

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1045

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions in Compliance With Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On July 8, 2004, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1043.
- f. Since the adoption of Ordinance 1043, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.

- h. The City Council adopted the land use code, plan and map amendments, set out in Section 1 below and attached as Exhibits 1 and 2. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibits 1 and 2 and effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance amending Portland Zoning Code to clarify and improve readability without changing policy or intent of the original regulations (PDX Ord. #178509)	7/16/04
2	Code Maintenance 2004 Part 1A: Amendments Related to Title 33, adopted by Ord #178509	7/16/04

Section 2. In accordance with ORS 215.427(3), the changes resulting from Sections 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 4. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

Section 5. An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the City code, plan and map amendments. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect in accordance with Section 1.

FIRST READING AND ADOPTION: July 22, 2004



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By
Sandra N. Duffy, Assistant County Attorney

EXHIBIT LIST FOR ORDINANCE

1. Ordinance amending Portland Zoning Code to clarify and improve readability without changing policy or intent of the original regulations (PDX Ord. #178509)
2. Code Maintenance 2004 Part 1A: Amendments Related to Title 33, adopted by Ordinance 178509

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website (www.co.multnomah.or.us/cc/WeeklyAgendaPacket/). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-Rom from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.

Part A

**SUBSTITUTE
178509**

Ordinance No.**As Amended**

Amend Title 33, Planning and Zoning to clarify and improve readability without changing policy or intent of the original regulations (Ordinance; amend Title 33)

The City of Portland Ordains:

Section 1. The Council finds:**General Findings**

1. The City Council 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 would periodically be required in order to maintain compliance with existing policy.
3. Code Maintenance 2004 is the fifth annual package of amendments and is part of a continuing effort to improve the clarity and structure of the Portland Zoning Code. As in the past, the amendment 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. The Code Maintenance process has also been used to implement portions of other legislative planning projects when additional time is needed to complete the work needed on Zoning Code amendments.
4. Code Maintenance 2004 is part of the City's 2003/4 Regulatory Improvement Workplan (RIW), which was adopted by City Council in August 2003. In Resolution 36162, the City Council directed the Bureau of Development Services (BDS) to undertake Code Maintenance 2004 and to seek a recommendation on the amendments from the Planning Commission.
5. The proposed amendments in the Code Maintenance 2004 package were suggested by a range of interested stakeholders, including neighborhood advocates, development services customers, business owners, environmental advocates, land use consultants, and staff from BDS, Bureau of Planning, and other City agencies. In developing the initial Code Maintenance 2004 list, the model of the FY 2002-2003 Regulatory Improvement Workplan was followed. Initial ideas were developed from a database of requested amendments. The list was expanded and modified through outreach efforts that were focused on the City's neighborhood association network, business associations, and other individuals and groups involved in or affected by the development review process. Meetings with community and business groups, email contacts, and the Regulatory Improvement web site were vehicles for public input into the RIW including the Code Maintenance list of ideas.

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6. On January 7, 2004, Notice of the Proposed Amendment was mailed to the Department of Land Conservation and Development (DLCD) 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. Updated notices on the proposed Code Maintenance project were mailed to DLCD and Metro on February 5, 2004 and April 26, 2004.
7. Notice of the Planning Commission hearing on Code Maintenance 2004 as required by PCC 33.740, Legislative Procedure, was mailed on January 23, 2004. A Measure 56 Notice, as required by ORS 227.186, was mailed to property owners whose property value may be affected by Code Maintenance 2004 amendments on February 4, 2004.
8. On February 24, 2004, the Planning Commission held a hearing on the Code Maintenance 2004 project. Staff from BDS presented the proposal, and public testimony was received.
9. On March 9, 2004, the Planning Commission held a hearing to take additional public testimony on the Code Maintenance 2004 package. The Commission also had a work session to further discuss the proposed amendments and consider public testimony. At the end of the work session, the Commission voted unanimously to forward the Code Maintenance 2004 package, as amended, to the City Council with a recommendation that it be adopted.
10. The Planning Commission's recommended amendments on Code Maintenance 2004 were initially presented to the City Council in two documents: *Code Maintenance 2004 Portland Planning Commission Report and Recommendation Part 1 of 2: Amendments to Title 33, Planning and Zoning* and *Code Maintenance 2004 Portland Planning Commission Report and Recommendation Part 2 of 2: South Waterfront Related Amendments*.
11. Notice of the City Council hearing on Code Maintenance 2004 as required by PCC 33.740, Legislative Procedure, was mailed on April 23, 2004.
12. On May 20, 2004, the Portland City Council held a hearing on the Code Maintenance 2004 project. Staff from BDS presented the Planning Commission's recommendation, and public testimony was received.
13. At the conclusion of the May 20th hearing the Council voted to adopt *Code Maintenance 2004 Portland Planning Commission Report and Recommendation Part 2 of 2: South Waterfront Related Amendments*. The Council also directed staff to separate Part 1 of 2 into two new documents and present them at an additional hearing on June 2, 2004. The findings in this ordinance pertain to *Code Maintenance 2004 Portland Planning Commission Report and Recommendation Part 1A: Amendments to Title 33, Planning and Zoning*, which contains approximately 65 amendments to Title 33, Planning and Zoning and will be considered for adoption through a regular ordinance.

