

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. 1281

Amending Multnomah County's Comprehensive Plan, Zoning Map, Zoning Code, and Land Use Services Fee Schedule to Incorporate Amendments to the City of Portland's Comprehensive Plan, Comprehensive Plan Map and Zoning Map, and Zoning and Development Code revising Bicycle Parking Regulations and Land Use Service Fee Schedule; Restricting Bulk Fossil Fuel Terminals; and Amending the Multi-Dwelling Residential Base Zones and Declaring an Emergency.

The Multnomah County Board of Commissioners Finds:

- a. Pursuant to an intergovernmental agreement executed in 2002 (the "IGA"), the City of Portland, Oregon ("City"), provides, with certain exceptions, land use planning services for those areas of unincorporated Multnomah County located within the City's Urban Services Boundary (the "Unincorporated Urban Areas").
- b. Because the County retains legislative authority over the Unincorporated Urban Areas, the County assumed an obligation in the IGA to amend County land use policies and regulations as they relate to the Unincorporated Urban Areas to incorporate applicable City land use policies and regulations, and all subsequent amendments thereto.
- c. In Resolution 2019-062, the County established land use services fees, including fees for planning services provided by the City of Portland under the IGA, which were set out in Exhibit B to that Resolution.
- d. Through Ordinance No.189784, the Portland City Council amended Title 33-Planning and Zoning code to update bicycle parking regulations and the fee schedule for Land Use Services to ensure new development and major redevelopment provides adequate, secure and convenient short-term and long-term bicycle parking. City Ordinance No.189784 will take effect on March 1, 2020.
- e. Through Ordinance No. 189805, the Portland City Council adopted amendments to the City of Portland's Comprehensive Plan, Comprehensive Plan Map and Official Zoning Map, Title 33 – Planning and Zoning, Title 30 – Affordable Housing, Title 18 – Noise Control, Title 32 – Signs and related regulations to revise the Multi-Dwelling Residential designation and base zones. These medium- to high-density residential zones provide opportunities for new housing to better meet the needs of a growing Portland. The purpose of the update is to create more housing options for households of all ages, incomes and sizes. City Ordinance No.189805 will take effect on March 1, 2020, with the exception of directive e in the Ordinance, which takes effect on June 1, 2020. The amendments to Title 18 (Noise Control) and Title 30 (Affordable Housing) are outside the scope of the IGA, and the County therefore does not need to adopt amendments to apply those changes to the Unincorporated Urban Areas.

- f. Through Ordinance No. 189807, the Portland City Council readopted remanded Ordinance 188142 to restrict the development and expansion of bulk fossil fuel terminals by amending Title 33-Planning and zoning. City Ordinance No.189807 took effect by emergency on December 18, 2019.
- g. The City has requested that the County amend the County's Comprehensive Plan, Zoning Map, Zoning Code, and Land Use Services Fee Schedule to incorporate the changes implemented in City ordinance numbers 189784, 189805 and 189807.
- h. Pursuant to State and City notice requirements, as well as the terms of the IGA, the City provided public notice of City Ordinance numbers 189784, 189805 and 189807. The City provided an opportunity for the public to be heard at several public hearings, culminating with hearings before the City's Planning and Sustainability Commission and the City Council.

Multnomah County Ordains as Follows:

Section 1. The County's Comprehensive Plan, Zoning Map and Zoning Code are amended to incorporate the following:

Exhibit No.	Description	County Effective Date
1	Ordinance to Update Bicycle Parking Regulations and Amend Fee Schedule for Land Use Services (Portland Ordinance 189784)	March 1, 2020
2	Amendments to the Comprehensive Plan, Comprehensive Plan Map, Zoning Map, Title 33-Planning and Zoning, and Title 32-Signs and Related Regulations <i>as set forth in</i> Ordinance to Amend the Comprehensive Plan, Comprehensive Plan Map, Zoning Map, Title 33-Planning and Zoning, Title 18-Noise Control, Title 30-Affordable Housing, Title 32-Signs and Related Regulations to Revise the Multi-Dwelling Residential Designations and Base Zones (Portland Ordinance 189805)	March 1, 2020, except that directive e shall take effect June 1, 2020
3	Ordinance to Readopt Remanded Ordinance No. 188142 to Restrict Bulk Fossil Fuel Terminals (Portland Ordinance 189807)	February 27, 2020

Section 2. In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective dates of this ordinance and that is made complete prior to the applicable effective dates 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 39.1210. The Board acknowledges, authorizes and agrees that the Portland Planning and Sustainability Commission will act instead of the Multnomah County Planning Commission for the Unincorporated Urban Areas by employing the City's own legislative procedures, including providing notice to, and facilitating participation from, property owners within Unincorporated Urban Areas. The Board will consider the recommendations of the Portland Planning and Sustainability Commission and City Council when legislative land use matters for the Unincorporated Urban Areas come before the Board for action.

Section 5. This ordinance being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and adoption of Ordinance No. 189807 will take effect immediately upon being signed pursuant to Section 5.50 of the Multnomah County Home Rule Charter. City Ordinance No.189805 will take effect on March 1, 2020, except that directive e shall take effect on June 1, 2020. Ordinance No.189784 will take effect on March 1, 2020.

Section 6. The amendments to the Land Use Services Fee Schedule set forth in Section 1 are repealed upon the Board's adoption of a Resolution repealing and replacing

Resolution 2019-062, at which point the Resolution replacing Resolution 2019-062 shall set forth the relevant Land Use Services Fee Schedule.

FIRST READING AND ADOPTION: February 27, 2020



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury

Deborah Kafoury, Chair

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Katherine Thomas*
Katherine Thomas, Assistant County Attorney

SUBMITTED BY: Jamie Waltz, Interim Director, Department of Community Services.

Ordinance No. 189784 As Amended

Update bicycle parking regulations and amend fee schedule for Land Use Services (Ordinance; amend Title 33, Planning and Zoning)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. The *Bicycle Parking Code Update Project – Recommended Draft* (Exhibit A) amends Title 33 to update the existing requirements for bicycle parking (33.266.200) to ensure new construction provides adequate, secure and convenient short- and long-term bicycle parking.
2. Community involvement conducted for the Bicycle Parking Code Update Project is outlined in the *Bicycle Parking Code Update Project – Recommended Draft Appendices* (Exhibit C).
3. On December 12, 2018, the Bureau of Planning and Sustainability published the *Bicycle Parking Code Update – Proposed Draft* for review by the public and the Portland Planning and Sustainability Commission.
4. On December 17, 2018, notice of the proposed action was submitted to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-018-0020 and ORS 197.610.
5. On December 17, 2018, notice of the proposal and the public hearings before the Planning and Sustainability Commission was mailed to all neighborhood associations, neighborhood coalitions, and business associations in the city of Portland, as well as other interested persons, as required by PCC 33.740.
6. On January 22, 2019 the Planning and Sustainability Commission held a public hearing on the *Bicycle Parking Code Update Project - Proposed Draft*, and testimony was received. The Planning and Sustainability Commission held work sessions on February 11 and 26, 2019 to address issues raised in testimony. The Commission voted to make several amendments to the proposal, and then voted to recommend approval of the amendments to Title 33 of the *Bicycle Parking Code Update – Proposed Draft*, as amended by the Commission, to City Council for adoption.

7. On October 2, 2019, the Bureau of Planning and Sustainability published the Planning and Sustainability Commission's *Bicycle Parking Code Update – Recommended Draft* (Exhibit A).
8. On October 14, 2019 notice of the November 13, 2019 City Council hearing on the *Bicycle Parking Code Update– Recommended Draft* was mailed to those who presented testimony orally or in writing to the Planning and Sustainability Commission and provided a name and address, and those who asked for notice.
9. The Finding of Facts Report, attached as Exhibit B, includes additional findings demonstrating consistency with the Statewide Planning Goals, Metro Urban Growth Management Functional Plan, and the City of Portland 2035 Comprehensive Plan.
10. BDS has determined that the Bicycle Parking Code Update results in more complex code, thereby increasing plan review workload and associated expenses.
11. BDS has further determined that an increase to the Land Use Services Plan Check fee of \$0.11 per \$1,000 valuation will cover the costs of administering the additional workload requirements outlined in this ordinance. The fee change will be incorporated into the "Land Use Services Fee Schedule," as outlined in Exhibit D.

NOW, THEREFORE, the Council directs:

- a. Amend Title 33, Planning and Zoning, as shown in Exhibit A, *Bicycle Parking Code Update Project, Recommended Draft*, dated May 2019.
- b. Adopt the commentary and discussion in Exhibit A, *Bicycle Parking Code Update - Recommended Draft*, dated May 2019, as findings and legislative intent.
- c. Adopt Exhibit B as findings and legislative intent.
- d. Amend the Land Use Services Fee Schedule to increase the Plan Check fee for Commercial and Residential to \$2.23 per \$1,000 valuation as shown in Exhibit D. This directive is binding city policy.


Section 2. If any section, subsection, sentence, clause, phrase, diagram, designation, or drawing contained in this Ordinance, or the plan, map or code it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the plan, map, or code and each section, subsection, sentence, clause, phrase, diagram, designation, and drawing thereof, regardless of the fact that any one or more sections, subsections,

sentences, clauses, phrases, diagrams, designations, or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Section 3. The directives of this ordinance will take effect on March 1, 2020

Passed by the Council: DEC 04 2019

Mayor Ted Wheeler
Prepared by: Liz Hormann
Date Prepared: October 16, 2019

Mary Hull Caballero
Auditor of the City of Portland
By 
Deputy

1048 - 1061
1104
Agenda No.
ORDINANCE NO.

Title

189734 As Amended

Amend Title 33 to update the bicycle parking regulations and amend fee schedule for Land Use Services (Ordinance; Amend Title 33), Planning and Zoning)

INTRODUCED BY Commissioner/Auditor: Wheeler
COMMISSIONER APPROVAL
Mayor—Finance & Administration - Wheeler
Position 1/Utilities - Fritz
Position 2/Works - Fish
Position 3/Affairs - Hardesty
Position 4/Safety - Eudaly
BUREAU APPROVAL
Bureau: Planning and Sustainability Bureau Head: Andrea Durbin
Prepared by: Liz Hormann Date Prepared: October 17, 2019
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input type="checkbox"/>
City Auditor Office Approval: required for Code Ordinances
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter
Council Meeting Date November 13, 2019

C

AS Amended

IV 05 2019

ull Caballero
e City of Portland

By:

Deputy

ACTION TAKEN:

**Continued to November 20, 2019
at 11:20 AM Time Certain**

NOV 13 2019

**Passed to Second Reading December 4, 2019
at 11:05 a.m. Time Certain As Amended**

NOV 20 2019

AGENDA
TIME CERTAIN <input checked="" type="checkbox"/> Start time: 2:00 pm Total amount of time needed: 2 hours (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Hardesty	3. Hardesty	<input type="checkbox"/>	<input type="checkbox"/>
4. Eudaly	4. Eudaly	<input checked="" type="checkbox"/>	
Wheeler	Wheeler	<input checked="" type="checkbox"/>	

City of Portland
Bureau of Development Services

Land Use Services Fee Schedule

Plan Check

(If the applicant does not provide the valuation, the maximum will be charged.)

Maximum number of allowable checksheets: 2

Any additional checksheets will be charged at the rate of \$184 per checksheet.

Commercial and Residential	\$2-12 2.23 per \$1,000 valuation \$155 minimum
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All other fees on the Land Use Services Fee Schedule remain unchanged.

ORDINANCE NO. 189805 *As Amended*

Amend the Comprehensive Plan, Comprehensive Plan Map, Zoning Map, Title 33-Planning and Zoning, Title 18-Noise Control, Title 30-Affordable Housing, Title 32-Signs and Related Regulations to revise the Multi-Dwelling Residential designations and base zones. (Ordinance; amend Code Title 33, 18, 30 and 32)

The City of Portland ordains:

Section 1. The Council finds:

General Findings

1. Portland's continued population and economic growth have had a significant impact on rental housing, resulting in citywide rent increases averaging 5 percent or more from 2012-2016. As noted in the City's 2017 State of Housing Report, after four consecutive years of seeing rent increases of 5 percent or more, Portland saw a smaller overall rent increase in 2017 of 2 percent. However, rents for larger units continued to rise—5 percent for two bedrooms and 10 percent for three bedrooms. At the same time, when adjusted for inflation, renter incomes are still below their pre-recession levels.
2. The livability and quality of multi-dwelling housing has a disproportionate impact on the quality of life of people of color and low-income households. Larger proportions of these populations live in multi-dwelling housing than the general population.
3. Multi-dwelling zones provide affordable housing opportunities. These medium- and higher-density zones will continue to play a critical role in providing a broad range of housing to meet the needs of all Portlanders.
4. Between now and 2035, 80 percent of the roughly 100,000 new housing units developed in Portland will be multi-dwelling units. Nearly one-quarter of the total growth will be in multi-dwelling zones outside the Central City. Many of those buildings will be along transit corridors and in mixed use centers.
5. The objective is to revise City regulations to better implement Comprehensive Plan policies that call for:
 - Housing opportunities in and around centers and corridors.
 - Housing diversity, including affordable and accessible housing.
 - Design that supports residents' health and active living.
 - Pedestrian-oriented street environments.
 - Safe and convenient street and pedestrian connections.
 - Design that respects neighborhood context and the distinct characteristics of different parts of Portland.
 - Nature and green infrastructure that are integrated into the urban environment.
 - Low-impact development that helps limit climate change and urban heat island effects.

6. Statewide Planning Goal 10 requires Portland to enact land use measures that “encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.” “Needed housing” includes multi-dwelling residential units.
7. The *Better Housing by Design Recommended Draft* revises development and design standards in Portland’s multi-dwelling residential zones (R3, R2, R1 and RH) outside the Central City. The types of housing allowed in these areas include apartment buildings of varying sizes, fourplexes, townhouses and rowhouses. These medium- to high-density residential zones provide opportunities for new housing to better meet the needs of a growing Portland.
8. The *Better Housing by Design Recommended Draft* includes a range of zoning code amendments that will expand the diversity of housing options in Portland’s multi-dwelling zones, provide new incentives for affordable housing, address the needs for outdoor spaces and green elements, better integrate development into neighborhoods, and provide specific approaches that are responsive to East Portland’s needs and characteristics.
9. The *Better Housing by Design Proposed Draft* was released on May 11, 2018 for review by the public and the Portland Planning and Sustainability Commission (PSC). The PSC conducted a public hearing on June 12, 2018. The PSC voted on April 30, 2019 to forward to City Council their *Better Housing by Design Recommended Draft*.
10. On May 11, 2018 notice of the *Better Housing by Design Proposed Draft* was filed with the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020. A revised notice, reflecting Planning and Sustainability Commission *Recommended Draft*, was sent to the Department of Land Conservation and Development on August 28, 2019.
11. On May 11, 2018, a notice of the June 12, 2018 Planning and Sustainability Commission public hearing on the *Better Housing by Design Proposed Draft* was sent to the project’s mailing list, individuals and organizations who requested such notice, and other interested parties.
12. On May 11, 2018, a Measure 56 notice was sent to 33,630 property owners potentially affected by the changes, as required by ORS 227.186. Property owners received a separate notice for each property potentially affected by the proposal.
13. On August 1, 2019, BPS published the Planning and Sustainability Commission’s *Better Housing by Design Recommended Draft* (Exhibit B).

14. A public notice of the October 2, 2019 Portland City Council public hearing on the *Recommended Draft* was sent on September 5, 2019 to those who testified to the Planning and Sustainability Commission, individuals and organizations who requested such notice and other interested parties.
15. The Findings of Fact Report, attached as Exhibit A, includes additional findings demonstrating consistency with the Statewide Planning Goals, Metro Urban Growth Management Functional Plan, and the City of Portland *2035 Comprehensive Plan*.
16. Amendments to Title 30, attached as Exhibit E, are necessary to provide a home ownership option for the deeper housing affordability bonus included in the *Better Housing by Design As Amended by City Council* zoning code amendments.

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A as additional findings.
- b. Amend the *2035 Comprehensive Plan* to add the policy amendments of the *Better Housing by Design As Amended by City Council* report, as shown in Exhibit B.
- c. Adopt the commentary in Exhibit B, *Better Housing by Design As Amended by City Council*, dated December 2, 2019, as legislative intent and further findings.
- d. Amend Title 33, Planning and Zoning, as shown in Exhibit B, *Better Housing by Design As Amended by City Council*, dated December 2, 2019, but excluding the addition of 33.120.211.C.3 (Three-bedroom unit bonus option).
- e. Amend Title 33, Planning and Zoning, 33.120.211.C.3 (Three-bedroom unit bonus option) as shown in Exhibit B, *Better Housing by Design As Amended by City Council*, dated December 2, 2019.
- f. Amend Title 18, Noise Control, as shown in Exhibit B, *Better Housing by Design As Amended by City Council*, dated December 2, 2019.
- g. Amend Title 32, Signs and Related Regulations, as shown in Exhibit B, *Better Housing by Design As Amended by City Council*, dated December 2, 2019.
- h. Amend the Comprehensive Plan Map as shown on Exhibit C (Map 1).
- i. Amend the official Zoning Map to apply the changes shown on Exhibit D (Map 2).
- j. Amend Title 30, Affordable Housing, as shown in Exhibit E.

Section 2.

The directives in this ordinance shall become effective as follows: directives a, b, c, d, f, g, h, i, and j become effective on March 1, 2020 and directive e becomes effective on June 1, 2020.


Section 3.

If any section, subsection, sentence, clause, phrase, diagram or drawing contained in this ordinance, or the map, report, inventory, analysis, or document it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the map, report, inventory, analysis, or document each section, subsection, sentence, clause, phrase, diagram and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Passed by the Council: DEC 18 2019

Mayor Ted Wheeler
Prepared by: Tom Armstrong
Date Prepared: September 9, 2019

Mary Hull Caballero
Auditor of the City of Portland

By  Deputy

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Agenda No.

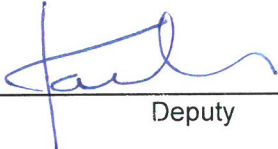
ORDINANCE NO.

Title

1127 1150 1166

189805 As Amended

Amend the Comprehensive Plan, Comprehensive Plan Map, Zoning Map, Title 33-Planning and Zoning, Title 18-Noise Control, Title 30-Affordable Housing, Title 32-Signs and Related Regulations to revise the Multi-Dwelling Residential designations and base zones. (Ordinance; amend Code Title 33, 18, 30 and 32)

INTRODUCED BY Commissioner/Auditor: Ted Wheeler	CLERK USE: DATE FILED SEP 24 2019
COMMISSIONER APPROVAL Mayor—Finance & Administration - Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Hardesty Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By:  Deputy
BUREAU APPROVAL Bureau: Planning and Sustainability Bureau Head: Andrea Durbin Prepared by: Sandra Wood Date Prepared: 9/10/2019 Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	ACTION TAKEN: OCT 02 2019 Continued to November 6, 2019 at 2:00 PM Time Certain NOV 06 2019 Continued to November 21, 2019 at 3:45 PM Time Certain NOV 21 2019 Continued to December 5, 2019 at 4:00 p.m. Time Certain As Amended DEC 05 2019 RESCHEDULED TO DECEMBER 11, 2019 AT 4:45 PM TIME CERTAIN DEC 12 2019 PASSED TO SECOND READING DEC 18 2020 AT 10:30 AM AS AMENDED
City Auditor Office Approval: required for Code Ordinances City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter Council Meeting Date 10/2/2019	

AGENDA TIME CERTAIN <input checked="" type="checkbox"/> Start time: 3:00 PM Total amount of time needed: 2 hours (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz		<input checked="" type="checkbox"/>
2. Fish	<input checked="" type="checkbox"/>	
3. Hardesty	<input checked="" type="checkbox"/>	
4. Eudaly	<input checked="" type="checkbox"/>	
Wheeler	<input checked="" type="checkbox"/>	

ORDINANCE NO. 189307 As Amended

*Readopt remanded Ordinance No. 188142 to restrict bulk fossil fuel terminals. (Ordinance; Amend Title 33, Planning and Zoning)

The City of Portland ordains:

Section 1. The Council finds:

General Findings

1. The rapid development of fossil fuel resources in the western U.S. and Canada has resulted in numerous facility and infrastructure projects proposed to transport coal, diluted bitumen, natural gas, propane or other fossil fuels through the West Coast.
2. Fossil fuels pose risks to safety, health, and livability, including mobility of people, other freight, and other commercial vehicles.
3. The State of Oregon and the greater Pacific Northwest are vulnerable to powerful subduction zone earthquakes that occur with periodic frequency along the Juan de Fuca and North American plates.
4. In the past, both the Huu-ay-aht First Nation peoples and the Makah tribe shared similar stories of lost land and peoples as a result of these earthquakes and tsunamis, which scientific research has matched with Japanese tsunami records and on-the-ground geologic field research to reconstruct the Cascadia earthquake of 1700. This research shows that subduction zone earthquakes have occurred along the Pacific Northwest with relative regularity over the last 10,000 years, and if averages from past events are predictive, the region could be overdue for another powerful subduction zone earthquake.
5. Many of the city's buildings and critical infrastructure were built before the city's seismic exposure was widely understood. This infrastructure includes Oregon's primary liquid fuel storage facilities, the Critical Energy Infrastructure (CEI) hub, which is located in northwest Portland and receives 90 percent of the state's liquid fuel supply either via pipeline or marine vessel. Most of the storage tanks within the CEI hub have been built prior to any design and performance lessons learned from the damaging Great Alaskan earthquake of 1964 and the many other documented earthquakes that followed.
6. The CEI hub is vulnerable to failure in the event of subduction zone earthquake. A 2012 Oregon Department of Geology and Mineral Industries (DOGAMI) Earthquake Risk Study for Oregon's Critical Energy Infrastructure Hub report states that a magnitude 8 or 9 Cascadia Subduction Zone earthquake would impact the CEI Hub with: ground shaking; liquefaction (soil behavior phenomenon in which a saturated sand softens and loses strength during strong earthquake ground shaking); lateral spreading (where surficial soil permanently moves laterally due to earthquake shaking); landslides; co-seismic settlement (where the ground surface is permanently lowered due to seismic

shaking); and bearing capacity failures (when the foundation soil cannot support the structure it is intended to support). The study also notes that, at the time, only three existing storage tanks were known to have addressed liquefaction vulnerabilities.

