existing regulations pertaining to open space, scenic and historic areas, and natural resources.

Code Maintenance 2003 contains an amendment that deletes the requirement for a Type II Excavations and Fills Review in the Open Space zone. The

Excavations and Fills Review is intended to ensure that such activity will not adversely impact natural resources, cause any nuisance or safety problems, nor loss of development potential. However, these protections already are provided to a greater degree under other City titles, such as Title 10 (Erosion and Sediment Control Regulations) and Title 24 (Building Regulations), with these titles being implemented by City staff with more technical expertise than land use planners in assessing the impact of excavation and fill activities. An additional amendment to regulations of the Columbia South Shore plan district and the Cascade Station/Portland International Center plan district will exempt from environmental review the removal of trees listed on the Nuisance or Prohibited Plant Lists, and other trees that are determined by the City Forester or certified arborist to pose an immediate danger. This exemption is consistent with policy that is allowed in other environmental zones citywide.

15. **Goal 6, Air, Water and Land Resource Quality**, requires the maintenance and improvement of the quality of air, water and land resources, including the handling of solid wastes. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to air, water and land resource quality. Portland Comprehensive Plan findings on Goal 8, Environment, and its related policies and objectives also support this goal. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
16. **Goal 7, Areas Subject to Natural Disasters and Hazards**, requires the protection of life and property from natural disasters and hazards. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to areas subject to natural disasters and hazards. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
17. **Goal 8, Recreational Needs**, requires satisfaction of the recreational needs of both citizens and visitors to the state. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to recreational needs. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
18. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. The amendments are consistent with this goal because they do not substantially change policy or intent of any of the existing regulations pertaining to economic development. Portland Comprehensive Plan findings on Goal 5, Economic Development, and its related policies and objectives also support this goal.

There are several amendments in Code Maintenance that change the way in which existing land use policies are applied. These amendments, identified below, are directly supportive of Goal 9:

- Deleting the requirement for a Type II land use review for excavation and fill activities (PZC 33.830). The Type II land use review process adds a minimum of six to eight weeks to the development review process, with an application fee of \$1,883. The fees and time this review adds to the development review process are unnecessary as the intent of the Excavations and Fills Review is already regulated through other City titles.
  - Deleting the requirement for a Type II land use review process prior to establishing a convenience store (PZC 33.219). The Type II land use review process adds a minimum of six to eight weeks to the development review process, with an application fee of \$1,162. The fees and time that this review adds to the development review process are unnecessary as the approval criteria for the Convenience Store Review are objective standards that can be reviewed by City staff at time of building permit application.
  - Deleting the requirement for a Type III land use review process that requires the renewal of Central City Parking Reviews every five years for surface parking lots (PZC 33.808.200). This Type III land use review takes up to 120 days, with an application fee of \$6,814. The fees and time that this review adds to the development review process are unnecessary as the review is intended only to ensure conformance with Title 33 requirements. Conformance with these requirements is equally, and better, accomplished through Code Compliance (and the issuance of code violations).
  - Clarifying parking location requirements for large retailers when using the alternative maximum building setback option (PZC 33.130.215.C). By clarifying the standard, it facilitates the use of the Code when developing plans for a site, and avoids the need for a potential Adjustment Review.
  - Deleting the requirement in the Mississippi Avenue Conservation District that street-facing facades of buildings be of red brick (PZC 33.218140). Red brick is not a predominant building material that historically was used in this district,. However, the use of any other building material, including wood siding which is the more predominant building material found along the Avenue, subjects applicants to a Design Review.
  - On sites with an existing Conditional Use, expanding the type of exterior development that is exempt from subsequent Conditional Use Review (PZC 33.815.040). This will avoid the need for a Type II land use review that adds a minimum of six to eight weeks to the development review process, with an application fee of \$2,008.
  - Allowing nondiscretionary corrections to maps in Title 33, including the Official Zoning Maps, to be completed by the Planning Director without the need for a Type I land use review (PCC 1.01.037). This will reduce the length of the development review process in situations when map corrections are needed.
19. **Goal 10, Housing**, requires provision for the housing needs of citizens of the state. The amendments are consistent with this goal because they do not

change policy or intent of any of the existing regulations pertaining to housing. By proposing word and structural changes that improve the clarity and implementation of existing regulations, the following amendments foster the provision and retention of housing:

- Allowing a reduction in the side setback for existing buildings that are part of a proposed land division (PZC 33.110.220). New land division requirements often make it difficult for existing structures to meet the existing minimum setbacks. Allowing a reduction in the setback in such situations avoids the alternative of demolishing viable structures, or the need applying for an Adjustment Review.
  - Deleting the requirement that houses, attached houses and duplexes in Multi-Dwelling, Commercial and Employment zones meet the landscape requirements intended for multi-dwelling and commercial development (PZC 33.120.235 and 33.130.225). This will facilitate the development of houses, attached houses and duplexes by exempting them from a landscape standard that is excessive when applied to these housing types.
  - Establishing a land division procedure for existing mobile home parks (PZC 33.642 and 33.670). This amendment brings Title 33 into conformance with ORS 92.835 (Subdivision of Manufactured Dwelling Park or Mobile Home Park), which is intended to create a mechanism for owners of mobile homes to acquire individual ownership interest in the lots on which the homes are located.
20. **Goal 11, Public Facilities and Services**, requires planning and development of timely, orderly and efficient public service facilities that serve as a framework for urban and rural development. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to public facilities and services. Portland Comprehensive Plan findings on Goals 11 A through I, Public Facilities, and related policies and objectives also support this goal.
21. **Goal 12, Transportation**, requires provision of a safe, convenient and economic transportation system. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to transportation. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations. Portland Comprehensive Plan findings on Goal 6, Transportation, and its related policies and objectives also support this goal.
22. **Goal 13, Energy Conservation**, requires development of a land use pattern that maximizes the conservation of energy based on sound economic principles. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to energy conservation. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations. Portland Comprehensive Plan findings on Goal 7, Energy, and its related policies and objectives also support this goal.

23. **Goal 14, Urbanization**, requires provision of an orderly and efficient transition of rural lands to urban use. Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. The amendments are consistent with this goal in that they do not affect the placement of the urban growth boundary, and as they do not change policy or intent of any of the existing regulations pertaining to urbanization. Portland Comprehensive Plan findings on Goal 2, Urban Development, and its related policies and objectives also support this goal.
24. **Goal 15, Willamette River Greenway**, requires the protection, conservation, enhancement, and maintenance of the natural, scenic, historic, agricultural, economic, and recreational qualities of land along the Willamette River. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to the Willamette River Greenway. The amendments are limited to word and structure changes that improve the clarity and implementation of existing regulations.
25. **Goals 16, 17, 18, and 19** deal with **Estuarine Resources, Coastal Shorelines, Beaches and Dunes**, and **Ocean Resources**, respectively, and are not applicable to Portland as none of these resources is present within the City limits.

## Metro Urban Growth Management Functional Plan Findings

26. **Title 1, Requirements for Housing and Employment Accommodation**, requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through city-wide analysis based on calculated capacities from land use designations. The amendments do not change policy or intent of existing regulations relating to the regional requirements for housing and employment accommodation, and therefore, do not affect the City's ability to meet Title 1. As detailed above in addressing Code Maintenance 2003's compliance with Statewide Goal 9 (Economic Development) and Goal 10 (Housing), several of the amendments foster economic growth, and facilitate the development of housing within the City.
27. **Title 2, Regional Parking Policy**, regulates the amount of parking permitted by use for jurisdictions in the region. The amendments are largely limited to word and structural changes that improve the clarity and implementation of existing regulations. While not changing existing policy, there are two amendments in Code Maintenance 2003 directly related to parking. Consistent with how minimum and maximum parking ratios are established for many other Conditional Uses, an amendment to PZC 33.266.110 (Minimum Required Parking Spaces) and 33.266.115 (Maximum Allowed Parking Spaces) allows the minimum and maximum parking ratios for religious institutions to be established as part of the Conditional Use Review. This allows parking ratios to be more closely tailored to the needs and conditions associated with such uses. An additional parking-related amendment, to PZC 33.808.200 (Renewal of Surface Parking Lots in Central City Plan Districts), deletes the requirement for a five-year renewal of previously approved Central City Parking Reviews for surface parking lots. The current five-year renewal requirement does nothing to regulate the amount of parking allowed on such lots, but instead is a code compliance check that more appropriately should be handled by Bureau of Development Services' Code Compliance Section.
28. **Title 3, Water Quality and Flood Management Conservation**, calls for the protection of the beneficial uses and functional values of resources within Metro-defined Water Quality and Flood Management Areas by limiting or mitigating the impact of development in these areas. The amendments are not inconsistent with this title because they do not change policy or intent of existing regulations relating to water quality and flood management conservation. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations. Code Maintenance 2003 does include an amendment that deletes regulations in PZC 33.508.050, 33.508.110, 33.515.030, and 33.515.100, which were originally intended to regulate the use of hazardous substances in order to protect the water quality of the aquifer system in the Columbia South Shore area. These regulations are being deleted from Title 33 as the Bureau of Water Works, in conjunction with the Fire Bureau, has drafted amendments to Title 21 (Water), which will provide the Bureau of Water Works the authority to designate wellhead protection areas, including those in the Columbia South Shore area (Exhibit B). This authority, included in Chapter 21.35 (Wellhead Protection),