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14. On June 2, 2004 the Portland City Council held a second hearing on portions of the Code Maintenance 2004 project. Staff from BDS presented *Code Maintenance 2004 Portland Planning Commission Report and Recommendation Part 1A: Amendments to Title 33, Planning and Zoning*, and public testimony was received.

Statewide Planning Goals Findings

State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with the state land use goals. Because Code Maintenance 2004 has a limited scope the amendments adopted by this ordinance address only some of the topics in the Statewide Planning Goals. Only the state goals addressed below apply.

15. **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:
- The initial Code Maintenance 2004 list was developed and modified through outreach efforts that were focused on the City's neighborhood association network, business associations, and other individuals and groups involved in or affected by the development review process. Meetings with community and business groups, email contacts and the Regulatory Improvement web site were vehicles for public input into the RIW including the Code Maintenance list of ideas.
 - On January 23, 2004, BDS sent notice to all neighborhood associations and coalitions in the City of Portland, as well as other interested persons, to inform them of Open House events on February 4, 2004 and February 12, 2004. The purpose of the Open House events was to allow the public the opportunity to review the proposed recommendations, and ask questions of staff. Four people attended the Open House held on February 4th and zero people attended on February 12th.
 - In the notice mailed on January 23, 2004, BDS also informed all neighborhood association and coalitions, and business associations in the City of Portland, as well as other interested persons, of a Planning Commission public hearing on the Code Maintenance 2004 project. The hearing was also publicized in *The Oregonian* newspaper.
 - On February 2, 2004, BDS published a document entitled, *Code Maintenance 2004: Proposed Report and Recommendation*. The report was made available to the public and mailed to all those requesting a copy. A copy of the document was also delivered to all neighborhood coalition offices.

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- Beginning on January 26, 2004 information about Code Maintenance 2004 was available on the Bureau of Development Services web site. On January 26, 2004 the list of proposed amendments was posted on the web site and since then, all materials associated with Code Maintenance 2004 were added to the web site at the same time they were published.
- On February 13, 2004, BDS published a document entitled *Code Maintenance 2004: Addendum to Proposed Report and Recommendation* as well as a draft of this ordinance and a draft Impact Analysis Report.
- On February 24, 2004 BDS published a document entitled *Code Maintenance 2004: Second Addendum to Proposed Report and Recommendation* and on March 9, 2004 BDS published a document entitled *Code Maintenance 2004: Third Addendum to Proposed Report and Recommendation*.
- On February 24, 2004, the Planning Commission held a public hearing during which citizens discussed and commented on the *Proposed Report and Recommendation*. On March 9, 2004, the Planning Commission held a second hearing and public work session to further discuss the amendments.
- During their deliberations on the Code Maintenance 2004 package, the Planning Commission decided to remove two proposed amendments for further consideration. These amendments relate to accessory structures and accessory dwelling units. During their deliberations the Planning Commission also made several very minor changes to the proposed amendments. Upon completing their deliberations, the Planning Commission voted unanimously to forward a recommendation to City Council to adopt the Code Maintenance package as modified. The two documents *Code Maintenance 2004 Portland Planning Commission Report and Recommendation Part 1 of 2: Amendments to Title 33, Planning and Zoning*, and *Code Maintenance 2004 Portland Planning Commission Report and Recommendation Part 2 of 2: South Waterfront Related Amendments* contained the Commission's full recommendation on Code Maintenance 2004.
- On April 23, 2004, BDS sent notice to all neighborhood associations and coalitions and business associations in the City of Portland, as well as other interested persons, to inform them of a City Council public hearing on the Code Maintenance 2004 project.
- On April 26, 2004 BDS published two documents: *Code Maintenance 2004 Portland Planning Commission Report and Recommendation Part 1 of 2: Amendments to Title 32 and Title 33, Planning and Zoning*, and *Code Maintenance 2004 Portland Planning Commission Report and Recommendation Part 2 of 2: South Waterfront Related Amendments*. The required Impact Analysis Report was included in these documents.