7. The 2013 Oregon Resilience Plan raised concerns about the sturdiness of CEI facilities constructed on soils susceptible to liquefaction, and infrastructure not built to current standards given the hub's age-range of structures.
8. The Portland Bureau of Emergency Management's Mitigation Action Plan (MAP) identifies how natural hazard events like floods, landslides, and earthquakes might affect the City of Portland. The Portland area has experienced numerous earthquakes in the past, ranging from Magnitude 4.5 to 9.0. Portland is certain to experience seismic events in the future. Many of Portland's fossil fuel storage tanks were built before seismic design requirements in building codes were adopted.
9. Most of Portland's employment and industrial zones are in areas with high to very high levels of liquefaction susceptibility, as documented by the 2018 DOGAMI Earthquake Regional Impact Analysis. Fossil fuel infrastructure poses considerable risks in the event of a major earthquake.
10. The extraction and combustion of fossil fuels are significant sources of greenhouse gas emissions and major contributors to climate change and pollution.
11. Coal contains toxic heavy metals, including mercury, arsenic and lead, and exposure to these toxic heavy metals is linked to cancer, birth defects and other health problems.
12. A Union Pacific train carrying oil from North Dakota to Tacoma derailed in Mosier, Oregon on June 3, 2016, spilling 42,000 gallons of crude oil, igniting a fire, and leading to the evacuation of one-quarter of the town's residents.
13. Tribal communities in Oregon and Washington have expressed concerns about the safety risks of fossil fuel infrastructure and the related threats to human health, cultural heritage, and environmental quality.
14. The City's 2015 Climate Action Plan (adopted by Resolution 37135) identifies the need to establish a "fossil fuel export policy that considers lifecycle emissions, safety, economics, neighborhood livability and environmental impacts" (Climate Action Plan, action 3G, page 69).
15. The City committed in its 2015 Climate Action Plan to advancing policy and programs to reduce local fossil fuel use both in the City's own operations and through community-wide initiatives.
16. In Resolutions 36959 and 36962 adopted in 2012, the Council expressed opposition to coal trains traveling through Portland until a programmatic, comprehensive and area-

wide Environmental Impact Statement and comprehensive Health Impact Assessment are completed.

17. Resolution 37168, adopted November 12, 2015, expressed the City Council's opposition to the "expansion of infrastructure whose primary purpose is transporting or storing fossil fuels in or through Portland or adjacent waterways." It also expressed the Council's intent not to restrict improvements in safety, efficiency, or seismic resilience; the provision of service directly to end users; or infrastructure that will accelerate the transition to non-fossil fuel energy sources.
18. The 2035 Comprehensive Plan sets policy direction (Policies 4.75 and 4.76) to encourage disaster-resilient development and specifically to reduce natural hazard risks to critical energy and transportation infrastructure in Portland Harbor.
19. The first step in making the current situation better is to ensure that the situation does not get worse. Continuing to allow the unlimited increase in fossil fuel terminal storage tank capacity in a moderate to high risk area increases the risk to the surrounding industrial district and the Willamette River. The FFTZ amendments are a regulatory approach that will limit the size of new fossil fuel terminals and prohibit the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions, which will be an improvement compared to the current regulations that allow for unlimited growth in fossil fuel terminals.
20. These Zoning Code amendments create a new land use category with development standards that limit the size of new terminals and prohibit the expansion of existing terminals.
21. The amendments promote major benefits to human health and safety, environmental health and resilience, with minor impacts to economic prosperity and equity.
22. The amendments will prohibit expansion at existing fuel terminals and limit new terminal development, potentially impacting associated job growth and tax revenue. At the same time, the code restrictions on fossil fuel terminal development will also limit potential financial risks from a major accident involving fossil fuel infrastructure.
23. The amendments will limit the risk of low, but potentially catastrophic, safety risks associated with fossil fuel infrastructure.
24. The amendments will allow for the continued operation, but prohibit expansion of storage capacity, with some exceptions, at existing fuel terminals and limit new terminal development.
25. The amendments will restrict development of fossil fuel terminals consistent with City and State objectives on climate change and public safety. While fossil fuels like natural gas and propane have the potential to replace higher-carbon fuels, substituting these fuels for higher-carbon fuels does not begin to approach the goal of an 80% reduction in

carbon emissions by 2050 established in Portland's Climate Action Plan or the State of Oregon's 75% reduction goal.

26. In Resolution 37168, the City Council expressed support for accelerating the transition to non-fossil fuel energy sources. As part of that transition, the Oregon Department of Environmental Quality (ODEQ) is implementing the Oregon Clean Fuels Program, which requires a 10 percent reduction in average carbon intensity by 2025. Fuels that could be used to achieve the standards include ethanol, biodiesel, electricity, hydrogen, natural gas, propane, and biogas, which may require additional storage capacity. In order to facilitate implementation of the Clean Fuels Program, non-fossil fuel storage tanks are not subject to the capacity limits.
27. Ordinance No. 188142 was appealed to the Oregon Land Use Board of Appeals (LUBA). LUBA issued an order reversing the City's Ordinance in *Columbia Pacific Building Trades Council et al v. City of Portland*, LUBA Case No. 2017-001, July 19 2017).
28. LUBA's decision was appealed to the Oregon Court of Appeals, which overturned LUBA's decision which was affirmed in part and reversed in part in *Columbia Pacific Building Trades Council v. City of Portland*, 289 Or App 739 (2018).
29. The Oregon Court of Appeals decision was appealed to the Oregon Supreme Court, which denied review in *Columbia Pacific Building Trades Council v. City of Portland*, 363 Or 390 (2018).
30. On October 5, 2018, LUBA remanded *Columbia Pacific Building Trades Council et al v. City of Portland*, LUBA Case No. 2017-001 to assignments of error that LUBA sustained and were either affirmed or not challenged on appeal to the Court of Appeals.
31. A general notification of the November 20, 2019, City Council public hearing on the remand of Ordinance No. 188142 was sent to the City's legislative notice list, the fossil fuel terminal property owners, and the parties to the appeal.
32. On November 20, 2019, the Portland City Council held a public hearing and received testimony on the re-adoption of the fossil fuel terminal zoning restrictions.

Conclusion

33. The City Council has considered applicable policies, as described in Exhibit A, to determine that this ordinance on the whole complies with the 2035 Comprehensive Plan and on balance is equally or more supportive of the goals and policies of the 2035 Comprehensive Plan than the current regulations. In reaching this conclusion, City Council has weighed and balanced competing policy directions. In particular, the Council finds that:
 - a. Statewide Planning Goal 7 (Natural Hazards) and 2035 Comprehensive Plan Goal 4.D with Policies 4.79 and 4.80, requires reducing risk to people and property from natural hazards. The FFTZ amendments further these goals and policies because by limiting the risks of storing large volumes of hazardous materials in an

area with moderate to high susceptibility to an earthquake. Large fossil fuel terminals represent a risk to people, property and the natural environments that the City Council finds as a compelling reason to limit future risk by limiting the size of new facilities and prohibit the expansion of existing facilities. Continuing to allow an unlimited increase in storage capacity at FFTs in a moderate to high risk area would be less supportive of the 2035 Comprehensive Plan than adopting the FFTZ amendments

- b. Policy 6.48 provides direction to limit fossil fuel terminals to what is necessary to serve the regional. The City Council recognizes that Portland's fossil fuel terminals handle 90 percent of the fossil fuel for the State of Oregon and Southwest Washington. These changes support the retention of existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels. Further, the use limitations provide flexibility to FFTs to replace and reconfigure existing storage tank capacity to increase safety and meet future needs. In addition, limiting storage capacity to the existing facilities reduces risk from a major earthquake, which outweighs the policy direction to provide capacity to accommodate any potential future increase in fossil fuel consumption, in part, because continuing to consolidate fossil fuel storage capacity in Portland is counter to resiliency principles that emphasize redundancy and distributed facilities.
- c. Statewide Planning Goal 9 (Economic Development) and 2035 Comprehensive Plan Goal 6.C with Policies 6.20 and 6.36, among others, provide for the retention and growth of businesses, especially those in the traded sector. The City Council interprets these policies apply to the economy in general, rather than specific types of business. These changes and restrictions only apply to a narrowly defined new land use category, Bulk Fossil Fuel Terminals, and do not have a significant effect on the other allowed uses in industrial and employment zones. There are no changes proposed to the Comprehensive Plan or Zoning Map that will impact the overall size or intensity of development in the industrial and employment areas of Portland. These amendments are narrowly constructed to apply to one class of businesses that make up a small portion of the city, regional and state economy. Further, these regulations only limit future expansion of these fossil fuel terminals, with some key exceptions, and designate these businesses as a limited use that allows their continued operation.
- d. Guilds Lake Industrial Sanctuary (GLIS) Plan policies provide direction to maintain, protect and enhance businesses in the sanctuary. This plan was adopted in 2001 and does not address the need for resiliency in a high and medium liquefaction susceptibility area. The City Council interprets these policies to apply to the GLIS as a whole and not individual businesses. The City Council interprets the legislative intent of the GLISP is to maintain the area as an industrial sanctuary and to prohibit incompatible land uses. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses that could undermine the viability of the industrial sanctuary. These regulations apply to only one type of business that makes up a minority part of the businesses found in GLIS. The remaining industrial uses to continue to operate under current

regulations. The impact of the limits on fossil fuel terminals is mitigated by designating existing fossil fuel terminals as a limited use that allows the terminals to continue to operate and make upgrades and supports limited enhancement through exceptions to the storage capacity restrictions.

NOW THEREFORE, The Council directs:

- a. Adopt Exhibit A Findings of Fact Report (as amended) December 2019 as additional findings.
- b. Amend Title 33, Planning and Zoning, as shown in Exhibit B, Fossil Fuel Terminal Zoning Amendments, Remand Report, dated December 18, 2019.
- c. Adopt the commentary in Exhibit B, Fossil Fuel Terminal Zoning Amendments, Remand Report, dated December 18, 2019, as legislative intent and further findings.
- d. Adopt Exhibit C. LUBA Record for *Columbia Pacific Building Trades Council et al v. City of Portland*, LUBA Case No. 2017-001, as additional evidence.
- e. The Bureau of Planning and Sustainability shall report to City Council no later than December 31, 2021 on the implementation of this ordinance, including:
 - the number and description of any requests by existing terminal operators to upgrade and replace storage capacity at their facilities;
 - the number and description of building permits issued for fossil fuel tanks between 125,000 and 2 million gallons;
 - the trends in fossil fuel energy use and non-fossil energy use in Oregon;
 - the status of local and state regulatory proceedings that may improve seismic resilience of fossil fuel storage infrastructure; and
 - information on compliance with the Oregon Clean Fuels Program.
- f. City Bureaus, including BDS, PBEM and Fire, shall work with the State of Oregon to develop policy options to require seismic upgrades of storage tanks within a firm deadline for replacement of older, unsafe tanks.

Section 2.

The Council declares that an emergency exists due to the fact that Portland is currently at risk of a major earthquake; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

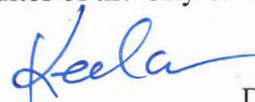
Section 3.

If any section, subsection, sentence, clause, phrase, diagram, designation, or drawing contained in this Ordinance, or the plan, map or code it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the plan, map, or code and each section, subsection, sentence, clause, phrase, diagram, designation, and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams, designations, or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Passed by the Council: DEC 18 2019

Mary Hull Caballero
Auditor of the City of Portland

By

A handwritten signature in blue ink, appearing to read "Keela", is written over a light blue rectangular background.

Deputy

Mayor Ted Wheeler

Prepared by: T. Armstrong

Date Prepared: October 31, 2019

~~1082~~ 1194
 Agenda No.
ORDINANCE NO. 189807 As Amended
 Title

***Readopt remanded Ordinance No. 188142 to restrict bulk fossil fuel terminals. (Ordinance; Amend Title 33, Planning and Zoning)**

<p>INTRODUCED BY Commissioner/Auditor: Mayor Wheeler</p>	<p>CLERK USE: DATE FILED <u>11/12/2019</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler </p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Hardesty</p> <p>Position 4/Safety - Eudaly</p>	<p style="text-align: right;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Planning and Sustainability Bureau Head: Andrea Durbin</p>	<p>ACTION TAKEN:</p> <p style="font-size: 1.2em;">NOV 20 2019</p> <p style="font-weight: bold;">Continued to December 18, 2019 at 3:00 p.m. Time Certain As Amended</p>
<p>Prepared by: Tom Armstrong Date Prepared: 10/29/19</p>	
<p>Impact Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document.</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p>	
<p>Council Meeting Date 11/20/19</p>	

<p style="text-align: center;">AGENDA</p> <p>TIME CERTAIN <input checked="" type="checkbox"/> Start time: 2:00 p.m.</p> <p>Total amount of time needed: 2 hours (for presentation, testimony and discussion)</p> <p>CONSENT <input type="checkbox"/></p> <p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th style="width: 35%;">YEAS</th> <th style="width: 35%;">NAYS</th> </tr> <tr> <td>1. Fritz</td> <td>1. Fritz </td> <td></td> </tr> <tr> <td>2. Fish</td> <td>2. Fish </td> <td></td> </tr> <tr> <td>3. Hardesty</td> <td>3. Hardesty </td> <td></td> </tr> <tr> <td>4. Eudaly</td> <td>4. Eudaly </td> <td></td> </tr> <tr> <td>Wheeler</td> <td>Wheeler </td> <td></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Fritz	1. Fritz		2. Fish	2. Fish		3. Hardesty	3. Hardesty		4. Eudaly	4. Eudaly		Wheeler	Wheeler	
FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:																					
	YEAS	NAYS																				
1. Fritz	1. Fritz																					
2. Fish	2. Fish																					
3. Hardesty	3. Hardesty																					
4. Eudaly	4. Eudaly																					
Wheeler	Wheeler																					

PBOT

PORTLAND BUREAU OF TRANSPORTATION

1120 SW Fifth Ave., Suite 800 Portland, OR 97204 503-823-5185
Fax 503-823-7576 TTY 503-823-6868 www.portlandoregon.gov/transportation

Chloe Eudaly Commissioner **Chris Warner** Director

Memorandum

Date: November 12, 2019
To: **City Council**
From: **Sarah Figliozi and Liz Hormann, PBOT**
RE: Amendment request for Council Agenda Item 1048

Amend Title 33 to update the bicycle parking regulations and amend fee schedule for Land Use Services (Ordinance; Amend Title 33).

The following amendments include both potential Commissioner amendments and technical staff amendments required due to oversight.

The following changes will apply to Title 33 Code language and will be presented at the Council meeting on November 13, 2019.

Section A: Draft Potential Commissioner Amendments

- #1 – Affordable Housing exemption, supported by a separate ordinance (Eudaly)
- #2 – Bicycle Parking Information in Plans
- #3 – FAR exemption for bicycle room space
- #4 – Prohibition of cable components in rack design
- #5 – Increase of Non-Conforming Use threshold

Section B: Draft Technical Staff Amendments

- #1 – Description of Standards A and B
- #2 – Revise Map 266-1
- #3 – Table 266-6 Clarification of Multi-Dwelling use category label
- #4 – Clean up language for bicycle rack standards
- #5 – Include Large Bicycle Space Figure and Insert Figure Reference
- #6 – Reinstate Missing Language
- #7 – Correct Figure Numbers
- #8 – Accessory Surface Parking



Section A: Draft Potential Commissioner Amendments

Note: Bold and highlighted text denotes a change via proposed amendment.

#1 – Affordable Housing exemption, supported by a separate ordinance (Eudaly)

Amendment: Insert a new clause at 33.266.200.B.2 on page 37 of the Recommended Draft to exempt approximately 18 affordable housing projects from revised code until June 30, 2022.

Rationale: This amendment responds to the unique budget and timeline challenges of a select group of affordable housing projects that developed their financing packages based on current requirements. A separate ordinance will be introduced, in tandem with this Council package, that will require these select projects to comply with the bicycle parking requirements currently found in 33.266.

Staff position: Supportive.

Proposed Code:

Page 37:

Green highlighted text are changes included below in the Proposed Staff Technical amendments

Yellow highlighted text are changes included in this potential Commissioner amendment

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 # [insert number here]. 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 # [insert number here].
3. The required minimum number of bicycle parking spaces is based on the primary uses on the site. When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required parking for each primary use.

#2 – Bicycle Parking Information in Plans

Amendment: Amend 33.266.210.C.5 on page 57 of the Recommended Draft to revise the requirement for bicycle parking information in plans to include the requirement at the land use permit stage.

Rationale: Due to the spatial impacts of bicycle parking requirements bicycle parking layout and locations should be reviewed at the Land Use Review permit stage. This is particularly true if applicants wish to request an Adjustments and/or Modification to bicycle parking requirements, as these are processes of the Land Use Review.

Staff position: Supportive. The removal of the requirement that bicycle parking information be submitted at the land use permit stage was removed by PSC amendment. Staff support early provision of bicycle parking information to ensure compliance.

Proposed Code:

Page 57:

C. Standards for all bicycle parking.

5. 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.

#3 – FAR exemption for bicycle room space

Amendment: Amend 33.130.205.B on page 93 of the Recommended Draft to specify that the FAR exemption is for the bicycle parking rooms and not individual bicycle spaces provided in a dwelling unit.

Rationale: Recommended Draft code language could be interpreted such that FAR exemption applies to all dedicated bicycle parking space, including those 2' x 6' spaces located in-dwelling unit. This is not advised due to the labor required to calculate this level of detail.

Proposed Code:

Page 93:

33.130 Commercial/Mixed Use Zones

33.130.205 Floor Area Ratio

B. FAR standard. The maximum floor area ratios are stated in Table 130-2 and apply to all uses and developments. Additional floor area may be allowed through bonus options, as described in Section 33.130.212, or transferred from historic resources per Subsection C. Except in the CR zone, 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, is not calculated as part of the FAR for the site. Adjustments to the maximum floor area ratios are prohibited.

#4 – Prohibition of cable components in rack design

Amendment: Amend 33.266.210.C.2 on page 47 of the Recommended Draft to ensure that approved racks do not include cable components which are easily defeated by thieves.

Rationale: The code's bicycle rack requirement is intended to ensure that the bicycle rack shape is designed such that a user can secure their bicycle and one wheel to the bike rack using a u-shaped shackle lock. Some inexpensive wall hook racks rely on an attached cable that the user can use to attach the U-lock to the bicycle, wheel, and the metal rack. However, these cables are extremely easy for thieves to cut.

Staff position: Supportive.

Proposed Code:

Page 47:

Green highlighted text are changes included below in the Proposed Staff Technical amendments
Yellow highlighted text are changes included in this potential Commissioner amendment

33.266.210.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.

#5 – Increase of Non-Conforming Use threshold

Amendment: Increase the threshold to trigger improvements to non-conforming development from current level of \$168,550 to \$300,000. Value will continue to increase by the Construction Cost index each subsequent year.

Rationale: The increase in dollar amount allows a greater number of smaller alterations to be reviewed without triggering requests for additional information about site features that may not currently match code minimums including bike parking. These requests can often delay the processing of the permits and can add costs to small scale alterations. The dollar increase can improve efficiency in permit processing, while still ensuring that larger alterations bring their non-conforming development up to code.

Staff position: Supportive.

Proposed Code:

*Green highlighted text are changes included below in the Proposed Staff Technical amendments
Yellow highlighted text are changes included in this potential Commissioner amendment*

33.258.070 Nonconforming Development

A.-C. [No change]

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. [no change]

a. [no change]

b. [no change]

- c. Bicycle parking by upgrading existing bicycle parking and providing additional spaces in order to comply with 33.266.2200 and 33.266.210;
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 ~~\$168,550~~ **\$300,000**. The following alterations and improvements do not count toward the threshold:
- (1)-(9) [No change]
- 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) [no change]
- (2) [no change]
- (3) Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with 33.266.2200, 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 ~~Sites that do not have accessory surface parking or are inside the Central City Core Area or Lloyd District, as shown on Map 510-8, are not required to meet this standard for long-term bicycle parking, but are required to meet this standard~~ for short-term bicycle parking must be met.
- c. [No change]
- d. Timing and cost of required improvements. The applicant may choose one of the following options for making the required improvements:
- (1) [No change]
- (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 ~~\$168,550~~ \$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.

E.-G. [No change]

33.440 Greenway Overlay Zones

33.440.230 Landscaping

A.-C. [No change]

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 ~~\$168,550~~ **\$300,000**. Alterations and improvements stated in 33.258.070.D.2.a do not count toward the threshold.

2.-3. [No change]

33.510 Central City Plan Districts

33.510.253 Greenway Overlay Zone in South Waterfront Subdistrict

A.-C. [No change]

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 ~~\$168,550~~ **\$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)-(5) [No change]

b.-c. [No change]

2.-5. [No change]

E.-F. [No change]

33.515 Columbia South Shore Plan District

33.515.278 Development Standards

A. [No change]

B. Land uses, land divisions, and activities within an environmental zone must meet the following standards:

1.-16. [No change]

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 ~~\$168,550~~ **\$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)-(3) [No change]

b.-d. [No change]

18. [No change]

Section B: Draft Technical Staff Amendments

Note: Bold and highlighted text denotes a change via proposed amendment.

#1 – Description of Standards A and B

Amendment: Amend 33.266.200.B on page 37 of the Recommended Draft to correct the description of Standard A and B.

Rationale: Code describes geographic areas included in Standards A and B. This information is not necessary per code and has the potential to become outdated if future code projects make minor modification pattern area boundaries.

Proposed Code:

Yellow highlighted text are changes proposed as part of the Staff Technical amendments

Green highlighted text are changes included as a potential Commissioner amendment above.

Page 37:

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 # [insert number here]. 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 # [insert number here].
3. The required minimum number of bicycle parking spaces is based on the primary uses on the site. When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required parking for each primary use.