will allow the Bureau of Water Works to set standards for the storage, handling, containment, use and transportation of hazardous materials. These new standards for protecting the water quality of the aquifer are more comprehensive and current than existing regulations identified in Title 33.

29. **Title 4, Retail in Employment and Industrial Areas**, calls for retail development that supports Employment and Industrial areas, and that does not serve a larger market area. The amendments are consistent with this title because they do not change policy or intent of existing regulations relating to retail in employment and industrial areas.
30. **Title 5, Neighbor Cities and Rural Reserves**, defines Metro's policy regarding areas outside of the Urban Growth Boundary. The amendments are not inconsistent with this Title because they do not change policy or intent of existing regulations relating to neighbor cities and rural reserves. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
31. **Title 6, Regional Accessibility**, recommends street design and connectivity standards that better serve pedestrian, bicycle and transit travel and that support the 2040 Growth Concept. The amendments are not inconsistent with this Title because they do not change policy or intent of existing regulations relating to regional accessibility. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
32. **Title 7, Affordable Housing**, recommends that local jurisdictions implement tools to facilitate development of affordable housing. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations. As such, the amendments are not inconsistent with this Title because they do not change policy or intent of existing regulations relating to the development of affordable housing. Several Code Maintenance 2003 amendments are directly supportive of this Title:
  - Deleting the requirement that houses, attached houses and duplexes in Multi-Dwelling, Commercial and Employment zones meet the landscape requirements intended for multi-dwelling and commercial development (PZC 33.1210.235 and 33.130.225). This will contribute to reduced housing development costs by exempting particular housing types from the landscape standard.
  - Establishing a land division procedure for existing mobile home parks (PZC 33.642 and 33.670). This amendment brings Title 33 into conformance with ORS 92.835 (Subdivision of Manufactured Dwelling Park or Mobile Home Park), which is intended to create a mechanism for the owner of a mobile home in a park to have more control over the cost of maintaining the home by acquiring individual ownership interest in the lot on which the home is located.

33. **Title 8, Compliance Procedures**, outlines compliance procedures for amendments to comprehensive plans and implementing ordinances. The amendments are not inconsistent with this Title because they do not change policy or intent of existing regulations relating to compliance. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.

### **Portland Comprehensive Plan Goals Findings**

34. The City's Comprehensive Plan was adopted by the Portland City Council on October 16, 1980, and was acknowledged as being in conformance with the statewide planning goals by the Land Conservation and Development Commission on May 1, 1981. On May 26, 1995, the LCDC completed its review of the City's final local periodic review order and periodic review work program, and reaffirmed the plan's compliance with statewide planning goals.
35. **Goal 1, Metropolitan Coordination**, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to metropolitan coordination. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations. In some cases, the amendments ensure that City land use regulations are consistent with policies of other City bureaus and State law.
36. **Goal 2, Urban Development**, calls for maintenance of Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to urban development.