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- On May 20, 2004 the Portland City Council held a hearing on the Code Maintenance 2004 project. Staff from BDS presented the proposal, and public testimony was received.
 - At the conclusion of the May 20th hearing the Council voted to adopt *Code Maintenance 2004 Portland Planning Commission Report and Recommendation Part 2 of 2: South Waterfront Related Amendments*. The Council also directed staff to separate Part 1 of 2 into two new documents and present them at an additional hearing on June 2, 2004.
 - On June 2, 2004 the Portland City Council held a second hearing on portions of the Code Maintenance 2004 project. Staff from BDS presented *Code Maintenance 2004 Portland Planning Commission Report and Recommendation Part 1A: Amendments to Title 33, Planning and Zoning*, and public testimony was received.
16. **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.
17. **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. Specific amendments to the Environmental Zones chapter clarifies the prohibition on the use of hazardous substances within the Environmental Zones and the setback exceptions that help avoid placing buildings in resource areas.
18. **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. A specific amendment to the Environmental Zones chapter clarifies the prohibition on the use of hazardous substances within the Environmental Zones.
19. **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

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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. Specific amendments refine the Flood Risk Area for the Johnson Creek Basin Plan District and clarify the regulations to better protect areas subject to flooding when a land division is proposed.

20. **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. Specific amendments make the siting of outdoor activity areas in the Open Space zone adjacent to School uses more efficient and avoid the need for an Adjustment review.
21. **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. Several specific amendments are supportive of this goal because they reduce land use reviews and the cost associated with them. Portland Comprehensive Plan findings on Goal 5, Economic Development, and its related policies and objectives also support this goal.
22. **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. A specific amendment is supportive of this goal because it removes an impediment to the creation of attached duplexes.
23. **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. Several specific amendments are supportive of this goal by making outdoor areas associated with School uses easier to site and by making removal of parking for a Conditional Use possible without a review, which is often needed to add stormwater management landscaping. Portland Comprehensive Plan findings on Goals 11, Public Facilities, and related policies and objectives also support this goal.
24. **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. A specific amendment to the pedestrian connections regulation is

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supportive of this goal because it clarifies the requirements and reduces the need for land use reviews on sites with multiple street frontages. Portland Comprehensive Plan findings on Goal 6, Transportation, and its related policies and objectives also support this goal.

25. **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. A specific amendment is supportive of this goal because it removes an impediment to the creation of attached duplexes. Portland Comprehensive Plan findings on Goal 7, Energy, and its related policies and objectives also support this goal.
26. **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.
27. **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. A specific amendment is supportive of this goal because it clarifies the submission requirements for a Greenway Review.
28. **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

Metro has adopted an Urban Growth Management Functional Plan (UGMFP) that requires local jurisdictions to adopt and amend comprehensive plans and land use regulations that are not inconsistent with its provisions.

29. **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 has been implemented through citywide analysis based on calculated capacities from land use designations. These amendments do not change policy or intent of existing regulations relating to the regional

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requirements for housing and employment accommodation, and therefore, do not affect the City's ability to meet Title 1. A specific amendment is consistent with this title because it removes an impediment to the creation of attached duplexes.