#2 – Revise Map 266-1

Amendment: Swap out Map 266-1 on page 39 of the Recommended Draft with revised map.

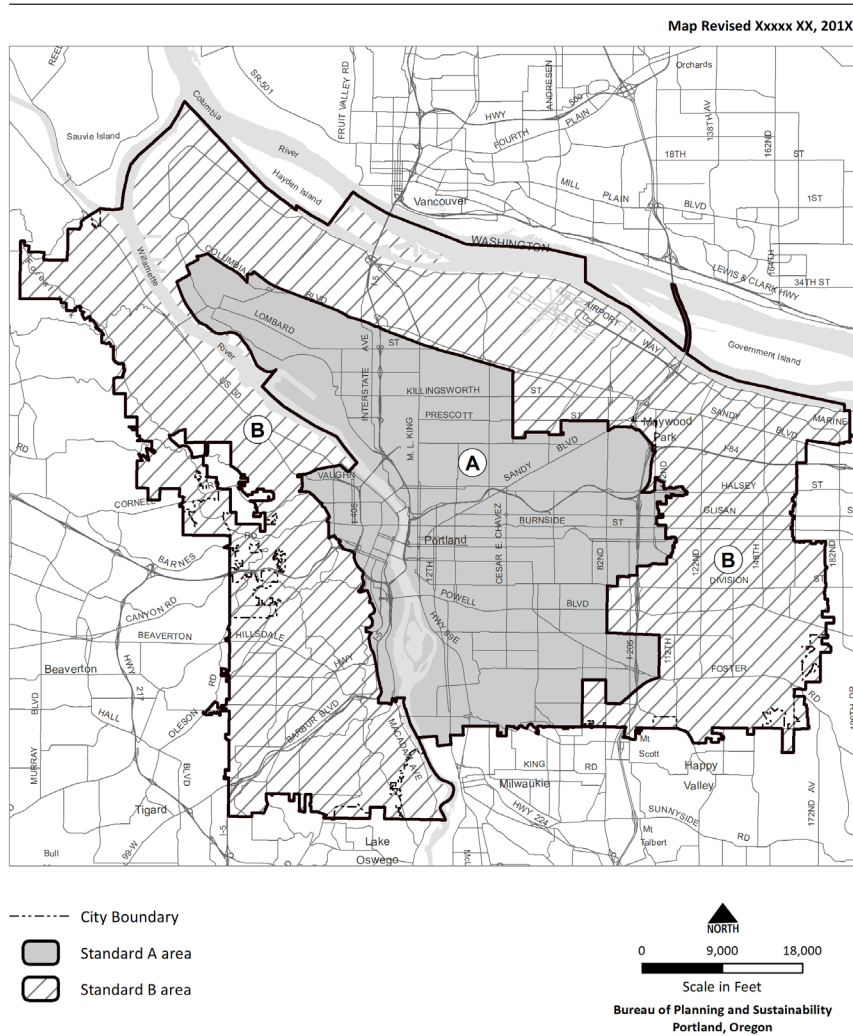
Rationale: Map 266-1 shows the Bicycle Parking Standard Areas which are based on Pattern Areas. The new map reflects refinements to the Pattern Areas that were made as part of the Better Housing by Design code project.

Proposed Code:

Page 39 - Revised map 266-1.

Bicycle Parking Areas

Map 266-1



#3 – Table 266-6 Clarification of Multi-Dwelling use category label

Amendment: Clarify Multi-Dwelling use category label in Table 266-6 on page 41 of the Recommended Draft so it reads “5 or more units”.

Rationale: A change in wording is necessary to avoid confusion with existing zoning code definitions for multi-dwelling development.

Proposed Code:

Pg 41:

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	Multi-dwelling ^[1] 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	2, or 1 per 8 units	2, or 1 per 10 units	2, or 1 per 20 units	2, or 1 per 20 units

Pg 43:

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
Industrial Categories					
Manufacturing and Production		2, or 1 per 5,000 sq. ft. of net building	2, or 1 per 9,000 sq. ft. of net building	2, or 1 per 67,000 sq. ft. of net building	2, or 1 per 111,000 sq. ft. of net building area

Pg 45:

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.	2, or 1 per 5,500 sq.	2, or 1 per 50,000 sq.	2, or 1 per 100,000 sq.

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] Multi-dwelling is defined as sites with 5 or more units. 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.

Note: 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.

#4 – Clean up language for bicycle rack standards

Amendment: Amend 33.266.210.C.2 on page 47 of the Recommended Draft to correct sentence structure.

Rationale: Code language will be cleaner with these changes.

Proposed Code:

Page 47:

Green highlighted text are changes included above as a potential Commissioner amendment
Yellow highlighted text are changes included in this Proposed Staff Technical amendment

33.266.210.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.

#5 – Include Large Bicycle Space Figure and Insert Figure Reference

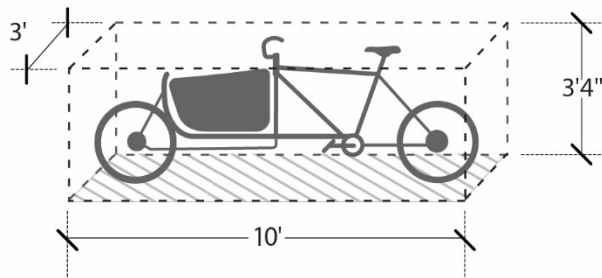
Amendment: Include a missing Figure 266-14 on page 55 of the Recommended Draft to illustrate large footprint bicycle space as a new Figure 266-14. Also include reference to this figure under the requirement for parking for larger bicycle spaces (33.266.210.D.3b) on page 71 of the Recommended Draft.

Rationale: The figure was inadvertently left out of the Proposed Draft.

Proposed Code:

Page 55:

**Figure 266-14
Large Bicycle Space**



Page 71:

Yellow highlighted text are changes proposed as part of this amendment.

Green highlighted text are changes included as separate proposed technical amendments.

33.266.210.D. Standards for long-term bicycle parking

3. Additional Development Standards. The following standards apply to sites where with more than 20 long-term bicycle parking spaces:

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

#6 – Reinstate Missing Language

Amendment: Amend 33.266.210.D.3 on page 71 of the Recommended Draft to replace the word “where” with “with”.

Rationale: Words were inadvertently removed during Draft editing however they are required to for code implementation.

Proposed Code:

Page 71:

Yellow highlighted text are changes proposed as part of this amendment.

Green highlighted text are changes included as separate proposed technical amendments.

33.266.210.D. Standards for long-term bicycle parking

3. Additional Development Standards. The following standards apply to sites **where 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.

#7 – Correct Figure Numbers

Amendment: Amend 33.266.210.E.1.a(3) on page 73 of the Recommended Draft to reflect correct figure numbers and remove unnecessary parentheses.

Rationale: Figure numbers need to be amended to reflect inclusion of the Figure 266-14 Large Bicycle Space (above).

Proposed Code:

Page 73:

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 266-154)
- 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 266-165)
- 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 266-176);
- 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.

#8 – Accessory Surface Parking

Amendment: Amend 33.258.070.D.2.b.(3) on page 99 of the Recommended Draft to reinstate the word “accessory” in front of surface parking.

Rationale: The correct term is “accessory surface parking”. This correction will assist with code implementation.

Proposed Code:

Page 99:

Green highlighted text are changes included above as a potential Commissioner amendment

Yellow highlighted text are changes included in this Proposed Staff Technical amendment

33.258.070 Nonconforming Development

A.-C. [No change]

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. [no change]

a. [no change]

b. [no change]

c. Bicycle parking by upgrading existing bicycle parking and providing additional spaces in order to comply with 33.266.2200 and 33.266.210;

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.

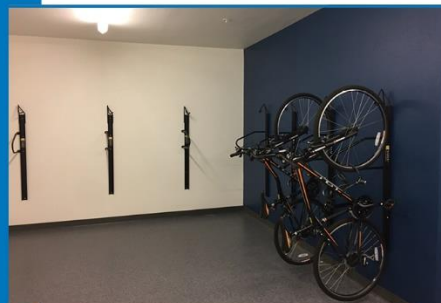
a. Thresholds triggering compliance. The standards of Subparagraph D.2.b., below, must be met when the value of the proposed alterations on the site, as determined by BDS, is more than ~~\$168,550~~ **\$300,000**. The following alterations and improvements do not count toward the threshold:

(1)-(9) [No change]

- 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) [no change]
 - (2) [no change]
 - (3) Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with 33.266.2200, 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 ~~Sites that do not have accessory surface parking or are inside the Central City Core Area or Lloyd District, as shown on Map 510-8, are not required to meet this standard for long-term bicycle parking, but are required to meet this standard for short-term bicycle parking~~ must be met.

BICYCLE PARKING CODE UPDATE

Recommended Draft
May 2019



PBOT
PORTLAND BUREAU OF TRANSPORTATION



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.
City of Portland, Oregon



The Bicycle Parking Code Update Project is updating Portland’s Zoning Code to ensure new development and major redevelopment provide adequate, secure and convenient short- and long-term bicycle parking.

For more information:

Visit the project website: <https://www.portlandoregon.gov/transportation/70439>

Email the project team: bicyclecodeupdate@portlandoregon.gov

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Traducción o interpretación	Chuyển Ngữ hoặc Phiên Dịch	翻译或传译	Письменный или устный перевод
Traducere sau Interpretare	Письмовий або усний переклад	翻訳または通訳	Turjumida ama Fasiraadda
	الترجمة التحريرية أو الشفهية	ການແປພາສາ ຫຼື ການອະທິບາຍ	
503-823-7700 www.portlandoregon.gov/bps/71701			

How to Testify

The ***Bicycle Parking Code Recommended Draft*** will be considered by the City Council. The public is invited to submit formal comments (called public testimony) to Council in writing, in person at a public hearing, or online via the Map App. Testimony on the ***Recommended Draft*** is directed to City Council, which may amend the proposal and subsequently vote to adopt the changes to implement the project.

Testify in person at the City Council public hearing	Testify in writing between now and Wednesday, November 13, 2019
<p>Wednesday, November 13, 2019, at 2 p.m. Portland City Council Chambers 1221 SW 4th Ave Portland, OR 97204</p> <p>To confirm the date, time and location, check the City Council calendar at: http://www.portlandoregon.gov/auditor/26997</p>	<p>Map App: www.portlandoregon.gov/bps/mapapp Select Bicycle Parking Code Update Project and click on the “Testify” button. You can testify about specific proposals or the proposals in general. Testifying in the Map App is as easy as sending an email. Once your testimony is submitted, you can read it in real time.</p> <p>US Mail: You must provide your full name and mailing address. Portland City Council c/o Bureau of Planning and Sustainability Atten: Bicycle Parking Testimony 1900 SW 4th Ave, Suite 7100 Portland, OR 97201</p>



Acknowledgments

Portland City Council

Ted Wheeler, *Mayor, Commissioner-in-charge*

Chloe Eudaly, *Commissioner*

Nick Fish, *Commissioner*

Amanda Fritz, *Commissioner*

Jo Ann Hardesty, *Commissioner*

Portland Planning and Sustainability Commission (March 2019)

Katherine Schultz (Chair); Eli Spevak (Vice Chair); Chris Smith (Vice Chair); Jeff Bachrach; André Baugh, Ben Bortolazzo; Mike Houck; Katie Larsell; Daisy Quiñonez; Teresa St. Martin

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April 19, 2019

Mayor Ted Wheeler and Members of Portland City Council
Portland City Hall
1221 SW Fourth Avenue
Portland, OR 97204

Dear Mayor Wheeler and City Commissioners,

The Planning and Sustainability Commission (PSC) is pleased to forward our recommendations on the Bicycle Parking Code Update Project. The proposal builds on existing code requirements to ensure that Portlanders have access to adequate, secure, and convenient bicycle parking at their homes and destinations.

On January 22, 2019, the PSC held a hearing on the staff proposal and heard testimony from members of the public, including developers, tenants of affordable housing and many others. We followed this meeting with a discussion of PSC suggestions at a work session on February 12 and February 26, 2019. The PSC voted 8-1 to recommend the staff proposal with noted amendments.

The City of Portland has strong policy direction to reduce congestion, increase the percentage of trips made by bicycle, and meet climate change goals. Ensuring people have a place to safely and securely park a bicycle at the end of their trips is one of the City's tools to continue to support and encourage bicycling as a mode of transportation.

In general, the PSC expressed support for the regulations. Amendments include:

- Exempting sites with fewer than five dwelling units from the requirement.
- Establishing standards for required bicycle parking provided within dwelling units.
- Allowing 50 percent of required bike parking to be provided in-unit. For sites with 12 units or fewer units, allowing up to 100 percent of required bicycle parking to be located in-unit.

Concerns were raised that requiring private development to build more bike parking, in the absence of a plan to build more public secure bike parking, would do little to increase the commuter mode split for bikes. Moreover, one commissioner thought requiring new development to build bike parking at a level that far exceeds current demand imposes an unfair portion of the cost and regulatory burden on the private sector to promote more bike commuting.



The PSC's overall support for these regulations recognizes that requirements for new development will provide a near-term and long-term benefit for bicycling in Portland.

Other Issues

The PSC believes that these zoning changes must be supported by other work to support safe, convenient, accessible bicycle parking in Portland. To this end, we suggest:

- PBOT should work towards finding ways (including incentives) to address bicycle parking deficiencies in existing buildings.
- PBOT staff should work with Parks and Recreation staff to develop recommended minimum standards and adjustment evaluation criteria for bicycle parking in Parks and Open Areas.
- The Bicycle Parking Handbook that staff are developing should include consideration of the need for larger bicycle parking spaces at retail establishments and for monitoring bicycle parking with security cameras.

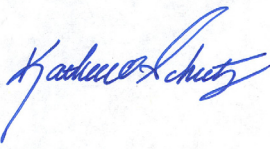
Recommendation

The PSC recommends that the City Council take the following actions:

1. Adopt the *Bicycle Parking Code Update – Recommended Draft*.
2. Amend the Zoning Code (Title 33) as shown in the Recommended Draft.

Thank you for the opportunity to participate in the review of this project and for considering our recommendations.

Sincerely,



Katherine Schultz
Chair



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Section I: Introduction

Project Summary

City goals and policies support a vision of Portland as a vibrant city where most people have the option to use active transportation like walking, bicycling and transit to get around and meet their basic needs.

In addition to this overarching active transportation vision, Portland has a goal that 25 percent of all trips are made using a bicycle by 2030. The Bureau of Transportation is working to build the connected safe network of bicycle infrastructure that will support this goal. However, we will not be able to reach this goal without making sure people have a place to safely and securely park a bicycle at the end of their trips.

The City of Portland's Zoning Code requires the inclusion of long- and short-term bicycle parking in new development and some redevelopment projects. The current text of the bicycle parking section of City Code was largely written and adopted in 1996. While there was an update in 2004 to address short-term bicycle parking needs, the majority of the bicycle parking section has largely remained dormant for 20 years. Meanwhile, the bicycle commute mode split in Portland has increased from 1.2 percent in 1996 to just over 7 percent in 2014.

As the City prepares for significant growth over the next 20 years, this code update is one of the City's tools to support and encourage bicycling as a convenient and affordable mode of transportation for a growing sector of Portland's population.

Framing the Work

Guiding City Policy

Several City policy and planning documents provide the framework that guides the bicycle parking requirements:

2035 Comprehensive Plan

The 2035 Comprehensive Plan guides long-range land use and transportation planning. The plan focuses on improving Portland as a place that is walkable, bikeable and transit-friendly, and it includes a specific policy goal of providing sufficient, usable bicycle parking throughout the city.

2015 Climate Action Plan

In 1993, Portland was the first city in the United States to create a local action plan for cutting carbon emissions. The updated Climate Action Plan, created in 2015, outlines the specific actions the City and Multnomah County will take to reduce greenhouse gas emissions, including:

- Reduce daily per capita vehicle miles traveled by 30 percent from 2008 levels by 2030.
- Create vibrant neighborhoods where 80 percent of residents can easily walk or bicycle to meet all basic daily, non-work needs and have safe pedestrian or bicycle access to transit by 2030.

City-Adopted Mode Split Goals

Mode split is the percentage of travelers using a particular type of transportation. For this project, the City of Portland's bicycle mode split goals were used to guide the updated methodology for the required amounts of bicycle parking:

- Portland Bicycle Plan for 2030 – 25% bicycle mode split for all trips by 2030
- Transportation System Plan – 25% bicycle mode split for commute trips by 2035

Why is Bicycle Parking Important?

Portland is a growing city with strong climate and transportation goals. Currently, nearly 45 percent of all trips made by car in the Portland region are less than 3 miles.¹ To meet City goals, these shorter trips need to increasingly be made on foot and by bike instead of by car. This will free up capacity for longer trips, such as freight and longer-distance commuting trips, that need to be made by vehicles.

Riding a bicycle is an important low-cost transportation option. Transportation is the second-highest household cost, after housing. For many households, the option of biking and walking for a portion of their daily trips can lower cost of living by potentially reducing the number of vehicles their household owns and reducing the amount of money needed for fuel and maintenance.

In their 2012 report, *Barriers to Cycling*, the Community Cycling Center found that the lack of a safe and secure place to park a bicycle is a key barrier for bicycling as transportation or recreation. For example, an audit conducted by the Community Cycling Center and property managers with Hacienda Community Development Corporation elevated the lack of safe and secure bicycle parking as a top priority. The audit found that over a two-year period, 85 bicycles had been stolen from residents, which was nearly one bicycle per household. After the audit, Hacienda CDC provided secure bicycle parking in existing buildings and began including lockable bike storage into the design of new buildings owned by the affordable housing organization.

For all these reasons, Portland has adopted policies that require bicycle parking in private development, and the Bicycle Parking Code Update project is revising them to support current and future transportation goals.

Major Proposed Changes

This project focused on ensuring that new development and major redevelopment provides secure and convenient short- and long-term bicycle parking. The proposals include the following amendments:

- **Update the minimum required amounts of short- and long-term bicycle parking.**
- **Expand the use of geographic tiers to all Use Categories, creating two different rates of required bicycle parking based on geography.**
- **Enhance security standards to help prevent bike theft.**
- **Expand options for space-saving rack configurations.**
- **Accommodate a variety of types of bicycles and people of all abilities.**
- **Require that a percentage of long-term bicycle parking in residential buildings be located in bike rooms rather than in residential units.**

¹ 2011 Oregon Household Activity Survey. Vehicle trips by length for trips wholly within Clackamas, Multnomah, Washington and Clark Counties.

Section II: Relationship to Comprehensive Plan

Comprehensive Plan Guiding Principles

The Bicycle Parking Code Update Project helps implement the guiding principles of the City of Portland's 2035 Comprehensive Plan in the following ways.

Economic Prosperity. *Support a low-carbon economy and foster employment growth, competitiveness, and equitably-distributed household prosperity.*

This project advances this principle by supporting low-cost, low-carbon transportation options for all Portlanders. Transportation is the second highest-household cost, and owning a car can cost a family approximately \$8,500 a year.² These standards support low-cost, active transportation options, which can provide tangible economic benefits to individuals and households across Portland.

Human Health. *Avoid or minimize negative health impacts and improve opportunities for Portlanders to lead healthy, active lives.*

This project advances this principle by supporting the use of bicycles as a form of transportation and recreation. Regular physical activity, including the use of active transportation, helps improve overall health and fitness and reduces risk for many chronic diseases. This project helps facilitate active mobility by providing safe and secure places to park and store a bicycle.

Environmental Health. *Weave nature into the city and foster a healthy environment that sustains people, neighborhoods, and fish and wildlife. Recognize the intrinsic value of nature and sustain the ecosystem services of Portland's air, water, and land.*

This project advances this principle by increasing the supply of bicycle parking, which supports bicycling, a low-carbon transportation option. Climate change threatens not just Oregon's natural treasures, but also Portlanders' jobs and health. Nearly 40 percent of all local carbon emissions come from transportation sources. Utilizing active transportation is one of the key strategies to reduce carbon emissions from the transportation sector.

Equity. *Promote equity and environmental justice by reducing disparities, minimizing burdens, extending community benefits, increasing the amount of affordable housing, affirmatively furthering fair housing, proactively fighting displacement, and improving socio-economic opportunities for underserved and underrepresented populations. Intentionally engage underserved and underrepresented populations in decisions that affect them. Specifically recognize, address, and prevent repetition of the injustices suffered by communities of color throughout Portland's history.*

This project advances this principle by establishing standards for bicycle parking that consider the needs of people with different abilities and by supporting the ease and convenience of low-cost transportation. Additionally, the standards were developed based on considerable feedback and engagement with a wide variety of stakeholders, including residents of affordable housing developments, affordable housing developers and the Portland Housing Bureau. The project worked to

² AAA, "True Cost of Vehicle Ownership," <https://newsroom.aaa.com/tag/cost-to-own-a-vehicle/>, 2017.

balance the City goals of providing more affordable housing and supporting affordable, environmentally friendly transportation options.

Resilience. *Reduce risk and improve the ability of individuals, communities, economic systems, and the natural and built environments to withstand, recover from, and adapt to changes from natural hazards, human-made disasters, climate change, and economic shifts.*

This project advances this principle in that the promotion of bicycling supports compact development at the neighborhood level and the use of low-carbon transportation options. End-of-trip facilities to support bicycling is one important element of developing a low-carbon, resilient infrastructure system for Portland.

Goals and Policies

The 2035 Comprehensive Plan includes goals and policy language designed to support and further the guiding principles. The Bicycle Parking Code Update Project primarily supports Chapter 9: Transportation. However, the project also supports the closely-linked goals and policies around development, urban form and the environment, which span the following chapters of the Comprehensive Plan: Chapter 3, Urban Form; Chapter 4, Design and Development; Chapter 5, Housing; Chapter 6, Economic Development; Chapter 7, Environment and Watershed Health; and Chapter 10, Land Use Designations and Zoning.

Key Comprehensive Plan goals and policies supported by the Bicycle Parking Code project are listed below.