By proposing word and structural changes that improve the clarity and implementation of existing regulations, the following amendments further Goal 2 and its relevant policies by facilitating the development of housing and employment uses:

- Allowing a reduction in side setbacks for existing buildings in the R7, R5 and R2.5 Single-Dwelling zones on the site of a proposed land division (PZC 33.110.220). This provides greater flexibility in meeting land division requirements, while also helping to preserve existing housing stock.
- Exempting the development of houses, attached houses and duplexes from the landscape requirements of the Multi-Dwelling and Commercial zones (PZC 33.120.235 and 33.130.225). The landscape standard was not intended to be applied to this type of housing, and exempting such housing types from the standard facilitates the development of housing.
- Establishing, in conformance with Oregon Revised Statutes, a land use process that allows land divisions of existing mobile home parks (PZC

33.642 and 33.670). The intent of this new procedure is to allow residents in existing mobile home parks to own the lot on which their home exists.

- Eliminating from the Community Design Standard for the Mississippi Avenue Conservation District the requirement that street-facing facades be red brick, or a combination of red brick and stone (PZC 33.218.140.O.8 and 33.218.150.K.7). Removing this exterior material requirement allows the use of a greater variety of building materials, and building materials that are more consistent with the area's historic character, when developing or redeveloping commercial properties along this corridor. Remaining Community Design Standards for the exterior materials will continue to protect the desired character of the area.
- Replacing the discretionary Convenience Store Review with objective standard that are applied at time of building permit application (PZC 33.219). This saves applicants application fees and reduces the development review period, while still preserving the legislative intent of the Convenience Store Review.
- Clarifying what types of mandatory improvements for fire/life safety, and accessibility are exempt from the value of a development project value when calculating the threshold for nonconforming upgrades (PZC 258.070.E.2). This amendment facilitates the development review process by providing a clear, objective standard to applicants, and to City staff that implements the regulation.
- Exempting, in limited situations, development in the Central City plan district from the loading standard that requires forward ingress and egress of loading vehicles to and from the site (PZC 33.266310.D). Meeting this standard is often in conflict with required design guidelines in the Central City plan district, triggering frequent adjustments to the standard. Exempting development from the standard helps to streamline the development review process for both commercial and residential land use applicants.
- Exempting from Environmental Review in the Columbia South Shore and Cascade Station/Portland International Center plan districts the removal of trees in environmental zones when such trees pose an immediate danger (PZC 33.508.314 and 33.515.274). This eliminates a land use review for an action that is already allowed in environmental zones elsewhere in the City.
- Eliminating the five-year renewal of Central City Parking Reviews for previously approved surface parking lots (PZC 33.510 and 33.808.200). This eliminates an unnecessary land use review for residential and/or commercial applicants. The purpose for such reviews is already addressed through established Code Compliance procedures.
- Clarifying the use category assigned to businesses engaged in sales on a membership basis (PZC 33.920.350). Currently, businesses engaged in sales on a membership basis are considered Retail Sales And Service,

regardless of other operational characteristics, such as number of employees, customer types, and other factors considered when determining an appropriate use category for a particular business. The amendment clarifies that a host of factors will be used in determining whether a business that conducts sales on a membership basis is a Retail Sales And Service use or Wholesale Sales.

37. **Goal 3, Neighborhoods**, calls for preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to the stability and diversity of neighborhoods.
38. **Goal 4, Housing**, calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, tenures, density, sizes, costs and locations that accommodates the needs, preferences, and financial capabilities of current and future households. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to housing.

By proposing word and structural changes that improve the clarity and implementation of existing regulations, the following amendments further Goal 4 and its relevant policies:

- Allowing a reduction in side setbacks for existing buildings in the R7, R5 and R2.5 zones on the site of a proposed land division (PZC 33.120.235 and 33.130.225). This provides greater flexibility in meeting land division requirements, while also helping to preserve existing housing stock.
  - Exempting the development of houses, attached houses and duplexes from the landscape requirements of the Multi-Dwelling and Commercial zones (PZC 33.120.235 and 33.130.225). The landscape standard was not intended to be applied to this type of housing, and exempting such housing types from the standard facilitates the development of housing.
  - Establishing, in conformance with Oregon Revised Statutes, a land use process that allows land divisions of existing mobile home parks (PZC 33.642 and 33.670). The intent of this new procedure is to allow residents of mobile homes to own the lot on which their home exists.
39. **Goal 5, Economic Development**, calls for promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the City. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to economic development. By proposing word and structural changes that improve the clarity and implementation of existing regulations, the following amendments further Goal 5 and its relevant policies:
- Eliminating from the Community Design Standards for the Mississippi Avenue Conservation District the requirement that street-facing facades be

red brick, or a combination of red brick and stone (PZC33.218.140.O.8 and 33.218.150.K.7). Removing this exterior material requirement allows the use of a greater variety of building materials, and building materials that are more consistent with the historic character of the area, when developing or redeveloping commercial properties along this corridor. Remaining Community Design Standards that regulate exterior building materials will continue to protect the desired character of the area.