30. **Title 2, Regional Parking Policy**, regulates the amount of parking permitted by use for jurisdictions in the region. The amendments are consistent with this title because they do not change policy or intent of any of the existing regulations pertaining to regional parking policy. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
31. **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. A specific amendment is consistent with this title because it revises the Johnson Creek Plan District Flood Risk Area to update the boundaries to better reflect recent data and changes made by the Federal Emergency Management Agency (FEMA).
32. **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.
33. **Title 5, Neighbor Cities and Rural Reserves**, defines Metro's policy regarding areas outside of the Urban Growth Boundary. This title does not apply because this ordinance, and the amendments it adopts, applies within the urban growth boundary.
34. **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 City of Portland's responses to the requirements of this title were prepared through the Transportation System Plan and Land Division Code Rewrite Project. The amendments in Code Maintenance 2004 are not inconsistent with this title because they do not change policy or intent of the existing regulations related to regional accessibility. A specific amendment to the pedestrian connections regulation is supportive of this title because it clarifies the requirements and reduces the need for land use reviews on sites with multiple street frontages.
35. **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. The amendments are not inconsistent

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with this title because they do not change policy or intent of existing regulations relating to the development of affordable housing. A specific amendment is consistent with this title because it removes an impediment to the creation of attached duplexes.

36. **Title 8, Compliance Procedures**, outlines compliance procedures for amendments to comprehensive plans and implementing ordinances. The amendments are consistent with this Title because the required notices and findings have been provided to Metro in a timely manner.

Portland Comprehensive Plan Goals Findings

37. 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.
38. This ordinance amends Title 33, Planning and Zoning, of the Portland City Code. The Council finds that following *Comprehensive Plan* goals, policies and objectives apply to the amendments and the amendments satisfy the applicable goals, policies and objectives for the reasons stated below.
39. During the course of public hearings, the Bureau of Development Services, the Planning Commission, and the City Council provided all interested parties opportunities to identify, either orally or in writing, any other *Comprehensive Plan* goal, policy or objective that might apply to the amendments. No additional provisions were identified.
40. **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. Specific amendments support this goal because they ensure that City land use regulations are consistent with policies and regulations of other City bureaus and State and Federal law.
41. **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. Numerous amendments clarify regulations or reduce the need for land use reviews thereby making the development process more predictable and less expensive, which supports new opportunities for housing and jobs creation.

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42. **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.
43. **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 include word and structural changes that improve the clarity and implementation of existing regulations. Specific amendments that further Goal 4 and its relevant policies include:
- Elimination of the double side setback requirement for attached duplex units, which will encourage development of a type of structure that will increase the opportunities for owner occupied dwellings in the city.
 - Allowing mobile houses to be removed and replaced if they are in an existing mobile home park within the Portland International Airport noise impact zone. This preserves a housing option in the city.
44. **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. Specific amendments that support this goal include:
- Changes that allow modest expansions of a Conditional Use without requiring an additional and use review.
 - Elimination of the minimum building coverage requirements in the CS and CM zones when the site has Environmental zoning to reduce the need for either an adjustment of an Environmental Review and to avoid building in environmentally sensitive areas.
 - Clarification of a number of standards and requirements for commercial and industrial development that reduce confusion or the need for land use reviews.
45. **Goal 6, Transportation**, calls for the development of a balanced, equitable and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to transportation. The amendments make word and structural changes that improve the clarity and implementation of existing

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regulations. Specific amendments that further Goal 6 and its relevant policies include:

- An allowance for flag lots in all residential zones to have a paved driveway of either 40% of the area between the front lot line and front building line, or a 12 foot wide driveway, whichever is smaller. This allows for safe access to residential uses on flag lots and eliminates the need for an Adjustment review.
 - Clarifying that loading standards apply to required and non-required parking and loading areas. This will ensure that all loading areas in the city meet requirements for safe loading activity.
 - Adding a purpose statement to the loading requirement section that clarifies the intent of the requirement for forward motion access to loading areas. This will make the evaluation of Adjustment requests easier.
 - Adding setback standards for sites that face one transit street and one intersecting non-transit street, which was inadvertently omitted when the Transportation System Plan was adopted.
 - Adding a definition for peak hour transit service, which will clarify parking standards throughout the city.
 - Clarifies that pedestrian paths are allowed in the landscaped street setback in the Scenic Overlay zone.
 - Allow limited, minor reductions in parking without requiring a Conditional Use review.
46. **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 include word and structure changes that improve the clarity and implementation of existing regulations relating to energy. A specific amendment is supportive of this goal because it removes an impediment to the creation of attached duplexes.
47. **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 include word and structural changes that improve the clarity and implementation of existing regulations. Specific amendments that further Goal 8 and its relevant policies include:
- Clarifying the setback exceptions to allow side and front setbacks to be reduced to zero when a site has Environmental zoning. This clarifies the