Urban Form

Goal 3.A A city designed for people. Portland’s built environment is designed to serve the needs and aspirations of all Portlanders, promoting prosperity, health, equity, and resiliency. New development, redevelopment, and public investments reduce disparities and encourage social interaction to create a healthy connected city.

Goal 3.B A climate and hazard resilient urban form. Portland’s compact urban form, sustainable building development practices, green infrastructure, and active transportation system reduce carbon emissions, reduce natural hazard risks and impacts, and improve resilience to the effects of climate change.

Policy 3.1 Urban Design Framework. Use the Urban Design Framework (UDF) as a guide to create inclusive and enduring places, while providing flexibility for implementation at the local scale to meet the needs of local communities.

Policy 3.4 All ages and abilities. Strive for a built environment that provides a safe, healthful, and attractive environment for people of all ages and abilities.

Policy 3.5 Energy and resource efficiency. Support energy-efficient, resource-efficient, and sustainable development and transportation patterns through land use and transportation planning.

Design and Development

Goal 4.A Context-sensitive design and development. New development is designed to respond to and enhance the distinctive physical, historic, and cultural qualities of its location, while accommodating growth and change.

Goal 4.C Human and environmental health. Neighborhoods and development are efficiently designed and built to enhance human and environmental health: they protect safety and livability; support local access to healthy food; limit negative impacts on water, hydrology, and air quality; reduce carbon emissions; encourage active and sustainable design; protect wildlife; address urban heat islands; and integrate nature and the built environment.

Policy 4.1 Pattern areas. Encourage building and site designs that respect the unique built natural, historic, and cultural characteristics of Portland's five pattern areas described in Chapter 3: Urban Form.

Policy 4.10 Design for active living. Encourage development and building and site design that promotes a healthy level of physical activity in daily life.

Housing

Policy 5.36 Impact of regulations on affordability. Evaluate how existing and new regulations affect private development of affordable housing and minimize negative impacts where possible. Avoid regulations that facilitate economically-exclusive neighborhoods.

Economic Development

Goal 6.B Development - Portland supports an attractive environment for industrial, commercial, and institutional job growth and development by 1) maintaining an adequate land supply; 2) a local development review system that is nimble, predictable, and fair; and 3) high-quality public facilities and services.

Policy 6.28 Poverty reduction. Encourage investment in, and alignment of, poverty-reduction efforts that address economic development, land use, transportation, housing, social services, public health, community development, and workforce development.

Environment and Watershed Health

Goal 7.A Climate. Carbon emissions are reduced to 50 percent below 1990 levels by 2035.

Transportation

Goal 9.E Equitable transportation. The transportation system provides all Portlanders options to move about the city and meet their daily needs by using a variety of safe, efficient, convenient, and affordable modes of transportation. Transportation investments are responsive to the distinct needs of each community.

Policy 9.3 Transportation System Plan. Maintain and implement the Transportation System Plan (TSP) as the decision-making tool for transportation related projects, policies, programs, and street design.

Policy 9.5 Mode share goals and Vehicle Miles Traveled (VMT) reduction. Increase the share of trips made using active and low-carbon transportation modes. Reduce VMT to achieve targets set in the most current Climate Action Plan and Transportation System Plan and meet or exceed Metro’s mode share and VMT targets.

Policy 9.8 Affordability. Improve and maintain the transportation system to increase access to convenient and affordable transportation options for all Portlanders, especially those who have traditionally been underserved or underrepresented or have historically borne unequal burdens.

Policy 9.9 Accessible and age-friendly transportation system. Ensure that transportation facilities are accessible to people of all ages and abilities, and that all improvements to the transportation system (traffic, transit, bicycle, and pedestrian) in the public right-of-way comply with the American with Disabilities Act of 1990. Improve and adapt the transportation system to better meet the needs of the most vulnerable users, including the young, older adults, and people with different abilities.

Policy 9.10 Geographic policies. Adopt geographically-specific policies in the Transportation System Plan to ensure that transportation infrastructure reflects the unique topography, historic character, natural features, system gaps, economic needs, demographics, and land uses of each area. Use the Pattern Areas identified in Chapter 3: Urban Form as the basis for area policies.

Policy 9.20 Bicycle transportation. Create conditions that make bicycling more attractive than driving for most trips of approximately three miles or less.

Policy 9.21 Accessible bicycle system. Create a bicycle transportation system that is safe, comfortable, and accessible to people of all ages and abilities.

Policy 9.55 Parking management. Reduce parking demand and manage supply to improve pedestrian, bicycle and transit mode share, neighborhood livability, safety, business district vitality, vehicle miles traveled (VMT) reduction, and air quality. Implement strategies that reduce demand for new parking and private vehicle ownership, and that help maintain optimal parking occupancy and availability.

Policy 9.61 Bicycle parking. Promote the development of new bicycle parking facilities including dedicated bike parking in the public right-of-way. Provide sufficient bicycle parking at high-capacity transit stations to enhance bicycle connection opportunities. Require provision of adequate off-street bicycle parking for new development and redevelopment. Encourage the provision of parking for different types of bicycles. In establishing the standards for long-term bicycle parking, consider the needs of persons with different levels of ability.

Policy 9.63 New development impacts. Prevent, reduce, and mitigate the impacts of new development and redevelopment on the transportation system. Utilize strategies including transportation and parking demand management, transportation system analysis, and system and local impact mitigation improvements and fees.

Land Use Designations and Zoning

Policy 10.4 Amending the Zoning Code. Amendments to the zoning regulations must be done legislatively and should be clear, concise, and applicable to a broad range of development situations faced by a growing city. Amendments should:

10.4.a. Promote good planning:

1. Effectively and efficiently implement the Comprehensive Plan.
2. Address existing and potential land use problems.
3. Balance the benefits of regulations against the costs of implementation and compliance.
4. Maintain Portland's competitiveness with other jurisdictions as location in which to live, invest, and do business.

10.4.b. Ensure good administration of land use regulations:

1. Keep regulations as simple as possible.
2. Use clear and objective standards wherever possible.
3. Maintain consistent procedures and limit their number.
4. Establish specific approval criteria for land use reviews.
5. Establish application requirements that are as reasonable as possible, and ensure they are directly tied to approval.
6. Emphasize administrative procedures for land use reviews while ensuring appropriate community engagement in discretionary decisions.
7. Avoid overlapping reviews.

10.4.c. Strive to improve the code document:

1. Use clear language.
2. Maintain a clear and logical organization.
3. Use a format and layout that enables use of the document by lay people as well as professionals.
4. Use tables and drawings to clarify and shorten the document.
5. Identify and act on regulatory improvement suggestions.

Section III: Public Involvement

Development of the Bicycle Parking Code Update Project concepts and the resulting Zoning Code amendments were informed by a range of public involvement activities.

Stakeholder Advisory Committee

To facilitate a conversation among various interested parties, PBOT convened a Stakeholder Advisory Committee (hereafter referred to as Committee) to advise on the preliminary phase of the update to the bicycle parking chapter. The Committee met seven times from February 2016 to October 2017.

The Committee was composed of technical experts from City bureaus, community members and business representatives. The Committee was an advisory body providing direction and recommendations to the PBOT Director. The culmination of the Committee's work was formalized in a [Recommendation Report](#) and presented to the Portland Planning and Sustainability Commission in November 2017.

The purpose of the Committee was to provide early input to PBOT in developing the general concepts of the code amendments. Then PBOT staff worked closely with the Bureau of Planning and Sustainability (BPS) and the Bureau of Development Services (BDS) staff to develop the actual code amendments in this document.

Stakeholder Advisory Committee's Guiding Principles

The following guiding principles were developed and adopted by the Committee to provide the overarching direction for the package of recommendations for updating the bicycle parking chapter.

Principle A – Adequate Amount of Bicycle Parking

The amount of bicycle parking is adequate to accommodate future increases in demand, specifically the City's 25 percent bicycle mode split goal for all trips.

Principle B – Prioritizing Bicycle Parking

Bicycle parking is intentionally planned, with consideration for location and within the design of the building. Bicycle parking is available via a direct and accessible route.

Principle C – Accessible and Convenient Bicycle Parking

Bicycle parking accommodates users of all ages and abilities as well as a variety of different types of bicycles.

Principle D – Bicycle Parking is Secure and Safe to Use

Design provides sufficient security provisions to prevent bike theft and promotes safe spaces for users (e.g., lighting, visibility and location).

Principle E – Bicycle Parking is Feasible

Requirements allow for innovation and adaptability in design, while being straightforward to implement. Requirements consider project feasibility and cost implications.

Online Open House

Prior to wrapping up the Stakeholder Advisory Committee's Recommendation Report, PBOT conducted an Online Open House to gather feedback on the entire package of recommendations coming from the Stakeholder Advisory Committee. The Online Open House provided an early opportunity for public feedback on the early code concepts.

The following general themes emerged from the feedback received in the Online Open House:

- General agreement on all the recommendations.
- Very strong support for the requirements to accommodate different types of bikes (i.e., cargo bikes, bikes with trailers, and electric bikes).
- Strong support for increasing the proportion of racks that are usable for people of different abilities.

This public input informed the development of the conceptual themes for the Bicycle Parking Code Update Project.

Apartment Community Survey

In March 2017, staff conducted an online survey to gather input from people who live in apartment buildings and own bicycles. This user survey asked a range of questions about the major challenges of parking a bicycle at the building and the user's preference for where to park their bicycle. The survey garnered 323 total responses. Out of the 323 responses, 260 came from people who live in apartments. The remaining responses came from people who do not currently live in apartments but had general comments about bicycle parking needs and standards.

The summary of the survey results can be read in the appendices of the Stakeholder Advisory Committee [Recommendation Report](#). Key takeaways include:

- The majority (67 percent) of respondents who live in apartments and own a bicycle preferred to park their bicycle in a secure room dedicated to bicycle parking.
- Respondents identified the following as the most challenging part of parking a bicycle at their apartment (also see Figure 1):
 - I'm concerned about the safety/ security of my bicycle in the bike room;
 - There are no bike parking facilities at my building; and
 - Parking a wet, muddy bike in my unit is causing damage.

It is important to note that the responses came almost exclusively from people who live in market-rate apartment buildings. To broaden the scope of the survey, PBOT staff worked with Portland Housing Bureau (PHB) staff to target the community survey to affordable housing tenants, property managers and developers.

The responses from tenants of affordable housing showed that they prioritized the same top three barriers to parking their bicycles at their homes as the general population did (above).

While the response rates were lower, staff were able to gather some important feedback via the survey, and the exercise led to more in-depth conversations with affordable housing providers about bicycle parking.

PBOT staff heard the following key points from affordable housing developers:

- Developing on small sites makes accommodating all development requirements, including bicycle parking, very difficult.
- Usage of bicycle parking at some sites, particularly those serving elderly and disabled populations and very low-income residents, is very low.
- It is important for the standards to be flexible.

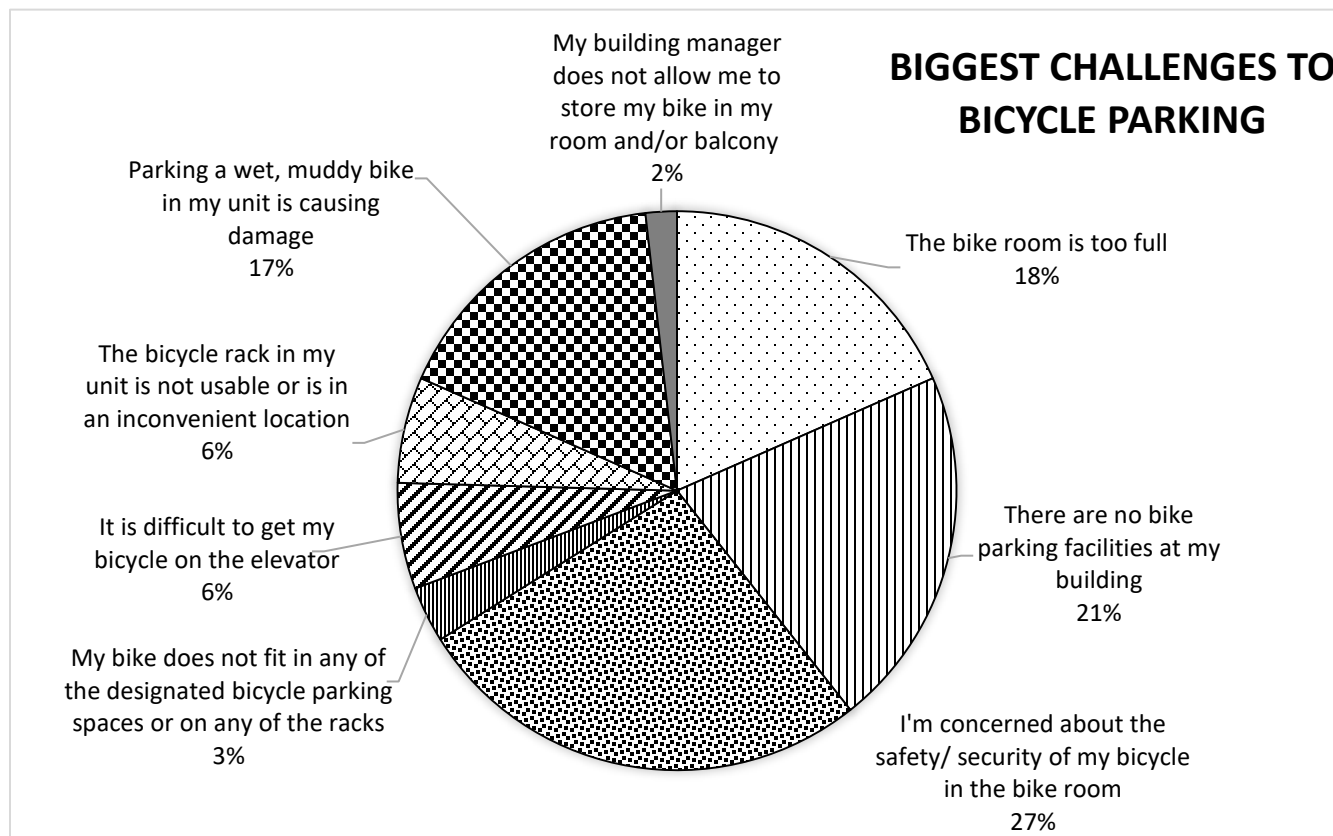


Figure 1 – Results from Community Survey (general survey) – What are your biggest challenges to bicycle parking?

Site Visits, Interviews and Case Studies

Throughout 2017 and 2018, PBOT staff conducted site visits to apartment and office buildings to tour bicycle parking facilities and interview property managers and developers about bicycle parking opportunities and challenges. Site visits are useful to assess various bicycle parking configurations in action, assess the usage rates of bicycle parking facilities, and see what is working and what is not working for bicycle parking at specific buildings and project types.

PBOT staff also worked with affordable housing developers and architects to visit a few sites, including the NAYA Generations Apartments, Miracles Central Apartments and Hacienda CDC properties.

Details on some of the site visits can be found in Appendix F in the Stakeholder Advisory Committee's [Recommendation Report](#), and an additional overview of site visits are included in Appendix C of this Recommended Draft.

Discussion Draft Public Input

The Discussion Draft, published on August 14, 2018, served as the first opportunity for the public to review and comment on the draft Zoning Code regulations. Prior to that date, the public had opportunities to review and respond to the concepts that guided the Zoning Code regulations.

The public review period of the Discussion Draft was from August 14 through October 1, 2018. During this period, staff used a variety of approaches for community members to learn about the Discussion Draft proposals and provide comments, including:

- A news blog post emailed to project list and hosted on project website.
- Posts on social media, including Facebook and Twitter.
- Articles in local newspapers, online newspapers and local blog platforms.
- Presentations and discussions at 16 meetings of community organizations.
- An online survey.
- A Bicycle Parking Wonk Night with BikePortland.org.
- Several additional in-person or phone meetings with developers, architects and interested parties.

Several recurring themes emerged in the comments received, including:

- Usability of bicycle parking for all people and all types of bicycles
- Housing affordability and bicycle parking in affordable housing
- Importance of end-of-trip facilities
- Security and bicycle theft concerns
- Concerns around allowing in-unit bicycle parking, while others expressed that in-unit bicycle parking should still be an option
- Flexibility in implementation
- Letting the market forces drive the provision of bicycle parking

See Appendix A for a compilation of comments on the Discussion Draft.

Proposed Draft – Changes from the Discussion Draft

Based on public comments, input from City bureaus and additional analysis, staff incorporated refinements to the proposals as part of the Proposed Draft. These include:

1. **Self-Service storage amounts.** In Table 266-6, add a Use Category under Commercial Categories for Self-Service Storage and add amounts for required long- and short-term bicycle parking.
2. **Affordable housing in-unit standards.** Develop an in-unit standard for affordable housing projects that balances the need for deeply affordable units and convenient and accessible long-term bicycle parking.
3. **Long-term security.** Create separate long-term security standards for residential and non-residential uses, acknowledging the differences in how bicycle parking is used. For non-residential uses, the lockable room does not have to be designated for bicycle parking. Therefore, bicycle parking spaces could be co-located with staff work areas on upper floors or in the back-office area of a small retail establishment.
4. **Accessible route.** Remove the reference to accessible access route for long-term bicycle parking because ADA standards capture access to bicycle parking rooms, but add standards for access to in-unit bicycle parking for buildings that do not have elevators.

5. **Long-term location – personal garage.** Clarify that long-term bicycle parking can be in a personal, structured parking space and this does not count as being in a residential dwelling unit.
6. **Long-term location – underground, structured parking.** Remove the standard that if long-term bicycle parking is located in underground, structured parking areas then it must be located on the level closest to the ground floor of the building. Therefore, long-term bicycle parking can be at any level of the parking garage, as long as there is elevator access.
7. **E-bike charging outlets.** Remove the requirement for outlets to charge e-bikes because of the logistical plan review issues of checking outlets during Planning and Zoning review. However, a future electrification project will look at requiring charging for e-bikes and electric vehicles.
8. **Short-term Bicycle Parking Fund.** Remove the all-or-nothing aspect of the Short-term Bicycle Parking Fund to allow partial fulfillment of the short-term requirement on-site with the remainder paid into the Fund.
9. **Long-term bicycle parking for schools (K-12).** Given the different needs of long-term bicycle parking at schools for students and for staff, the proposal exempts and creates specific long-term bicycle parking requirements for schools to address location, security, weather-protection and horizontal racks.

Planning and Sustainability Commission Hearing and Development of the Recommended Draft

The Planning and Sustainability Commission accepted testimony on the Proposed Draft December 12, 2018 through January 25, 2019. Seventy-two unique pieces of testimony were submitted: 52 in written form and 20 in verbal form at the January 22, 2019 hearing. Testimony covered many issues including the need for more bicycle parking in new buildings, whether long-term bicycle parking should be located in residential dwelling units, the need for additional bicycle parking at schools, and concerns about impacts on small development sites.

In response to testimony, and guided by City goals and policies, the Planning and Sustainability Commission adopted several amendments, including, but not limited to, the following:

1. **Residential unit threshold.** Add a note in Table 266-6 that multi-dwelling sites are defined as sites with 5 or more units and thus short-term and long-term bicycle parking are not required for projects with 4 or fewer units.
2. **Increase in-unit threshold to 50 percent.** Allow up to 50 percent of required long-term bicycle parking spaces to be provided in the residential unit.
3. **Small-site exception to in-unit requirements.** For sites with up to 12 units, 100 percent of long-term bicycle parking can be provided in dwelling units.
4. **Removal of in-unit exceptions for affordable housing developments.** The Planning and Sustainability Commission made changes to the in-unit exceptions for all development (#2 and #3 above) that duplicated previous exceptions for affordable housing developments, so those exceptions are removed.
5. **Addition of design standards for in-unit bicycle parking.** Add language that says in-unit bicycle parking must be provided in a dedicated enclosed space and near the front door.
6. **Bike valet.** Include language in both the Marquam Hill Plan District chapter (33.555) and the South Waterfront Subdistrict section (33.510.251) to allow existing, uncovered OHSU bike valet to count towards future code requirements.

7. **South Waterfront standards.** Remove the requirement that development must build 110 percent of the required long-term bicycle parking requirement in South Waterfront subdistrict.
8. **Geographic tiers.** Add Swan Island to the Standard A geographic tier
9. **Wholesale Sales amounts.** Add Wholesale Sales to Table 266-6 under Industrial Categories and add requirements for both short-term and long-term bicycle parking.
10. **Parks and Open Areas.** Remove a baseline bicycle parking requirement and replace with “per Conditional Use Review” in Table 266-6. To support this, PBOT and Parks and Recreation staff are directed to develop recommended minimum standards for bicycle parking provision for Parks and Open Areas uses.
11. **Long-term bicycle parking for schools (K-12).** In Table 266-6, increase the amounts of required long-term bicycle parking for Schools (K-12) based on revised target mode split goals. Also, revise requirement so that horizontal racks are only required for elementary (K-5) and middle (6-8) Schools.
12. **E-bikes.** Require electrical sockets for 5 percent of required long-term bicycle parking spaces, and that the sockets are accessible to horizontal racks.

Section IV: Proposal and Analysis

This section summarizes the major Zoning Code changes proposed by the Bicycle Parking Code Update Project. This section briefly describes each proposal and provides an explanation of the problems and policy issues the proposal is intended to address. This section also provides background on some of the changes between the earlier drafts and the Recommended Draft. The proposals are organized based on the Guiding Principles of the Stakeholder Advisory Committee.

Adequate Amount of Bicycle Parking to accommodate future increases in demand, specifically the City's 25 percent bicycle mode split goal for all trips.

Proposals:

1. Adopt two geographic tiers for minimum bicycle parking amounts to be applied to all Use Categories.
2. Calculate amounts of long- and short-term bicycle parking based on data points, including trip generation rates, employees per square footage, and visitation rates.

Issues Addressed:

The majority of Table 266-6, which sets the minimum required bicycle parking amounts for all Use Categories, has not been updated since 1996. Therefore, a major section of the code update project is focused on updating the amounts of required long-term and short-term bicycle parking to better reflect current and goal bicycle mode splits.