- Replacing the discretionary Convenience Store Review with objective standard that are applied at time of building permit application (PZC 33.219). This saves applicants application fees and reduces the development review period, while still preserving the intent of the Convenience Store Review.
- Clarifying what types of mandatory improvements for fire/life safety, and accessibility are exempt from the value of a development project value when calculating the threshold for nonconforming upgrades (PZC 33.258.070.D.2.a). This amendment facilitates the development review process by providing a clear, objective standard to applicants, and to staff that implements the regulation.
- Exempting, in limited situations, development in the Central City plan district from the loading standard that requires forward ingress and egress of loading vehicles to and from the site (PZC 33.266.310.D). Meeting this standard is often in conflict with required design guidelines in the Central City plan district, triggering frequent adjustments to the standard. Exempting development from the standard helps to streamline the development review process for commercial applicants.
- Exempting from Environmental Review in the Columbia South Shore and Cascade Station/Portland International Center plan districts the removal of trees in environmental zones when such trees pose an immediate danger (PZC 33.508.314 and 33.515.274). This amendment, which given the existing zoning pattern in the two plan districts primarily benefits commercial and industrial businesses, eliminates a land use review for an action that is already allowed in environmental zones elsewhere in the City.
- Eliminating the five-year renewal of Central City Parking Reviews for previously approved surface parking lots (PZC 33.510). This eliminates an unnecessary land use review for commercial applicants. The purpose for such reviews is already addressed through established Code Compliance procedures.
- Clarifying the use category assigned to businesses selling on a membership basis (PZC 33.920.350). Currently, businesses engaged in sales on a membership basis are considered Retail Sales And Service, regardless of other operational characteristics, such as number of employees, customer types, and other factors considered when determining an appropriate use category for a particular business. The amendment clarifies that a host of factors will be used in determining whether a business that conducts sales

on a membership basis is a Retail Sales And Service use, or Wholesale Sales.

40. **Goal 6, Transportation**, calls for protection of the public interest and investment in the public right-of-way and transportation system by
- encouraging development of a balanced, affordable and efficient transportation system consistent with the Arterial Streets Classifications and Policies; providing adequate accessibility to all planned land uses;
  - providing safe and efficient movement of people and goods while preserving, enhancing, or reclaiming neighborhood livability;
  - minimizing the impact of inter-regional trips on City neighborhoods, commercial areas, and the City street system;
  - reducing reliance on the automobile and per capita vehicle miles traveled;
  - building the use of the City street system to control air pollution, traffic, and livability problems; and maintaining the infrastructure in good condition.

The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to transportation. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations. While not changing policy, the Code Maintenance 2003 package does contain one amendment that is related to transportation. The amendment exempts in limited situations, development in the Central City plan district from the loading standard that requires forward ingress and egress of loading vehicles to and from the site (PZC 33.266310.D). The intent of the regulation is to protect the flow of pedestrian and vehicle traffic within the public right-of-way by requiring that the maneuvering of loading vehicles occurs on-site and not in the right-of-way. However, on streets, bikeways and walkways that have a local classification in the Transportation Element of the Comprehensive Plan, the impacts of a loading vehicle backing into or out of a site are minimal.

41. **Goal 7, Energy**, calls for promotion of a sustainable energy future by increasing energy efficiency in all sectors of the City by ten percent by the year 2000. The amendments are consistent with this goal because they do not change policy or intent of existing regulations. The amendments are limited to word and structure changes that improve the clarity and implementation of existing regulations relating to energy.
42. **Goal 8, Environment**, calls for maintenance and improvement of the quality of Portland's air, water, and land resources, as well as protection of neighborhoods and business centers from noise pollution. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to environment. The amendments are limited to

word and structural changes that improve the clarity and implementation of existing regulations.

43. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process. The amendments are consistent with this goal because the process provided opportunities for public input and followed adopted procedures for notification and involvement of citizens in the planning process.
44. **Goal 11 A, Public Facilities, General**, calls for provision of a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to public facilities. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
45. **Goal 11 I, Schools**, calls for enhancing educational opportunities of Portland's citizens through assistance in planning educational facilities. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to schools. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
46. **Goal 11 C, Sanitary and Stormwater Facilities**, calls for an efficient, adequate, and self-supporting wastewater collection treatment and disposal system that will meet the needs of the public and comply with federal, state and local clean water requirements. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to sanitary and stormwater facilities. The amendments are limited to word and structure changes that improve the clarity and implementation of existing regulations.
47. **Goal 11 D, Solid Waste**, calls for provision of adequate solid waste disposal. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to solid waste. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations with one exception. One of the amendments deletes standards in the Zoning Code requiring central recycling areas for development in Multi-Dwelling zones (PZC 33.120.260). These standards are duplicative, and in some cases, not consistent with the recycling rules and regulations implemented by the Office of Sustainable Development through Title 17. The requirements for a central recycling area are replaced by a reference to the recycling rules and regulations in Title 17. A similar reference to the recycling rules and regulations of Title 17 is also included in the Commercial, Employment and Industrial zones (PZC 33.130.310 and 33.140.315).
48. **Goal 11 F, Parks and Recreation**, calls for maximizing the quality, safety and usability of parklands and facilities through the efficient maintenance and

operation of park improvements, preservation of parks and open space, and equitable allocation of active and passive recreation opportunities for the citizens of Portland. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to parks and recreation. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.

49. **Goal 12, Urban Design**, calls for the enhancement of Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to urban design. One amendment, to the loading standards of PZC 33.266, is directly supportive of this goal. Current standards require loading spaces to be designed so that vehicles may enter and exit the site in a forward motion (PZC 22.266.310.D). The space requirements necessary to accommodate this standard has significant impacts on the design of the ground-floor façade of buildings in the Central City plan district, and often creates conflicts with the Central City Fundamental Design Guidelines. Exempting development in the Central City plan district from the forward ingress/egress standard for sites that abut streets, walkways and bikeways with a local designation not only improves the design of the ground-floor facades, but also ensures that the intent of the standard continues to be met for loading areas that front nonlocal streets, walkways and bikeways.
50. The following goals do not apply because of the limited scope of these amendments: Goal 10, Plan Review and Administration, Goal 11 B, Public Rights-of-Way, Goal 11 E, Water Service, Goal 11 G, Fire, and Goal 11 H, Police.

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A, *Code Maintenance 2003: Planning Commission Report and Recommendation*, dated March 26, 2003; with the exception of amendments to Sections 33.130.120, 33.140.120, 33.508.050, 33.508.110, 33.515.030, 33.515.100, Chapter 33.840, and amendments that delete references to the Hazardous Substances Review in the List of Chapters and Table of Contents;
- b. Amend Title 33, Planning and Zoning, and Title 1, General Provisions, as shown in Section V of Exhibit A, *Code Maintenance 2003: Planning Commission Report and Recommendation*, dated March 26, 2003; with the exception of amendments to Sections 33.130.120, 33.140.120, 33.508.050, 33.508.110, 33.515.030, 33.515.100, Chapter 33.840, and amendments that delete references to the Hazardous Substances Review in the List of Chapters and Table of Contents; and
- c. Adopt as legislative intent and as further findings the commentary in Section V of Exhibit A, *Code Maintenance 2003: Planning Commission Report and Recommendation*, dated March 26, 2003; with the exception of

commentary for amendments to Sections 33.130.120, 33.140.120, 33.508.050, 33.508.110, 33.515.030, 33.515.100, Chapter 33.840, and commentary for amendments that delete references to the Hazardous Substances Review in the List of Chapters and Table of Contents.

**Section 2.**

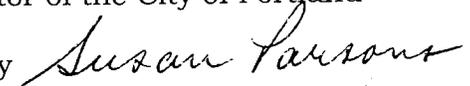
1. This ordinance shall be in full force and effect 45 days after adoption by the City Council.

Passed by the Council, **APR 23 2003**

Commissioner Randy Leonard

Douglas Hardy, BDS  
March 28, 2003

**GARY BLACKMER**  
Auditor of the City of Portland

By   
Deputy