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intended flexibility in building placement to avoid placing development in environmentally sensitive areas.

- Eliminate the minimum building coverage requirements in the CS and CM zones when the site has Environmental zoning to reduce the need for either an adjustment of an Environmental Review and to avoid building in environmentally sensitive areas.
- Update the Flood Risk Areas in the Johnson Creek Plan District to avoid building in areas that are subject to flood risks.
- Allow minor reductions in parking without requiring a Conditional Use review. This encourages the reduction of impervious surfaces and replacement with landscaping or other stormwater management areas.

48. **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. Findings on the Statewide Planning Goal 1, Citizen Involvement, also support this goal.
49. **Goal 10, Plan Review and Administration**, requires that Portland's Comprehensive Plan and its implementing ordinances undergo a periodic review. These amendments are supportive of this goal because, beginning in 2000, the city has undertaken Code Maintenance projects as part of that periodic review process with the specific goals of clarifying the Zoning Code, eliminating conflicts, and reducing need for land use reviews.
50. **Policy 10.10 Amendments to the Zoning and Subdivision Regulations** calls for amendments to the zoning and subdivision regulations to be clear, concise, and applicable to the broad range of development situations faced by a growing urban area. **Objective 10.10.C** seeks to improve the Zoning Code by: using clear language, maintaining a clear, logical organization; using a format and page layout that eases use of the document by lay-people as well as professional; and using tables and drawings to add clarity and to shorten the text. The primary purpose of the Code Maintenance 2004 amendments supports this policy and objective because the package as a whole improves clarity, enhances readability, reduces conflicts, and supports the structure and format of the Zoning Code.
51. **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. Several amendments support this goal because they clarify language or reduce the need for land use reviews that are often affect public facilities.

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52. **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. Specific amendments support this goal because they allow minor reductions in parking without requiring a Conditional Use review, which will encourage the reduction of impervious surfaces and replacement with landscaping or other stormwater management areas.
53. **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. Several specific amendments support this goal. Some allow minor reductions in parking without requiring a Conditional Use review, which will encourage the reduction of impervious surfaces and replacement with landscaping or other stormwater management areas. Another makes the siting of outdoor activity areas in the Open Space zone adjacent to School uses more efficient and avoids the need for an Adjustment review.
54. **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. Specific amendments support this goal because they make the siting of outdoor activity areas in the Open Space zone adjacent to School uses more efficient and avoid the need for an Adjustment review.
55. **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 make word and structural changes that improve the clarity and implementation of existing. Specific amendments that support Goal 12 and its relevant policies include:
- Clarification of the minimum screening requirements in all zones for mechanical equipment on the ground.
 - Clarification of the minimum landscaping requirements for institutional uses in residential zones.

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NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A, *Code Maintenance 2004 Portland Planning Commission Report and Recommendation Part 1A: Amendments to Title 33, Planning and Zoning*, dated May 28, 2004;
- b. Amend Title 33, Planning and Zoning, as shown in Exhibit A, *Code Maintenance 2004 Portland Planning Commission Report and Recommendation Part 1A: Amendments to Title 33, Planning and Zoning*, dated May 28, 2004; and
- c. Adopt as legislative intent and as further findings the commentary in Exhibit A, *Code Maintenance 2004 Portland Planning Commission Report and Recommendation Part 1A: Amendments to Title 33, Planning and Zoning*, dated May 28, 2004

PASSED BY THE COUNCIL, JUN 16 2004

Mayor Vera Katz
Commissioner Randy Leonard
Susan Hartnett, Bureau of Development Services
May 26, 2004

GARY BLACKMER
Auditor of the City of Portland

By 
Deputy