Proposal Approach:

1. A Tiered Approach to Bicycle Parking

Although the City of Portland has a citywide goal of 25 percent of people using a bicycle for all trips, mode splits are different throughout the city.

It is important to note, that during much of the time that staff was working with the Stakeholder Advisory Committee on updating the bicycle parking chapter, the TSP Proposed Draft Stage Three included a 15 percent commute mode split goal. However, while the Stakeholder Committee was in its final stage of finalizing their recommendations, with the release of the TSP Proposed Draft in August 2017, this mode split goal was changed to 25 percent. Staff, with support of the Stakeholder Committee, continued with the 15 percent target citywide commute mode split for the long-term bicycle parking methodology and calculation. The following points helped influence that decision:

- A 15 percent commute mode split is still moving the dial forward on increasing the total amount of bicycle parking.
- Staff and the Stakeholder Committee spent considerable time coming to group consensus on the formula and are comfortable with the amounts of bicycle parking produced by a 15 percent target.
- The 15 percent target represents an incremental step, moving toward the 25 percent commute mode split goal by 2035.
- Zoning Code is intended to represent a “minimum” requirement. Some developers will do more, but the focus is on what is needed as a baseline for current development

Under the current Zoning Code, multi-dwelling developments have two different bicycle parking minimum requirements: one for the Central City and one for the rest of the city. The proposal would expand the higher minimums outside the Central City. This proposal also expands the use of tiered standards to all of the Use Categories in Table 266-6, in addition to multi-dwelling development.

The tiers are based on the Pattern Areas in the 2035 Comprehensive System Plan and the Transportation System Plan (TSP):

1. Rivers
2. Central City
3. Inner Neighborhoods
4. Western Neighborhoods
5. Eastern Neighborhoods

Staff also considered the four identified Bicycle Districts in the TSP, which are areas with a dense concentration of commercial, cultural, institutional and/or recreational destinations where the City intends to make bicycle travel more attractive than driving. The Gateway Bicycle District is the only Bicycle District outside of the Central City or the Inner Neighborhood Pattern Areas. As such, it is recommended for inclusion in Standard A as described below. Additionally, the Planning and Sustainability Commission, through the amendment process, added Swan Island to the Standard A geographic tier because the area is an employment center and relatively easy to access by bicycle.

The following two tiers are proposed to be applied to all Use Categories in Table 266-6 for the required amounts of both long-term and short-term bicycle parking:

Standard A – Central City, Inner Neighborhoods, Gateway Plan District, Swan Island

Standard B – Western Neighborhoods, Eastern Neighborhoods, and Rivers

The tiered approach accounts for the differences in bike use and thus bike parking demand in Portland. It parallels the tiered approach in the TSP to set target mode share rates for the different pattern areas.

The public expressed some concern in comments on the Bicycle Parking Online Open House and during discussions at the Planning and Sustainability Commission that a lower bicycle parking requirement in the outer neighborhoods (Standard B) supports the perception that these neighborhoods are often overlooked for investment in bicycle infrastructure. It is important to note that PBOT is committed to improving and expanding bicycle infrastructure everywhere in the City, and lower bicycle parking rates do not reflect a lower level of commitment.



Figure 2 – Pattern Area Map.

Standard A – Central City, Inner Neighborhoods, Gateway Plan District, and Swan Island

Standard B – Western Neighborhoods, Eastern Neighborhoods and Rivers

The proposals in the Bicycle Parking Code Update Project increase the required minimum bicycle parking spaces in both Standard A and Standard B from the ratios in current code. The Standard B amounts are based on a target of 15 percent bicycle mode split for all trips and 10 percent for commute trips. For context, the current bicycle commute mode split in the Eastern Neighborhoods is under 4 percent. After further planned public investment and monitoring, these standards could be recommended to be modified in the future.

2. Minimum Required Amount Calculations

The required numbers of bicycle parking spaces were calculated using data points such as the average square footage per employee (or employee density), visitation rates from Transportation System Development Charges, and target bicycle mode split to build out the methodology for updating the amounts. The two tables below offer examples on how long-term and short-term bicycle parking amount standards were developed for Office Use:

How to calculate amount of required long-term bicycle parking (for Table 266-6) for Office Use:

Assumptions:

- *Employee density of 350 sq. ft. per employee**
- *Commute mode split Standard A = 20%*
- *Commute mode split Standard B = 10%*

*Standard A = 1,000 sq. ft. ÷ 350 x 20% = .57 spaces per 1,000 sq. ft.
= 1,000 sq. ft. ÷ .57 = 1 long-term space per 1,754 sq. ft. rounded to 1,800 sq. ft.*

*Standard B = 1,000 sq. ft. ÷ 350 x 10% = .29 spaces per 1,000 sq. ft.
= 1,000 sq. ft. ÷ .29 = 1 long-term space per 3,440 sq. ft. rounded to 3,500 sq. ft.*

**Note: Employee density from City of Portland Bureau of Planning and Sustainability: Economic Opportunities Analysis – Sections 2/3 Supply & Demand, Figure 35, Square Feet per Employee, p 46.*

How to calculate amount of required short-term bicycle parking (for Table 266-6) for Office Use:

Assumptions:

- *TSDC* rate = 1 person trip per 1,000 sq. ft. per PM peak*
- *20% visitor rate*
- *Mode Split Standard A = 25%*
- *Mode Split Standard B = 15%*

*Standard A = 1 x 20% x 25% = .05 spaces per 1,000 sq. ft.
= 1,000 sq. ft. ÷ .05 = 1 long-term space per 20,000 sq. ft.*

*Standard B = 1 x 20% x 15% = .03 spaces per 1,000 sq. ft.
= 1,000 sq. ft. ÷ .03 = 1 long-term space per 33,333 sq. ft. rounded to 33,000 sq. ft.*

** TSDC - Transportation System Development Charge*

Finally, staff compared the amounts of required bicycle parking produced by the formulas to requirements from comparable cities and to what the development market in Portland is already producing for bicycle parking. For example, in the Office Use example, Portland is seeing a number of developers in the “Standard A” areas building to a higher bicycle parking standard of 1 space per 1,000 square feet to accommodate demand. See Appendix D for more information about how the proposed amounts compare to other cities and existing Portland development.

Long-term Bicycle Parking – Portland Proposed Amounts versus Other Cities							
Use Category	Portland Proposed Code (proposed 2018)	Boulder, CO (2014)	Seattle, WA (2018)	Los Angeles, CA (2017)	Madison, WI (2014)	San Francisco, CA (2013)	PBOT 1994 Task Force Recommendations
Household Living – Multi-Dwelling	Standard A – 1.5 per unit Standard B – 1.1 per unit	2 per unit (75% long-term and 25% short-term)	1 per unit	1 per unit	1 per unit up to 2-bedrooms, ½ space per add’l bedroom.	1 per unit. For buildings containing more than 100 dwelling units, 100 spaces plus 1 for every 4 units.	1 per unit; unless garages are provided, in which case, none are required
Retail Sales and Services	Standard A – 1 per 3,800 sq. ft. Standard B – 1 per 7,500 sq. ft.	1 per 750 sq. ft. (25% long-term and 75% short-term)	1 per 4,000 sq. ft.	1 per 2,000 sq. ft.	1 per 2,000 sq. ft.	1 per 7,500 sq. ft.	1 per 8,000 sq. ft.
Retail Sales and Services – Restaurant and Bar	Standard A – 1 per 2,300 sq. ft. Standard B – 1 per 4,800 sq. ft.	1 per 750 sq. ft. (25% long-term and 75% short-term)	1 per 5,000 sq. ft.	1 per 2,000 sq. ft.	5% of capacity of persons	1 per 7,500 sq. ft.	N/A
Office	Standard A – 1 per 1,800 sq. ft. Standard B – 1 per 3,500 sq. ft.	1 per 1,500 sq. ft. (75% long-term and 25% short-term)	N/A	1 per 5,000 sq. ft.	1 per 2,000 sq. ft.	1 per 5,000 sq. ft.	1 per 3,000 sq. ft.
Medical Centers	Standard A – 1 per 2,700 sq. ft. Standard B – 1 per 5,500 sq. ft.	1 per 1,500 sq. ft. (75% long-term and 25% short-term)	1 per 4,000 sq. ft.	1 per 5,000 sq. ft.	1 per 2,000 sq. ft.	1 per 15,000 sq. ft. (Hospitals or In-Patient Clinic) 1 per 5,000 (Medical Offices or Out-patient clinic)	1 per 7,000 sq. ft.

The Planning and Sustainability Commission, through the amendment process, made the following changes to the minimum required amounts:

- Added a Use Category of Wholesale Sales under Industrial Categories and required both long- and short-term bicycle parking.
- Removed the proposed baseline bicycle parking requirements of short-term bicycle parking for Parks and Open Areas and replaced with “per Conditional Use Review,” which is what is required in current code.
- Increased the amount of required long-term bicycle parking for Schools (K-12). The Planning and Sustainability Commission felt that the Proposed Draft target mode splits for schools were too low. Their amendments used a higher target mode split, increasing 15 percent to 25 percent in Standard A and from 10 percent to 20 percent in Standard B.

In addition, there was considerable discussion about the amount required for Office Uses. A member of the Planning and Sustainability Commission proposed an amendment to lower the amount required for Office Uses, but ultimately the Commission voted to not change the amount of bicycle parking required.

Prioritizing Bicycle Parking to be intentionally planned, with consideration for location and within the design of the building. Bicycle parking is available via a direct and accessible route.

Proposals:

3. Specify options for location of long-term bicycle parking.
4. Develop standards for bicycle parking in dwelling units.
5. In mixed-use developments, ensure all building tenants have access to long-term bicycle parking.
6. Require applicants to provide sufficient bicycle rack detail in submitted plans.

Issues Addressed:

During the code concept phase, the following key priorities were identified for required long-term bicycle parking:

- Easy to find
- Access without stairs
- Direct access (preferably direct entry from the street if possible)
- Prominent location

These proposals are focused on location and accessibility of long-term bicycle parking. In some cases, the City has seen bicycle parking added at the very end of a project, without much consideration to how people will find or access these spaces, and as a result bicycle parking racks are hidden in back corners of buildings or parking garages. The proposed updates to the bicycle parking chapter aim to provide more clarity for bicycle parking in new or redeveloped buildings.

Proposal Approach:

3. Options for long-term bicycle parking location

The proposal lists location options for where long-term bicycle parking may be provided. Required long-term bicycle parking may be provided in one or more of the following locations:

- Within the building, including on the ground floor or on individual building floors;
- On-site, including in parking areas;
- In an area offsite where the closest point is within 300 feet of the site; or
- *In a residential unit. The requirements for parking in residential units are addressed below.*

4. Standards for bicycle parking in dwelling units

One of the more debated elements to the Bicycle Parking Code Update is the topic of whether required long-term bicycle parking can use space within residential units of multi-dwelling projects. Under current code, 100 percent of the required long-term bicycle parking spaces could be provided within units.

Throughout the code update project process, PBOT staff have heard from stakeholders about the issues with bicycle parking in residential dwelling units, including, but not limited to:

- Bicycle racks being placed in unusable locations in the unit, including tucked into far corners of bedrooms.
- Bicycle racks being removed and not returned when new tenants move in, thus reducing the overall capacity of bicycle parking in the building.
- Damage deposits being lost when wet, muddy bikes are parked within units.
- A strong user preference to park their bikes in a bicycle parking room (from the Apartment Community Survey, 2017).
- A preference among property managers for bicycle rooms to reduce the damage caused by bicycle parking in dwelling units.

PBOT staff conducted site visits at apartments around the city. While there were examples of effective in-unit bicycle parking, there were many more examples where a hook was placed in the residential unit in a way that made it hard to use, such as in the bedroom right next to or over the bed. In other cases, the bicycle rack, or multiple racks, were placed a significant distance from the front door, requiring the user to roll the bicycle to the opposite end of the unit. In many cases the bike parking rooms were at or over capacity with parked bicycles. These site visits focused only on buildings permitted after 2010, when the 1.5- and 1.1-spaces-per-unit requirement went into effect.

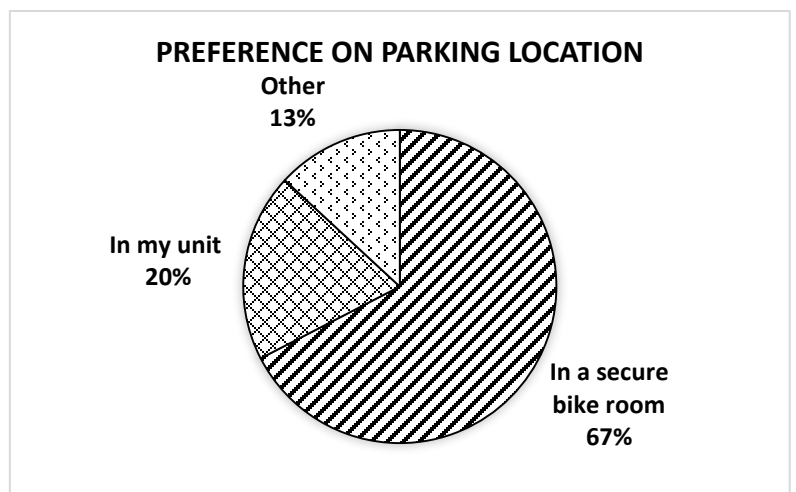


Figure 3 – Results from Apartment Community Survey – Where do people prefer to park their bicycle?

Most other cities do not allow bicycle parking spaces in an apartment unit or on a balcony to count toward the required long-term bicycle parking.

Given all the factors above, staff originally proposed to allow 0 percent of required long-term bicycle parking to be provided within a residential unit. However, during the code development process, staff heard clearly from developers that requiring all bicycle parking to be outside of the dwelling units has an impact on how space is used in the building, which impacts development costs. As such, during the Discussion and Proposed Draft phases, the proposed in-unit allowance was increased to 20 percent.

During the Discussion Draft outreach period, staff also had ongoing conversations with affordable housing developers and the Portland Housing Bureau (PHB). Having secure and reliable bicycle parking is important, and supporting use of low-cost transportation is particularly important for residents of affordable housing. However, these groups expressed concern about the impact of removing the current code's allowance of 100 percent long-term parking to be placed in-unit on the feasibility of affordable housing projects.

Recognizing the unique challenges of getting affordable housing projects on the ground and the City of Portland's clear goal of improving housing affordability, especially for people living on very low incomes, staff worked closely with PHB to address the specific concerns of affordable housing developers and advocates by developing two exemptions to the in-unit allowance for the Proposed Draft.



Figure 4 – Example of an in-unit rack placed right next to the bed.

The two affordable housing exemptions in the Proposed Draft were:

- (1) For projects with at least 50 percent of all dwelling units on the site affordable at no more than 60 percent area median income, up to 50 percent of required long-term bicycle parking spaces may be provided in dwelling units.
- (2) For projects with under 10 dwelling units, where at least 50 percent of the dwelling units are affordable to those earning no more than 100 percent of the area median income, then up to 100 percent of required long-term bicycle parking spaces may be provided in dwelling units.

However, during the Planning and Sustainability Commission deliberation, commissioners heard additional testimony about the challenges for tenants and that the proposed exemptions affordable housing created an inequity for tenants.

This testimony led to a series of Planning and Sustainability Commission amendments:

- A) The removal of the two in-unit exceptions for affordable housing from the Proposed Draft.
- B) An allowance of 100 percent of long-term bicycle parking to be placed in dwelling units for sites with up to 12 units. This exemption will apply to all development (both market-rate and affordable housing projects).
- C) An increase from 20 percent to 50 percent of required long-term bicycle parking to be allowed within residential dwelling units, as long as additional standards are met:
 - The bicycle parking space is located in a closet or alcove and located within 15 feet of the entrance to the dwelling unit.
 - Racks provided in-unit would not need to be as substantial as previously required (for example, a bicycle hook would be acceptable).
 - The five-foot maneuvering space must still be provided.
 - The in-unit bicycle parking must be on the ground floor or on floors served by an elevator.

5. Access for all building tenants in mixed-use buildings

An issue elevated during the code concept development was ensuring that all tenants, especially in mixed-use developments, can access the building's long-term bicycle parking spaces.

The proposal states that developments with multiple primary uses must provide access to bicycle parking for all tenants. For example, in a mixed-use building, spaces dedicated to long-term bicycle parking must be accessible for retail/commercial tenants and employees, as well as residential tenants. The bicycle parking can be provided in a common space with restricted access or in multiple separate location, but all tenants must have access to at least the amount of long-term bicycle parking that is required for the appropriate Use Category.

6. Provide sufficient bicycle rack detail in submitted plans

The code does not currently require specifications about the bicycle parking racks in submitted plans. Although the Bureau of Development Services (BDS) staff typically require this information in land use review or building permit applications, codifying the requirement helps to ensure consistent review of required bicycle parking.

The proposed approach is similar to Joint Use Parking (33.266.110) and Environmental Zones (33.430.130) requirements for submittal of necessary documentation as part of the permit process.

Accessible and Convenient Bicycle Parking *that accommodates users of all ages and abilities as well as a variety of different types of bicycles.*

Proposals:

- 7. Require a minimum percentage of long-term bicycle parking to be provided in horizontal racks.
- 8. Provide a few bicycle parking spaces for larger bikes, like recumbents or bikes with trailers.
- 9. Ensure that double-decker bicycle racks include a lift-assisted mechanism to access the upper tier.
- 10. Provide a few electrical sockets in a bicycle room for charging e-bikes.

Issues Addressed:

The 2035 Comprehensive Plan calls for long-term bicycle parking standards that consider the needs of persons with different levels of ability. Further, the PBOT Apartment Community Survey identified that 27 percent of the respondents reported owning some type of non-standard bike, such as an e-bike or cargo bike. The proposals in this category aim to increase the availability of racks for non-standard bicycles as well as ensure that a proportion of bicycle spaces can accommodate different levels of ability by reducing the need to lift bicycles.

To reduce the burden of these additional long-term bicycle parking requirements on small developments, the following proposals are only triggered when a development is required to have more than 20 long-term bicycle parking spaces.

Proposal Approach:

7. Minimum percentage of horizontal racks

When the current code language was developed over 20 years ago, the assumption was that all bicycle parking would be provided in ground-mounted, horizontal racks. However, advances in rack design now allow for the use of wall-mounted vertical racks and double-decker racks. While these racks provide space-efficient bicycle parking, they create usability issues for people who are not able to lift their bikes onto a wall-mounted rack or for people with bikes that do not fit vertically, due to length, fender placement, etc.

To provide bicycle parking spaces that do not require the lifting of a bicycle, a minimum of 30% percent of required spaces must be in a horizontal rack or on the lower level of a stacked rack. This will ensure the provision of racks that can be used by people of all abilities, while still maintaining the flexibility for developers to use space-efficient options in constrained building space.

8. Provide spaces for large bicycles including cargo bikes and bikes with trailers

The current code requirements do not accommodate different types of bicycles that have become much more common over the past few years, including cargo bikes, bikes with trailers, and tricycles. As Portland continues to work towards its bicycle mode split goal, it is important to support all people who ride, which means bicycle parking for a variety of types of bicycles. The proposal requires a minimum of 5 percent of required bicycle parking spaces with a larger footprint of 3 feet by 10 feet, which must be provided in a horizontal rack.

9. Double-decker racks are required to have a lift-assist mechanism

Double-decker, stacked bicycle racks are a space-saving option that provides two levels of bicycle parking. However, they must be convenient and usable in order to meet Portland's bicycle parking goals. Parking a bicycle on the top rack of a double-decker rack would mean lifting a bike approximately 4 to 5 feet off the ground. This was not deemed usable by staff or the Stakeholder Advisory Committee. Therefore, the code proposal includes a requirement that double-decker bicycle racks have a lift-assist mechanism to aid the user in parking their bicycle on the upper rack. The lift assist eliminates the need to fully lift a bicycle.

10. Provide spaces for e-bikes

E-bikes are increasingly popular nationally and in Portland. Electric and electric-assist bikes have the capacity to reduce barriers to riding a bicycle, including trip distance, topography, time and physical exertion.

The proposal requires that at least 5 percent of required spaces must have a power socket accessible to the horizontal bicycle parking space

This requirement was removed for the Proposed Draft due to the logistical concerns related to reviewing electrical requirements during Planning and Zoning review. The Planning and Sustainability Commission reinstated this requirement.









		DIMENSIONS (FEET)		
BICYCLE TYPE		Length	Height	Width
Standard Bicycle		6	4	2
Child Bicycle		5	2-3	2
Tandem Bicycle		9	4	2
Cargo Bicycle		8	4	3
Bicycle+Trailer Bike		10	4	2
Bicycle + Child Trailer		10	4	3
Bicycle and Child Seat		6	5	2
Recumbent Bicycle		7	4	3

Figure 5 – Dimensions of different types of bicycles. Credit: San Francisco Zoning Administrator Bulletin No. 9.

Bicycle Parking is Secure and Safe to Use where design provides sufficient security provisions to prevent bicycle theft and promotes safe spaces for users.

Proposals:

- 11.** Streamline and strengthen the security requirements for long-term bicycle parking to help prevent bicycle theft.
- 12.** Enhance personal safety by requiring lighting for long-term bicycle parking.
- 13.** Require 100 percent of long-term bicycle parking to be covered to provide weather protection.

Issues Addressed:

Security was very important for the Stakeholder Advisory Committee and for the people who provided input in early public engagement activities. In Portland, nearly 3,000 bikes are reported stolen to the police each year, and this represents just a fraction of the actual number of bikes that are stolen and not reported.

Proposal Approach:

11. Streamline security requirements for long-term bicycle parking

BDS staff report that most projects satisfy the security requirement for long-term bicycle parking by placing racks in a locked room or enclosure (a secure bike room or in units). However, some projects have satisfied the security requirement by less secure options, including solely relying on video surveillance. BDS staff prefer to streamline and simplify this security section by providing fewer options to meet the code.

Online Open House respondents provided strong feedback that a camera should also be required as an additional element of bicycle parking security. This camera requirement was not included in the final proposal because cameras can break or be removed after the building is built, and thus are not as effective as a permanent measure.

This proposal removes a number of the standalone security options and instead provides three options for long-term bicycle parking security:

- 1) A lockable room or enclosure, with restricted access and designated for bicycle parking;
- 2) A bicycle locker; or
- 3) Placement in a residential unit, per the standards for in-unit bicycle parking.

The proposal also develops different security standards for residential uses and non-residential uses. This is because long-term bicycle parking is sometimes used more for storage purposes at residential buildings, as opposed to an office building.

12. Lighting requirements

Adequate lighting helps ensure personal safety for people using bicycle parking areas. Since short-term bicycle parking is located near the main entrance of buildings, staff assume that area would already include lighting. However, for long-term bicycle parking that could be placed in a basement or in an underground parking area, lighting is an important security component.

The proposal for lighting is based on existing standards in Title 33 under pedestrian standards for commercial/ mixed use zones (33.130.205) and multi-dwelling zones (33.120.210).

13. Weather Protection

The current code only requires 50 percent of the required long-term bicycle parking spaces to be covered. However, staff and the Stakeholder Advisory Committee felt very strongly that 100 percent of long-term bicycle parking should be covered and include weather protection.

The proposal also more clearly defines weather protection, including stipulating the dimensions of a cover and how far the cover must extend beyond the bicycle footprint.

Bicycle Parking is Feasible and requirements allow for innovation and adaptability in design, while being straightforward to implement; additionally, requirements consider project feasibility and cost implications.

Proposals:

- 14. Increase options for space saving racks in code.
- 15. Streamline spacing requirements for horizontal and diagonal racks to match the right-of-way standards.
- 16. Exempt bike room space from Floor Area Ratios.

Issues Addressed:

During the code concept development phase and the work with the Stakeholder Advisory Committee, there was agreement that it was important to support and improve project feasibility. The current code makes it difficult for development projects to use space-saving racks like vertical wall racks and double-decker stacked racks.

Proposal Approach:

14. Increase options for space-saving racks in code

The current bicycle parking code only addresses standards for horizontal, floor-mounted rack placement and spacing. However, many rack designs allow closer spacing between bikes, with a vertical stagger that provides enough space to avoid handlebar and pedal conflicts. Narrower spacing makes it easier to provide more bicycle parking in a smaller area.

BDS and PBOT are already allowing these “space-saving” racks through the modification and adjustment process, but codifying the standards streamlines the development process.

The proposals address spacing standards for vertical wall racks and double-decker stacked racks, both of which are common rack designs.

15. Streamline spacing standards for horizontal racks

The proposal also includes spacing standards for horizontal and diagonal racks that match the requirements in PBOT’s bike parking in the right-of-way guidelines. These proposals allow for additional flexibility in rack configuration, while still maintaining usability of the racks.

16. Exempt bike room space for FAR

The Commercial/Mixed Use Chapter (33.130) includes a FAR (Floor Area Ratio) exemption for structured parking up to a maximum FAR of 0.5 to 1. The Better Housing by Design Project is proposing to extend the FAR exemption for structured parking to multi-dwelling zones. The Bicycle Parking Code Update proposes a FAR exemption at a similar rate for long-term bicycle parking.

Section V: Zoning Code Amendments

This section presents staff-proposed Zoning Code amendments. The section is formatted to facilitate readability by showing draft code amendments on the right-hand pages and related commentary on the facing left-hand pages. Proposed new code is shown as underlined and current code proposed for deletion is shown with a ~~striketrough~~.

Note: Sections of the existing code have been substantially rewritten, and the order of the current code sections have been moved around for the proposed Zoning Code amendments. Therefore, the majority of the new code is underlined. The commentary identifies where the code language has mostly stayed the same, but because of the reorganization and re-numbering of the sections, the language is underlined.

Commentary on draft Chapter 33.266.200 code amendments is in summary form. For more detail on the concepts, research and background related to the draft code amendments, see the [Bicycle Parking Code Update Project website](#).

This project deals primarily with Chapter 33.266.200, but there are some proposed changes to additional sections of Title 33:

- 33.120 Multi-Dwelling Zones
- 33.130 Commercial/ Mixed Use Zones
- 33.229 Elderly and Disabled High Density Housing
- 33.258 Nonconforming Development
- 33.266 Parking, Loading, And Transportation And Parking Demand Management
- 33.281 Schools and School Sites
- 33.510 Central City Plan District
- 33.555 Marquam Hill Plan District
- 33.815 Conditional Uses

Commentary

33.266.200 Minimum Required Bicycle Parking

These amendments remove the Section's overarching purpose statement to create two primary purpose statements for the Bicycle Parking Section of Chapter 266:

1. Minimum Required Bicycle Parking, shown in this section
2. Bicycle Parking Development Standards, shown in section 33.266.210.

This new purpose statement specifically for Minimum Required Bicycle Parking includes the updated City bicycle mode split goal to 25 percent of all trips. The update to the purpose statement also outlines the basic methodology for how the minimum required bicycle parking amounts were developed. This will support BDS staff who work on adjustments and modifications.

33.266.200.B. Number of spaces required

This amendment expands the tiered approach that is used for the Multi-Dwelling developments in the current code chapter to all use categories in Table 266-6. A tiered approach for the number of required bike spaces accounts for differences in bike use and thus bike parking demand in Portland. While Portland has a citywide goal of 25 percent bicycle mode split of all trips, bicycle use rates are different in various parts of the city and meeting the 25 percent citywide goal includes higher and lower rates in various parts of the city.

The tiered system acknowledges that a one-size-fits-all approach does not necessarily work for development across Portland. The Transportation System Plan (TSP) uses a tiered approach for setting target mode split rates for the five different Pattern Areas.

The changes introduce two standard rates based on the TSP Pattern Areas and Bicycle Districts. Standard A is comprised of the Central City, Inner Neighborhoods, Gateway Plan District, and Swan Island. Standard B applies in the Western and Eastern Neighborhoods. The Gateway Bicycle District is the only bicycle district outside of Central City or the Inner Pattern Area, so it was incorporated into the Standard A. Swan Island was added by the Planning and Sustainability Commission, because the area is an employment center and relatively easy to access by bicycle.

33.266.200.C. Calculations involving more than one use

This section has been moved, so it is underlined, but there are no changes to the content.

33.266 Parking, Loading, and Transportation and Parking Demand Management

266

Bicycle Parking:

~~33.266.200 Purpose~~ Minimum Required Bicycle Parking

~~33.266.210 Required Bicycle Parking~~ Bicycle Parking Development Standards

~~33.266.220 Bicycle Parking Standards~~

33.266.200 Purpose 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.

~~33.266.210 Minimum Required Bicycle Parking~~

- B. Number of spaces required.** 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 upon current and future bicycle usage. See Map 266-1. Standard A applies to sites within the Central City Plan District, the Inner Pattern Areas and in the Gateway Plan District. Standard B applies to all other areas of the city.
- C. Calculations involving more than one use.** 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 the individual primary uses.

Commentary

Map 266-1 – Bicycle Parking Areas

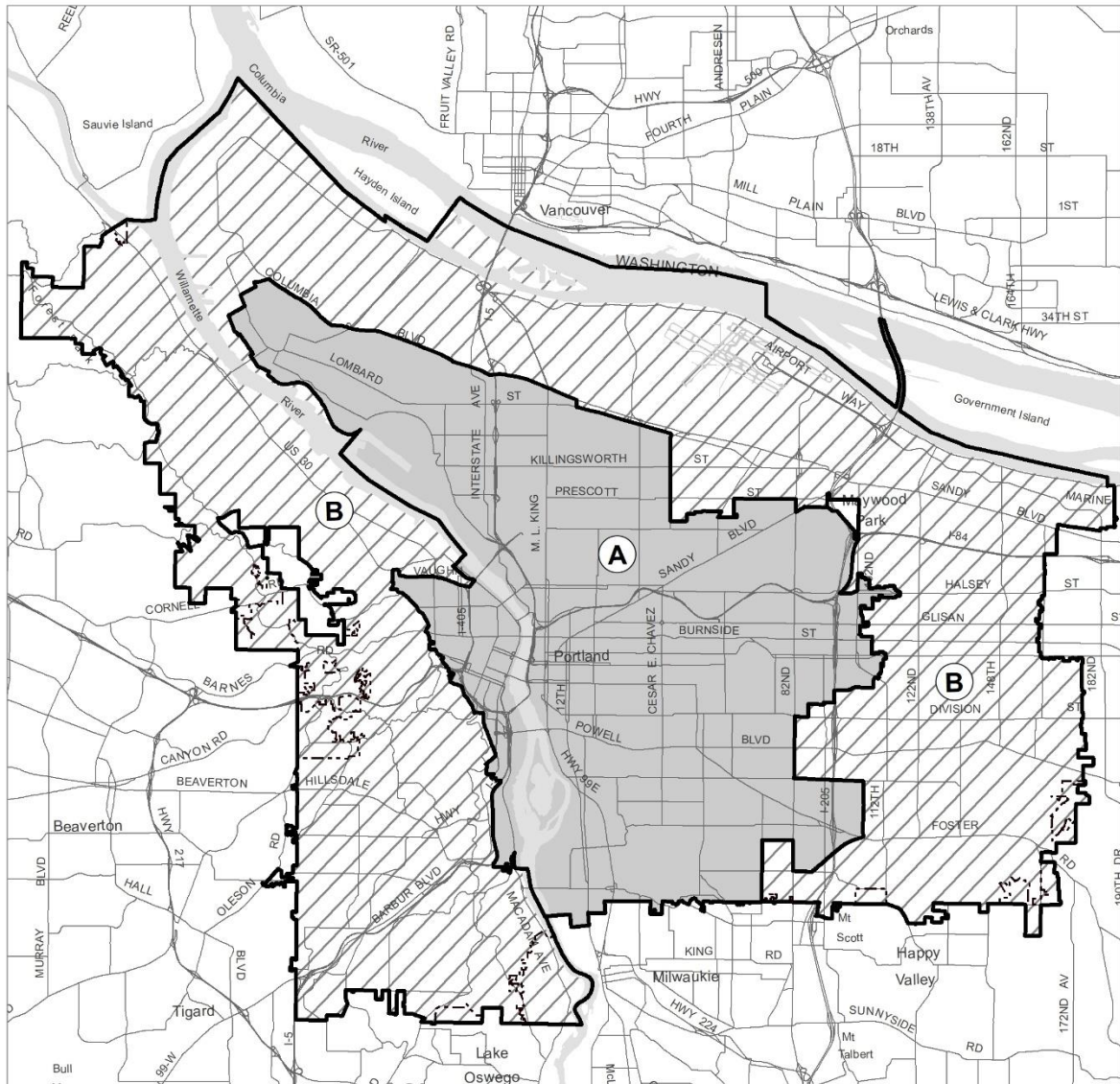
This amendment adds the new geographic tier map, Map 266-1.

Note: At the time of code implementation, this map layer will be included in Portlandmaps.com and MapWorks for applicants and staff to verify the specific tier for a project site.

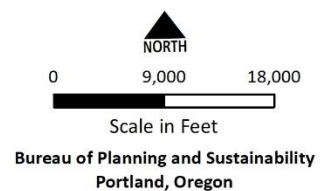
Bicycle Parking Areas

Map 266-1

Map Revised XXXXX XX, 201X



- City Boundary
- Standard A area
- Standard B area



Commentary

Updated Table 266-6 – Minimum Required Bicycle Parking Spaces

Aside from a few changes in 2010, the minimum bicycle parking space requirements have not been updated since 1996. These amendments update the minimum requirements for long- and short-term bicycle parking based on average square footage per employee (long-term); visitation rates (short-term); and target mode split goals. See the full methodology in the Proposal and Analysis Section (page 24). For clarity, no strikethrough is shown in Table 266-6.

Add definition of Multi-Dwelling

The amendment adds a definition for when long-term and short-term bicycle parking are required for multi-dwelling development.

Removing the reference to “Per CU or IMP”

The amendment removes the reference to “per Conditional Use or Impact Mitigation Plan review” from Table 266-6 in most cases. Any requests to deviate from the amount of required bicycle parking in code can be processed through an Adjustment, which gives the City the benefit of approval criteria to use to evaluate the request. The one exception is that the Per CU Review was maintained for Parks and Open Areas by the Planning and Sustainability Commission (PSC) to account for the wide variety in parks and open space typologies and available space.

Commercial Parking

The amendment exempts Commercial Parking facilities that have fewer than 10 vehicle spaces from the long-term bicycle parking requirements. With the implementation of the 2035 Comprehensive Plan, the regulations allowing the creation or conversion of parking areas into commercial parking were expanded. It is now possible in some commercial zones for a portion of a structured parking garage to be developed for commercial parking. It is also possible for non-required accessory parking to be converted to commercial parking. The conversion or creation of a smaller set of parking to be used for commercial parking, either for the general public or for sharing, shouldn't trigger a requirement to add long-term bike parking.

Altering and adding new use categories and specific uses to Table 266-6

In the Zoning Code (33.920), “use categories” classify land uses and activities based on common characteristics. “Specific uses” refer to subsets of these categories. These amendments add the following specific uses and use categories into Table 266-6:

- Add a new specific use to the Group Living use category to separate restricted-tenancy affordable housing developments that meet the income restrictions of the Portland Housing Bureau (PHB) in response to feedback from affordable housing developers and PHB.
- Add a new specific use to the Retail Sales and Services use category to distinguish bars and restaurants because they have a much higher visitor rate and employee density than most other retail sales categories.
- Add a new use category for Self-Service Storage. This category previously had no requirements for short- or long-term bicycle parking.

Table 266-6
Minimum Required Bicycle Parking Spaces

		<u>Long-term Spaces</u>		<u>Short-term Spaces</u>	
<u>Uses</u>	<u>Specific Uses</u>	<u>Standard A</u>	<u>Standard B</u>	<u>Standard A</u>	<u>Standard B</u>
<u>Residential Categories</u>					
<u>Household Living</u>	<u>Multi-dwelling [1]</u>	<u>2, or 1.5 per unit</u>	<u>2, or 1.1 per unit</u>	<u>2, or 1 per 20 units</u>	<u>2, or 1 per 20 units</u>
	<u>Elderly and disabled housing</u>	<u>2, or 1 per 8 units</u>	<u>2, or 1 per 10 units</u>	<u>2, or 1 per 20 units</u>	<u>2, or 1 per 20 units</u>
<u>Group Living</u>		<u>2, or 1 per 4 bedrooms</u>	<u>2, or 1 per 4 bedrooms</u>	<u>2, or 1 per 20 bedrooms</u>	<u>2, or 1 per 20 bedrooms</u>
	<u>Units with restricted tenancy [2]</u>	<u>2, or 1 per 5 bedrooms</u>	<u>2, or 1 per 10 bedrooms</u>	<u>2, or 1 per 20 bedrooms</u>	<u>2, or 1 per 20 bedrooms</u>
	<u>Dormitory</u>	<u>2, or 1 per 4 bedrooms</u>	<u>2, or 1 per 4 bedrooms</u>	<u>4 spaces</u>	<u>4 spaces</u>
<u>Commercial Categories</u>					
<u>Retail Sales and Services</u>		<u>2, or 1 per 3,800 sq. ft. of net building area</u>	<u>2, or 1 per 7,500 sq. ft. of net building area</u>	<u>2, or 1 per 2,700 sq. ft. of net building area</u>	<u>2, or 1 per 4,400 sq. ft. of net building area</u>
	<u>temporary lodging</u>	<u>2, or 1 per 20 rentable rooms</u>	<u>2, or 1 per 20 rentable rooms</u>	<u>2, or 1 per 40 rentable rooms; and 1 per 5,000 sq. ft. of conference, meeting room</u>	<u>2, or 1 per 40 rentable rooms; and 1 per 10,000 sq. ft. of conference, meeting room</u>
	<u>Restaurant and Bar</u>	<u>2, or 1 per 2,300 sq. ft. of net building area</u>	<u>2, or 1 per 4,800 sq. ft. of net building area</u>	<u>2, or 1 per 1,000 sq. ft. of net building area</u>	<u>2, or 1 per 1,600 sq. ft. of net building area</u>
<u>Office</u>		<u>2, or 1 per 1,800 sq. ft. of net building area</u>	<u>2, or 1 per 3,500 sq. ft. of net building area</u>	<u>2, or 1 per 20,000 sq. ft. of net building area</u>	<u>2, or 1 per 33,000 sq. ft. of net building area</u>
<u>Commercial Parking [3]</u>		<u>10, or 1 per 10 auto spaces</u>	<u>10, or 1 per 10 auto spaces</u>	<u>None</u>	<u>None</u>
<u>Commercial Outdoor Recreation</u>		<u>2, or 1 per 12,500 sq. ft. of net building area</u>	<u>2, or 1 per 25,000 sq. ft. of net building area</u>	<u>2, or 1 per 2 acres</u>	<u>2, or 1 per 3 acres</u>
<u>Major Event Entertainment</u>		<u>10, or 1 per 10,000 sq. ft. of net building area</u>	<u>10, or 1 per 20,000 sq. ft. of net building area</u>	<u>10, or 1 per 40 seats</u>	<u>10, or 1 per 40 seats</u>
<u>Self-Service Storage</u>		<u>2, or 1 per 100,000 sq. ft. of net building area</u>	<u>2, or 1 per 200,000 sq. ft. of net building area</u>	<u>2, or 1 per 26,000 sq. ft. of net building area</u>	<u>2, or 1 per 53,000 sq. ft. of net building area</u>

Commentary

Altering and adding new use categories and specific uses to Table 266-6 (continued)

- Add a new use category for Wholesale Sales. This category previously had no requirements for short- or long-term bicycle parking.
- In current code, light rail stations and transit centers are combined under one specific use line in the Basic Utilities use category. This amendment separates the two combined specific uses into two separate lines to acknowledge the differences in bicycle parking needs for a light rail station and a transit center.

Chapter 33.920.400, Descriptions of Use Categories, separates out light rail stations and transit centers. A light rail transit station is where light rail vehicles stop to load or unload passengers, on a station platform. Generally, this is equivalent to "Transit Station" as defined in 33.910. A transit center is where multiple transit lines and sometimes light rail lines converge on one location; examples include Hollywood Transit Center and Parkrose Transit Center.

Given the various use cases for bicycle parking at light rail stations and transit centers and that TriMet usually has a nominal fee for using its bike lockers and bike cages, both short- and long-term bicycle parking are required to ensure various types of demands are met.

- Add a new Specific Use of libraries, community centers and museums to the Community Service use category, to account for their higher visitor rate than more general Community Service uses. Current code only distinguishes park and ride under the Community Service use category.

Parks and Open Areas, Schools, and Daycare

- Maintain a Conditional Use threshold for the Parks and Open Areas use category. Through the amendment process, the Planning and Sustainability Commission removed a baseline bicycle parking requirement for short-term bicycle parking for Parks and Open Areas and replaced it with "per CU Review." To support this, PBOT and Parks and Recreation staff are directed to develop recommended minimum standards for bicycle parking provision at Parks and Open Areas.
- Reconfigure the breakout of specific uses under Schools to better match the most prevalent grade structures at elementary, middle and high schools in Portland. For Schools, long-term bicycle parking is intended to serve students and staff, while the short-term bicycle parking will serve parents dropping off kids or other visitors to the school. This amendment also adds bicycle parking requirements for grades K through 1.
- The Planning and Sustainability Commission increased the amounts of required long-term bicycle parking for Schools (K-12). The Commission felt that the Proposed Draft target mode splits for schools were too low, so the new amounts use a higher target mode split for schools, increasing 15 percent to 25 percent in Standard A and from 10 percent to 20 percent in Standard B.

Table 266-6
Minimum Required Bicycle Parking Spaces

		<u>Long-term Spaces</u>		<u>Short-term Spaces</u>	
<u>Uses</u>	<u>Specific Uses</u>	<u>Standard A</u>	<u>Standard B</u>	<u>Standard A</u>	<u>Standard B</u>
<u>Industrial Categories</u>					
<u>Manufacturing and Production</u>		<u>2, or 1 per 5,000 sq. ft. of net building area</u>	<u>2, or 1 per 9,000 sq. ft. of net building area</u>	<u>2, or 1 per 67,000 sq. ft. of net building area</u>	<u>2, or 1 per 111,000 sq. ft. of net building area</u>
<u>Warehouse and Freight Movement</u>		<u>2, or 1 per 12,500 sq. ft. of net building area</u>	<u>2, or 1 per 25,000 sq. ft. of net building area</u>	<u>2, or 1 per 200,000 sq. ft. of net building area</u>	<u>2, or 1 per 333,000 sq. ft. of net building area</u>
<u>Wholesale Sales</u>		<u>2, or 1 per 12,500 sq. ft. of net building area</u>	<u>2, or 1 per 25,000 sq. ft. of net building area</u>	<u>2, or 1 per 91,000 sq. ft. of net building area</u>	<u>2, or 1 per 152,000 sq. ft. of net building area</u>
<u>Institutional Categories</u>					
<u>Basic Utilities</u>	<u>Transit centers</u>	<u>30 spaces</u>	<u>30 spaces</u>	<u>12 spaces</u>	<u>12 spaces</u>
	<u>Light rail stations</u>	<u>12 spaces</u>	<u>12 spaces</u>	<u>4 spaces</u>	<u>4 spaces</u>
<u>Community Service</u>		<u>2, or 1 per 6,700 sq. ft. of net building area</u>	<u>2, or 1 per 12,500 sq. ft. of net building area</u>	<u>2, or 1 per 6,300 sq. ft. of net building area</u>	<u>2, or 1 per 10,000 sq. ft. of net building area</u>
	<u>Libraries, community centers and museums</u>	<u>2, or 1 per 3,000 sq. ft. of net building area</u>	<u>2, or 1 per 5,900 sq. ft. of net building area</u>	<u>2, or 1 per 1,200 sq. ft. of net building area</u>	<u>2, or 1 per 2,000 sq. ft. of net building area</u>
	<u>Park and ride</u>	<u>12, or 5 per acre</u>	<u>12, or 5 per acre</u>	<u>6 spaces</u>	<u>6 spaces</u>
<u>Parks and Open Areas</u>		<u>None</u>	<u>None</u>	<u>Per CU Review</u>	<u>Per CU Review</u>
<u>Schools</u>	<u>Grades K through 8</u>	<u>6 per classroom</u>	<u>5 per classroom</u>	<u>2, or 1 per 25,000 sq. ft. of net building area</u>	<u>2, or 1 per 100,000 sq. ft. of net building area</u>
	<u>Grades 9 through 12</u>	<u>5 per classroom</u>	<u>5 per classroom</u>	<u>2, or 1 per 25,000 sq. ft. of net building area</u>	<u>2, or 1 per 100,000 sq. ft. of net building area</u>
<u>Colleges</u>	<u>Excluding dormitories (see group living, above)</u>	<u>2, or 1 per 10,000 sq. ft. of net building area</u>	<u>2, or 1 per 20,000 sq. ft. of net building area</u>	<u>2, or 1 per 10,000 sq. ft. of net building area</u>	<u>2, or 1 per 16,000 sq. ft. of net building area</u>

Commentary

Parks and Open Areas, Schools, and Daycare (continued)

- This amendment adds a requirement for short-term bicycle parking for the Daycare use category. Long-term bicycle parking is for the employees of the daycare, but short-term bicycle parking is needed for parents who are dropping off or picking up their children and for other visitors.

Multi-dwelling clarification

- The Planning and Sustainability Commission, through the amendment process, added the clarification in footnote [1] that multi-dwelling projects are defined as those with 5 or more units. Short- and long-term bicycle parking is not required for multi-dwelling projects with 4 units or fewer on site.

Table 266-6 Minimum Required Bicycle Parking Spaces					
		<u>Long-term Spaces</u>		<u>Short-term Spaces</u>	
<u>Uses</u>	<u>Specific Uses</u>	<u>Standard A</u>	<u>Standard B</u>	<u>Standard A</u>	<u>Standard B</u>
<u>Medical Centers</u>		<u>2, or 1 per 2,700 sq. ft. of net building area</u>	<u>2, or 1 per 5,500 sq. ft. of net building area</u>	<u>2, or 1 per 50,000 sq. ft. of net building area</u>	<u>2, or 1 per 100,000 sq. ft. of net building area</u>
<u>Religious Institutions</u>		<u>2, or 1 per 11,000 sq. ft. of net building area</u>	<u>2, or 1 per 25,000 sq. ft. of net building area</u>	<u>2, or 1 per 14,000 sq. ft. of net building area</u>	<u>2, or 1 per 25,000 sq. ft. of net building area</u>
<u>Daycare</u>		<u>2, or 1 per 3,000 sq. ft. of net building area</u>	<u>2, or 1 per 6,000 sq. ft. of net building area</u>	<u>2, or 1 per 25,000 sq. ft. of net building area</u>	<u>2, or 1 per 33,000 sq. ft. of net building area</u>
<u>Other Categories</u>					
<u>Aviation and Surface Passenger Terminals</u>		<u>2, or 1 per 4,500 sq. ft. of net building area</u>	<u>2, or 1 per 4,500 sq. ft. of net building area</u>	<u>None</u>	<u>None</u>
<u>Detention Facilities</u>		<u>2, or 1 per 5,000 sq. ft. of net building area</u>	<u>2, or 1 per 5,000 sq. ft. of net building area</u>	<u>None</u>	<u>None</u>

[1] Multi-dwelling is defined as sites with 5 or more units.

[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.

Note: 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.

Commentary

33.266.210.A. Purpose

This amendment combines all the individual purpose statements from the Bicycle Parking Development Parking Standards Subsections under 33.266.210 into one overarching purpose statement for the Section. This eliminates the need for repetition in separate purpose statements for all bicycle parking, long-term bicycle parking, and short-term bicycle parking.

The Planning and Sustainability Commission, through the amendment process, added a list of types of bicycles to which the bicycle parking standards apply, for clarification.

33.266.210.B. Where these standards apply

This amendment adds language to clarify where each of the Subsections of the Section apply, regarding all bicycle parking standards, long-term bicycle parking and short-term bicycle parking.

33.266.210.C. Standards for all bicycle parking

Portions of this subsection have been moved and reformatted from a later section. New standards have been created as stated in the commentary on the following pages.

33.266.210.C.2. Bicycle racks

Through the amendment process, the Planning and Sustainability Commission modified the rack standards to clarify that only horizontal racks need to support the bicycle at two points, including the frame.

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 bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle;
 - b. A horizontal rack must support the bicycle at two points, including the frame; and
 - c. The rack must be securely anchored with tamper-resistant hardware.

Commentary

33.266.210.C. Standards for all bicycle parking (continued)

3. Bicycle Parking Space, Maneuvering Area, and Clearance Dimensions and Table 266-7

This amendment adds a new Table 266-7 to show all required minimum dimensions for the various bicycle parking configurations, including depth, width, height, maneuvering area and wall clearances. Table 266-7 includes the standard spacing requirements as well as alternative spacing requirements described below.

a. Standard Bicycle Parking Spacing Requirements

This amendment maintains the 2 foot by 6 foot bicycle standard spacing but adds a third dimension for height/depth of a bicycle. The 3 feet 4 inch (40 inch) depth measurement is particularly important for vertical bicycle parking racks, since the current code does not address vertical dimensional standards. The standard spacing dimensions are intended to provide the baseline space requirement for a bicycle parking space. This baseline is required for measuring all bicycle parking spaces unless otherwise stated in code.

The amendment also moves the required maneuvering area requirements to this section. The maneuvering area is measured from the end of the depth of bicycle (6 feet if placed horizontally, or 3 feet 4 inches if placed vertically).

Table 266-7 Minimum Dimensions for Bicycle Parking Spaces [1]						
		<u>Bicycle Space Depth</u>	<u>Bicycle Space Width</u>	<u>Bicycle Space Height</u>	<u>Maneuvering Area Width</u>	<u>Clearance to rack from walls</u>
<u>Standard Spacing</u>						
	<u>Standard Bicycle Space</u>	<u>6 ft.</u>	<u>2 ft.</u>	<u>3 ft. 4 in.</u>	<u>5 ft.</u>	<u>2 ft. 6 in.</u>
<u>Alternative Spacing</u>						
	<u>Horizontal: Side by Side</u>	<u>6 ft.</u>	<u>1 ft. 6 in.</u>	<u>3 ft. 4 in.</u>	<u>5 ft.</u>	<u>2 ft. 6 in.</u>
	<u>Horizontal: Wall Attached</u>	<u>6 ft.</u>	<u>2 ft.</u>	<u>3 ft. 4 in.</u>	<u>5 ft.</u>	<u>1 ft.</u>
	<u>Horizontal: Diagonal (45-60 degree)</u>	<u>6 ft.</u>	<u>1 ft. 6 in.</u>	<u>3 ft. 4 in.</u>	<u>5 ft.</u>	<u>3 ft.</u>
	<u>Vertical Spaces [2]</u>	<u>3 ft. 4 in.</u>	<u>1 ft. 5 in.</u>	<u>6 ft.</u>	<u>5 ft.</u>	--
	<u>Stacked Spaces [3]</u>	--	<u>1 ft. 5 in.</u>	--	<u>8 ft.</u>	--
	<u>Larger Bicycle Space</u>	<u>10 ft.</u>	<u>3 ft.</u>	<u>3 ft. 4 in.</u>	<u>5 ft.</u>	<u>3 ft.</u>

Notes:

[1] See Figures 266-8 through 266-13

[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.**

Commentary

33.266.210.C. Standards for all bicycle parking (continued)

3. Bicycle Parking Space, Maneuvering Area, and Clearance Dimensions (continued)

b. Alternative Spacing Requirements

Some bicycle racks stagger the bicycles, eliminating handlebar and pedal conflicts between bicycles and accommodating more bicycle parking spaces in less space than the standard bicycle rack dimensions.

These amendments allow those rack options, providing alternative layouts and dimensional standards to the standard bicycle space found in Table 266-7 and stated in subparagraph 3.a. The following options allow for "space-saving" bike racks that accommodate more bike parking in a smaller area. Many of these alternative horizontal, vertical, and stacked bike parking arrangements have required adjustments or modification to the code in the past. Including a wider variety of bike parking provides flexibility for applicants to use some of these space-saving racks. However, required bike parking must meet either the standard bicycle parking footprint or one of the following exceptions below.

(1) Horizontal Spacing Requirements

These amendments allow narrower spacing requirements and add the following configurations for horizontal rack dimensional standards:

- Side-by-side racks - a minimum of 3 feet between racks
- Diagonal racks - a minimum of 3 feet between racks placed on 45- to 60-degree angle
- Horizontal racks attached to wall must provide a 1-foot clearance between rack and wall

(2) Vertical Bicycle Parking Spacing Requirements

These amendments add the following spatial standards for vertical wall racks:

- Minimum 1 foot 5 inch (17 inch) spacing between each rack space, with a minimum vertical stagger of 8 inches.
- At least 3 feet 4 inches (40 inches) must be provided for the depth of the vertical bicycle parking space, measured from the wall to the required aisle (new dimension of the bicycle footprint).

(3) Stacked Bicycle Parking Spacing Requirements

These amendments add the following spatial standards for stacked, bicycle parking:

- A minimum of 1 foot 5 inch (17 inch) spacing between spaces
- A maneuvering area of 8 feet is required behind the rack.

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.

Commentary

Figures 266-8 through 266-11

New code figures illustrate the various bicycle parking space dimensions.

Figure 266-8
Standard Spacing Requirements

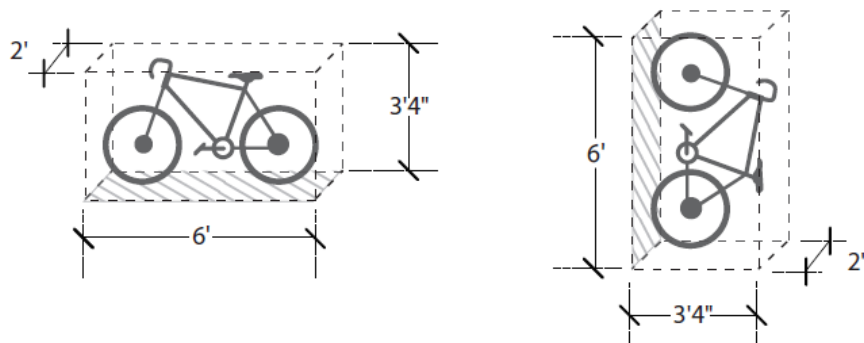


Figure 266-9
Horizontal Spaces: Side-by-Side

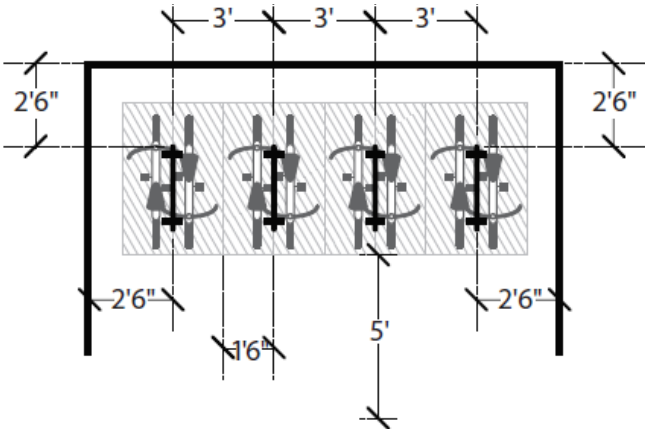


Figure 266-10
Horizontal Spaces: Wall Attached

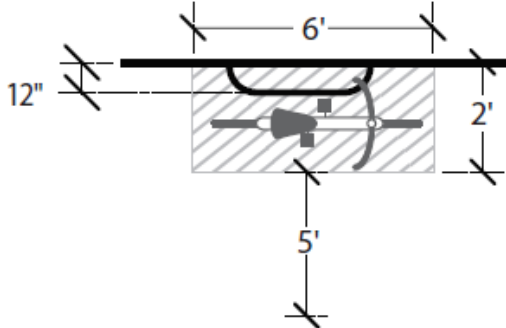
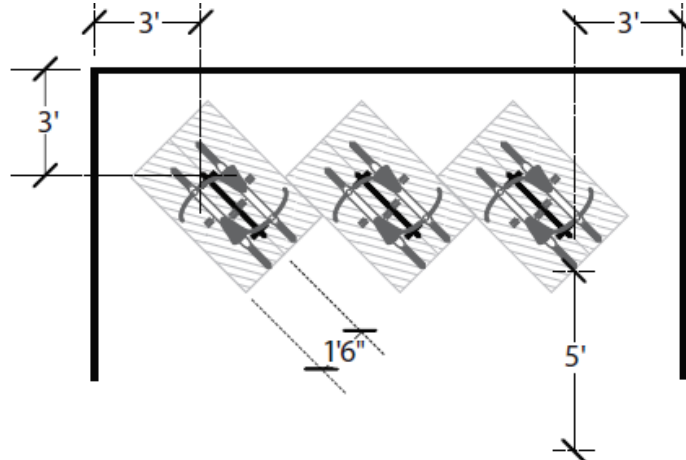


Figure 266-11
Horizontal Spaces: Diagonal (45-60 degree)



Commentary

Figures 266-12 through 266-13

New code figures illustrate the various bicycle parking space dimensions.

Figure 266-12
Vertical Spaces

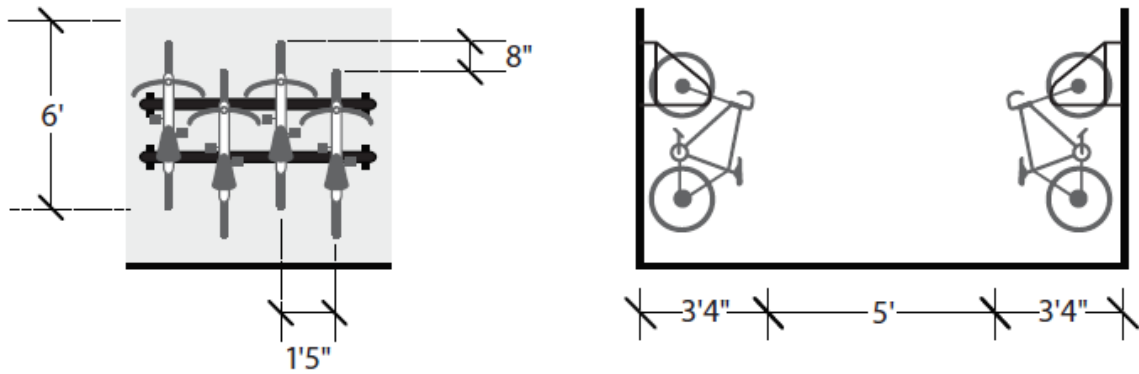
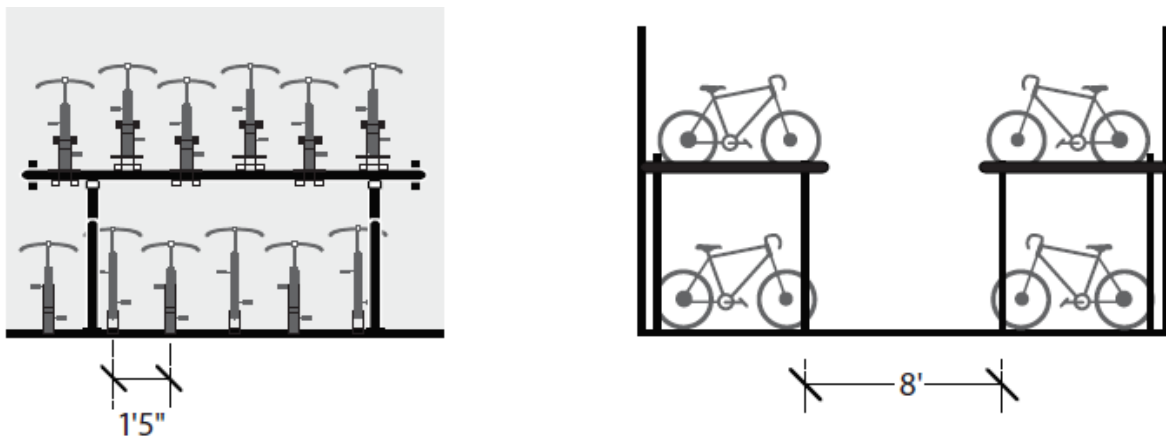


Figure 266-13
Stacked Spaces



Commentary

3. Bicycle lockers

These amendments add specific dimensions for bicycle lockers to set a minimum standard for functionality.

Dimensional standards are provided for triangular locker layouts that allow for two bikes to utilize a single locker space.

Also, a minimum access door height of 3 feet 11 inches (47 inches) is added for all bicycle lockers.

4. Signage

No change to existing signage requirements.

5. Bicycle parking information in plans

Current code does not require that applicants provide any detail in their applications regarding the types of bicycle racks to be used for a development. These amendments codify the level of detail and information needed for consistent review of required bicycle parking, especially considering the number of alternative and required layouts that are now in the code. Applicants need to demonstrate compliance with these requirements by submitting specific information with their building permit.

BDS staff currently receives much of this information, but this section adds clarity and consistency regarding what is required.

This approach is similar to how Joint Use Parking (33.266.110) and Environmental Zones (33.430.130) include more detailed documentation to be submitted as part of a building or zoning permit application or land use review.

Through the amendment process, the Planning and Sustainability Commission modified the requirement so that bicycle parking information in plans is only required for the building permit.

3. 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.
4. 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.
5. Bicycle parking information in plans. The following information must be submitted with applications for a building permit:
 - 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.

Commentary

33.266.210.D. Standards for long-term bicycle parking

1.a. Location Standards

The amendments regulate the appropriate locations for long-term bicycle parking.

Long-term bicycle parking can be located in one of the following areas:

- Within a building - bicycle parking can be located on the ground floor or other floors of the building if there is elevator access to these other floors.
- On-site - bicycle parking can be located on-site, including in parking areas. On-site bicycle parking may also be located in personal structured parking areas that are dedicated in townhouses or other multi-dwelling buildings. If the bicycle parking is located on-site but outside of the building, then all required long-term bicycle parking spaces must be covered.
- In an area within 300 feet from the site - this option is being maintained from current code so that long-term bicycle parking can be in a location where the closest point is within 300 feet of the development site. This provision is not commonly used, but it provides flexibility for a developer to locate required long-term bicycle parking off-site.

Note: During the comment period, there were a number of questions about how bicycle parking requirements interact with the ground floor active use requirement and the ground floor window requirement. Ground floor active use references the general use categories (retail, office, community service) of the building, while the ground floor window requirements address the "things" that one can look at through the ground floor windows. Under both the Central City Plan District (33.510.220) and the Commercial/ Mixed Use Zones (33.130.230), ground floor windows into bicycle parking areas qualify for up to 25 percent of the ground floor windows coverage requirement.

Therefore, if a two-story office building were proposed, and the ground floor contained the reception desk, conference rooms, storage, bike rooms, and the restrooms, while all the offices and employees were located upstairs, the ground floor active use requirement would be met, in that 100% of the ground floor was dedicated to an active use (office). However, to meet the ground floor window requirements, views into certain types of features would not be allowed. If the window looked into the storage and utility rooms, these would not qualify as active window features. However, up to 25 percent of the required ground floor windows may look into the bicycle parking room.

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

Commentary

33.266.210.D.1.a. Location Standards (continued)

(4) In a dwelling unit

This amendment lists permissible locations for long-term bicycle parking within a dwelling unit. In-unit parking is often awkwardly placed and easily removed by building managers. Further, placing long-term bike parking requirements within private spaces disaggregates a building-wide resource, that is calculated based on average bike ownership and family size per unit, into private dwelling space. This could result bike parking being in a unit, where the tenant doesn't need it and conversely a tenant that needs bike parking does not have access to necessary bike parking because it is in a different private dwelling unit. Because of these factors, the majority of cities in the United States do not allow bicycle parking spaces in an apartment unit or on a balcony to count toward the required long-term bicycle parking.

On the other hand, requiring all bicycle parking to be outside of the dwelling units has an impact on how space is used in a building, which can increase development costs that may then get passed down to tenants.

The Proposed Draft proposed a 20 percent allowance for in-unit placement of required long-term parking. The Planning and Sustainability Commission amended this allowance to 50 percent, as long as additional design standards are met: 1) the spaces are provided in a dedicated enclosed space and 2) the spaces are located within 15 feet of the front door. The Planning and Sustainability Commission considered the new design requirements necessary to ensure a baseline quality for the in-unit parking, given that so much bike parking would be allowed to be provided in-unit.

The amendment allows racks provided in-unit to be less substantial than previously required. For example, the current standards require a design that allows a u-lock shackle to lock both bicycle frame and one wheel to the rack.

The amendment requires the long-term parking be provided on the ground floor in buildings without elevators. This ensures that people can get their bikes to the required bicycle parking without having to carry them upstairs.

(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.

Commentary

33.266.210.D.1.a. Location Standards (continued)

(5) Location standards for Schools

These amendments, and additional school-specific standards under Long-term Bicycle Parking Security Standards and Additional Development Standards, respond to concerns from school district representatives and others that work with students. Long-term bicycle parking is intended to provide convenient, secure and weather-protected facilities for employees and students. In a school setting, students and employees have different needs when it comes to bicycle parking.

A number of the standard security and location requirements create challenges when applied to a school setting. Specifically, secure bicycle rooms are difficult for students to access and locating student bicycle parking any significant distance from school main entrances creates additional barriers to use.

Therefore, this amendment limits the location of long-term school parking to within the building and/or within an area near a main entrance. The proximity to the main entrance is also designed to address bicycle parking security. While this amendment allows the majority of long-term school bicycle parking to be placed outside, it ensures that bicycles are stored in higher-activity areas on site.

(5) For Schools, long-term bicycle parking must be placed where the closest space is within 100 feet of a main entrance.

Commentary

33.266.210.D.1.b. Exemptions

Small site exemptions to in-unit standards

During Planning and Sustainability Commission deliberations, the Commission adopted an amendment that would allow 100 percent of required long-term bicycle parking to be placed in-unit for sites with up to 12 units. This amendment was intended to address a concern about increased site constraints on small projects. However, the bike parking must meet other long-term requirements, including that upper floor units not accessible by an elevator cannot provide their parking within the unit.

Removal of exemptions for affordable housing developments

The Planning and Sustainability Commission also approved an amendment that removed two in-unit exceptions for affordable housing developments that were previously included in the Proposed Draft because these exemptions became redundant with 1) the adoption of the increase of the in-unit allowance of 50 percent for projects citywide and 2) the allowance of 100 percent in-unit for small sites (12 units or less).

- 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.

Commentary

Location Standards (continued)

c. Sites with multiple uses

This amendment requires that all tenants of mixed-use buildings (employees and residents) can access long-term bicycle parking spaces. The bicycle parking can be provided in a common space with restricted access or in multiple separate locations, but all tenants must have access to at least the amount of long-term bicycle parking required for that use category.

d. Covered bicycle parking

The amendments to the covered bicycle parking standards state that 100 percent of long-term bicycle parking must be covered, compared to 50 percent in current code. Additionally, dimensional standards for the cover are added to ensure protection of bicycles from wind-driven rain. A Planning and Sustainability Commission amendment also added language to clarify that the cover for bicycle parking does not need to project on sides with solid walls.

- 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.

Commentary

33.266.210.D. Standards for long-term bicycle parking

2. Security Standards

Security is one of the Stakeholder Advisory Committee's guiding principles for the bicycle parking code update and a primary issue brought up during community outreach and engagement. Security needs are different in residential buildings than non-residential buildings. In some cases, bicycle parking at a residential building may act more as storage because not everyone uses a bicycle every day.

The amendments provide two sets of security requirements. Long-term bicycle parking for residential uses must be provided in a lockable, restricted access room or enclosure designated primarily for bicycle parking. For all other use categories, bicycle parking must be located in a lockable room or enclosure but does not require that the space be designated for bicycles. For example, this distinction would allow the flexibility of co-locating bicycle parking spaces with staff work areas on upper floors in an office use or in the back-office area of a small retail establishment.

These amendments remove the following options as standalone security provisions because they are easily removed or changed during the life of the building and thus do not provide the necessary security for long-term residential bike parking:

- Within view of an attendant or security guard;
- Within 100 feet of an attendant or security guard;
- In an area that is monitored by a security camera; or
- In an area that is visible from employee work areas.

Finally, this section also includes additional school standards to better meet the needs of students and staff. During outreach, staff heard concerns that while locked enclosures are necessary for adult employees storing their bicycles all day, they can pose a challenge for students to use, particularly given the short time windows when students need access to bicycle parking.

Therefore, the amendment allows up to 90 percent of required bicycle parking to be located outside of a lockable enclosure. These spaces will still need to meet other requirements, such as 100 percent weather protection and located on-site within 100 feet from a main entrance. The remaining 10 percent of parking that must meet the standard security requirements and is intended to serve school staff.

b. Lighting

These amendments add lighting standards for long-term bicycle parking and access routes. This language is consistent with the lighting requirement under the pedestrian standards section in 33.120.255 and 33.130.240.

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.

Commentary

3. Additional Development Standards

The following amendments set new development standards for bicycle racks to ensure usability for people of all abilities and to accommodate a variety of different types of bicycles.

To reduce the burden on smaller developments, these standards only apply to sites where more than 20 long-term bicycle parking spaces are required.

a. Minimum horizontal bicycle parking spaces

Current code does not distinguish between ground-mounted, horizontal racks and wall-mounted, vertical racks. This has led to the use of exclusively vertical racks in some developments. While vertical racks can be space efficient, they present usability issues for some people and some bicycles. At least 30 percent of required spaces must be in a horizontal rack or on the lower level of a stacked bicycle parking rack to accommodate people who cannot lift a bicycle.

Finally, recognizing that students may have difficulty using vertical or stacked parking, this amendment requires all required outdoor bicycle parking at elementary (K-5) and middle (6-8) schools to be placed horizontally.

b. Parking for larger bicycle footprints

To accommodate larger bikes like cargo bikes, recumbent bikes and bikes with trailers, a minimum of 5 percent of required bicycle parking spaces must accommodate a bicycle footprint of 3 feet by 10 feet and be provided in a horizontal rack. The bicycle parking spaces that fit the larger bicycle footprint standard will also count toward the minimum horizontal bicycle parking spaces.

c. Access to electrical sockets

The use of e-bikes is continuing to grow nationally and in Portland. This amendment requires an electrical outlet near 5 percent of the required bicycle parking spaces to accommodate plug-in electric bikes. This amendment was included in the Discussion Draft and then removed during the Proposed Draft due to logistical issues of checking outlets during Planning and Zoning review. However, the Planning and Sustainability Commission, through the amendment process, restored the amendment, recognizing the growing prevalence of electric bicycles.

3. Additional Development Standards. The following standards apply to sites where 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.
 - 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.

Commentary

33.266.210.E. Standards for short-term bicycle parking

Purpose

The purpose statement for the short-term bicycle parking was combined into the single purposed statement for the Bicycle Parking Development Standards (33.266.210).

Most of the language in this section is the same as existing code, but the number references have changed, therefore this section is entirely underlined.

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 266-14)**
 - **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 266-15)**
 - **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 266-16);**
 - **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.**

Commentary

33.266.210.E. Standards for short-term bicycle parking (continued)

b. Bicycle Parking Fund

The amendment removes the all-or-nothing aspect of the Short-term Bicycle Parking Fund to allow partial placement of the short-term requirement on-site and the remainder to be paid into the Fund.

Short-term Bicycle Parking Figures

No changes were made to these figures; however, the Figure Numbers have changed.

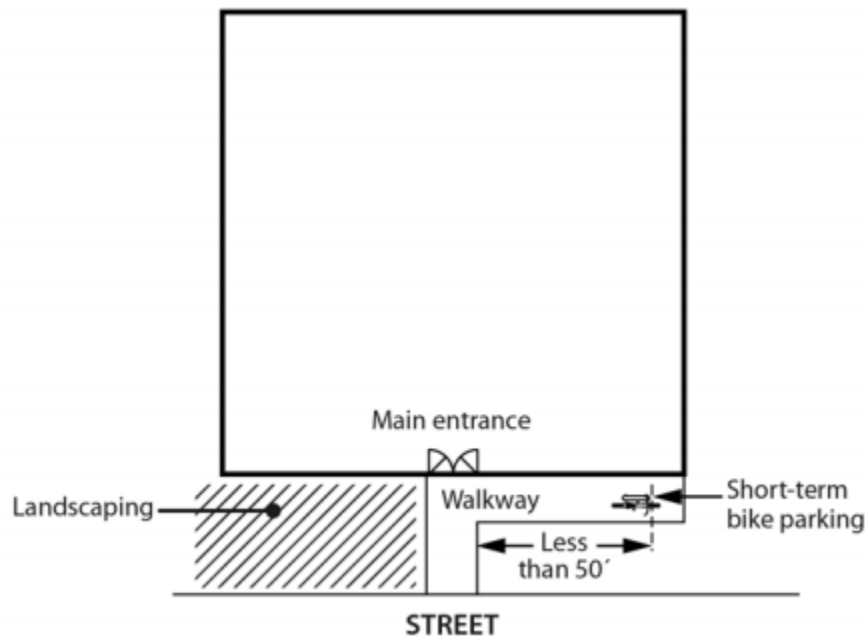
b. Bicycle Parking Fund.

(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 266-14
Short-term bike parking – one building, one entrance



Commentary

Short-term Bicycle Parking Figures (continued)

No changes were made to these figures; however, the Figure Numbers have changed.

Figure 266-15
Short-term bike parking – one building, multiple entrances

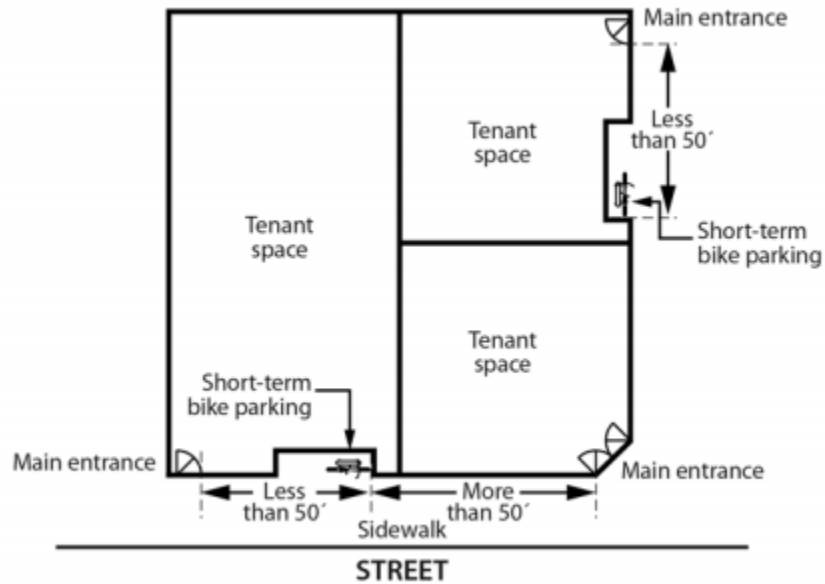
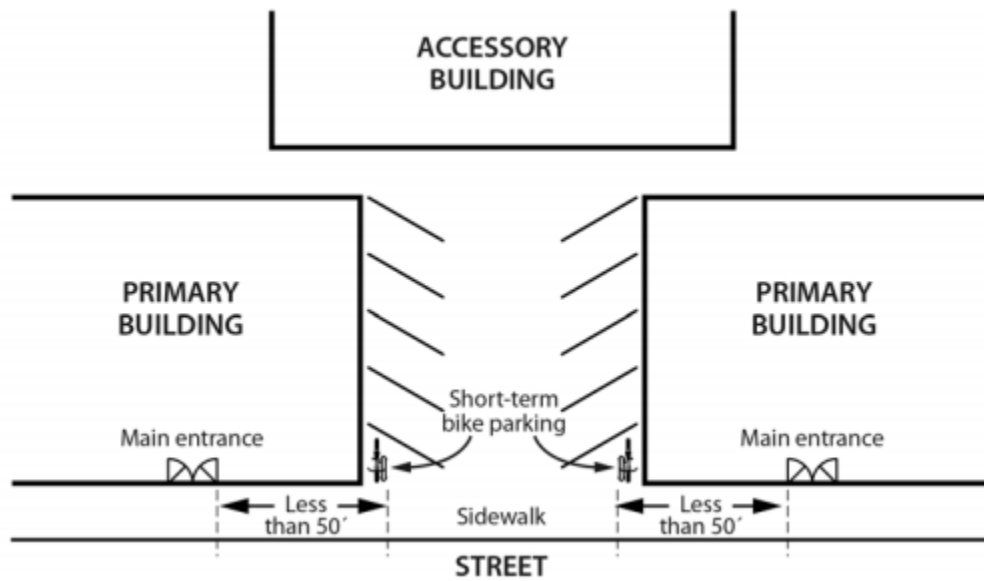


Figure 266-16
Short-term bike parking – multiple buildings, multiple entrances



Commentary

Strikethrough of Current Code

Due to the changes in the order of this code chapter and the significant changes to the bicycle parking standards, all of the current code is strike through.

33.266.200 Purpose

Bicycle Parking is required for most use categories to encourage the use of bicycle by providing safe and convenient places to park bicycles. These regulations ensure adequate short and long-term bicycle parking based on the demand generated by the different use categories and on the level of security necessary to encourage the use of bicycles for short and long stays. These regulations will help meet the City's goal that 10 percent of all trips be made by bicycle.

33.266.210 Required Bicycle Parking

A. Number of spaces required.

1. The required minimum number of bicycle parking spaces for each use category is shown on Table 266-6. No bicycle parking is required for uses not listed.
2. The required minimum number of bicycle parking spaces is based on the primary uses on a site. There are no bicycle parking requirements for accessory uses. However, if the required number of spaces for the primary uses is based on net building area, the net building area of accessory uses is included with the primary uses in the calculation. For example, a Manufacturing and Production uses of 45,000 square feet with 15,000 square feet of accessory Office use would have a bicycle parking requirement of 4 spaces, based on 60,000 square feet of net building area. If the primary use is not listed in Table 266-6, no bicycle parking is required for the accessory use.
3. 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 the individual primary uses.

B. Exemptions.

1. No long-term bicycle parking is required on a site where there is less than 2,500 square feet of gross building area.
2. No bicycle parking is required for a Commercial Parking facility on a surface parking lot in the Central City plan district.

33.266.220 Bicycle Parking Standards

A. Short-term bicycle parking.

1. Purpose. Short-term bicycle parking encourages shoppers, customers, messengers, and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Short-term bicycle parking should serve the main entrance of a building and should be visible to pedestrians and bicyclists.
2. Standards. Required short-term bicycle parking must meet the following standards:
 - a. Short-term bicycle parking must be provided in lockers or racks that meet the standards of Subsection 33.266.220.C.

Commentary

Strikethrough of current code continued

- b. ~~Location Standards. Required short-term bicycle parking must meet the following location standards:~~
- ~~(1) 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 500 feet of the main entrance to the building as measured along the most direct pedestrian access route. (See Figure 266-8)~~
 - ~~• 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 266-9)~~
 - ~~• 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 266-110);~~
 - ~~• 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.~~~~
- c. ~~Bicycle Parking Fund.~~
- ~~(1) This option may be used only if it is not possible to provide all of the required short-term bicycle parking on-site in a way that complies with all of the standards in Subsection A and D. 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 required short-term bicycle parking; and~~
 - ~~• The open areas meet the location requirements of D.2., 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.~~
 - ~~(3) This option may not be used if any required short-term bicycle parking is provided on-site.~~

Commentary

Strikethrough of current code continued

Table 266-6 Minimum Required Bicycle Parking Spaces			
Use Categories	Specific Uses	Long-term Spaces	Short-term Spaces
Residential Categories			
Household Living	Multi-dwelling	1.5 per 1 unit in Central City plan district; 1.1 per 1 unit outside Central City plan district	2, or 1 per 20 units
Group Living		2, or 1 per 20 residents	None
	Dormitory	1 per 8 residents	None
Commercial Categories			
Retail Sales And Service		2, or 1 per 12,000 sq. ft. of net building area	2, or 1 per 5,000 sq. ft. of net building area
	Temporary Lodging	2, or 1 per 20 rentable rooms	2, or 1 per 20 rentable rooms
Office		2, or 1 per 10,000 sq. ft. of net building area	2, or 1 per 40,000 sq. ft. of net building area
Commercial Parking		10, or 1 per 20 auto spaces	None
Commercial Outdoor Recreation		10, or 1 per 20 auto spaces	None
Major Event Entertainment		10, or 1 per 40 seats or per CU review	None
Industrial Categories			
Manufacturing And Production		2, or 1 per 15,000 sq. ft. of net building area	None
Warehouse And Freight Movement		2, or 1 per 40,000 sq. ft. of net building area	None

Commentary

Strikethrough of current code continued

Table 266-6 Minimum Required Bicycle Parking Spaces			
Use Categories	Specific Uses	Long-term Spaces	Short-term Spaces
Institutional Categories			
Basic Utilities	Light rail stations, transit centers	8	None
Community Service		2, or 1 per 10,000 sq. ft. of net building area	2, or 1 per 10,000 sq. ft. of net building area
	Park and ride	10, or 5 per acre	None
Parks And Open Areas		Per CU review	Per CU review
Schools	Grades 2 through 5	2 per classroom, or per CU or IMP review	None
	Grades 6 through 12	4 per classroom, or per CU or IMP review	None
Colleges	Excluding dormitories (see Group Living, above)	2, or 1 per 20,000 sq. ft. of net building area, or per CU or IMP review	2, or 1 per 10,000 sq. ft. of net building area, or per CU or IMP review
Medical Centers		2, or 1 per 70,000 sq. ft. of net building area, or per CU or IMP review	2, or 1 per 40,000 sq. ft. of net building area, or per CU or IMP review
Religious Institutions		2, or 1 per 4,000 sq. ft. of net building area	2, or 1 per 2,000 sq. ft. of net building area
Daycare		2, or 1 per 10,000 sq. ft. of net building area	None
Other Categories			
Aviation And Surface Passenger Terminals, Detention Facilities		Per CU Review	Per CU Review

Note: 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.

Commentary

Strikethrough of current code continued

~~B. Long term bicycle parking.~~

- ~~1. Purpose. Long term bicycle parking provides employees, students, residents, commuters and other who generally stay at a site for several hours, a secure and weather protected place to park bicycles. Although long term parking does not have to be provided on-site, the intent of these standards is to allow bicycle parking to be within a reasonable distance in order to encourage bicycle use.~~
- ~~2. Standards. Required long term bicycle parking must meet the following standards:~~
 - ~~a. Long term bicycle parking must be provided in lockers or racks that meet the standards of Subsection 33.266.220.C.~~
 - ~~b. Location. Long term bicycle parking must be located on the site or in an area where the closest point is within 300 feet of the site;~~
 - ~~c. Covered Spaces. At least 50 percent of required long term bicycle parking must be covered and meet the standards of Paragraph 33.266.220.C.5., Covered Bicycle Parking; and~~
 - ~~d. Security. To provide security, long term bicycle parking must be in at least one of the following locations:~~
 - ~~(1) In a locked room;~~
 - ~~(2) In an area that is enclosed by a fence with a locked gate. The fence must be either 8 feet high, or be floor-to-ceiling;~~
 - ~~(3) Within view of an attendant or security guard;~~
 - ~~(4) Within 100 feet of an attendant or security guard;~~
 - ~~(5) In an area that is monitored by a security camera; or~~
 - ~~(6) In an area that is visible from employee work areas.~~

~~C. Standards for all bicycle parking.~~

- ~~1. Purpose. These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.~~
- ~~2. Bicycle lockers. Where required bicycle parking is provided in lockers, the lockers must be securely anchored.~~
- ~~3. Bicycle racks. The Office of Transportation maintains a handbook of racks and siting guidelines that meet the standards of this paragraph. Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required bicycle parking is provided in racks, the racks must meet the following standards:~~
 - ~~a. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle;~~

Commentary

Strikethrough of current code continued

- b.—A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame support so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components. See Figure 266-11; and
 - c.—The rack must be securely anchored.
- 4.—Parking and maneuvering areas:
- a.—Each required bicycle parking space must be accessible without moving another bicycle;
 - b.—There must be an aisle at least 5 feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way; and
 - a.—The area devoted to bicycle parking must be hard surfaced.
- 5.—Covered bicycle parking. Covered bicycle parking, as required by this section, can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. Where required covered bicycle parking is not within a building or locker, the cover must be:
- a.—Permanent;
 - b.—Designed to protect the bicycle from rainfall; and
 - c.—At least 7 feet above the floor or ground.
- 6.—Signs:
- a.—Light rail stations and transit centers. If required 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 parking;
 - b.—Other uses. For uses other than light rail stations and transit centers, if required bicycle parking is not visible from the street or main building entrance, a sign must be posted at the main building entrance indicating the location of the parking.
- 7.—Use of required parking spaces:
- a.—Required short-term bicycle parking spaces must be available for shoppers, customers, messengers, and other visitors to the site.
 - b.—Required long-term bicycle parking spaces must be available for employees, students, residents, commuters, and others who stay at the site for several hours.

~~4. Parking and maneuvering areas.~~

- a. ~~Each required bicycle parking space must be accessible without moving another bicycle;~~
- b. ~~There must be an aisle at least 5 feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way; and~~
- a. ~~The area devoted to bicycle parking must be hard surfaced.~~

~~5. Covered bicycle parking. Covered bicycle parking, as required by this section, can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. Where required covered bicycle parking is not within a building or locker, the cover must be:~~

- a. ~~Permanent;~~
- b. ~~Designed to protect the bicycle from rainfall; and~~
- c. ~~At least 7 feet above the floor or ground.~~

~~6. Signs.~~

- a. ~~Light rail stations and transit centers. If required 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 parking;~~
- b. ~~Other uses. For uses other than light rail stations and transit centers, if required bicycle parking is not visible from the street or main building entrance, a sign must be posted at the main building entrance indicating the location of the parking.~~

~~7. Use of required parking spaces.~~

- a. ~~Required short-term bicycle parking spaces must be available for shoppers, customers, messengers, and other visitors to the site.~~
- b. ~~Required long-term bicycle parking spaces must be available for employees, students, residents, commuters, and others who stay at the site for several hours.~~

Commentary

Chapter 33.120 Multi-Dwelling Zones

33.120.280 Detached Accessory Structures

This amendment adds covered bicycle parking to the list of examples for detached covered accessory structures.

33.120.280 Detached Accessory Structures

- A. [no change]
- B. [no change]
- 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 apply to all detached covered accessory buildings. Garages are also subject to the standards of 33.120.283.

Commentary

Chapter 33.130 Commercial/Mixed-Use Zones

33.130.205 Floor Area Ratio

This amendment adds long-term bicycle parking to the existing FAR (floor area ratio) exemption for structured parking in commercial/mixed use zones. Any long-term bicycle parking spaces provided within the building is exempt from FAR similar to the exemption for structured parking. The maximum floor area that can be exempt for both of these types of parking is 0.5 to 1 FAR.

Note: The Better Housing by Design project proposes to include a corresponding FAR exemption for long-term bicycle parking in development in multi-dwelling zones.

33.130.205 Floor Area Ratio

- A. [no change]
- B. **FAR standard.** The maximum floor area ratios are stated in Table 130-2 and apply to all uses and developments. Additional floor area may be allowed through bonus options, as described in Section 33.130.212, or transferred from historic resources per Subsection C. Except in the CR zone, floor area for structured parking and required long-term bicycle parking, up to a maximum FAR of 0.5 to 1, is not calculated as part of the FAR for the site. Adjustments to the maximum floor area ratios are prohibited.
- C. [no change]

Commentary

33.130.265 Detached Accessory Structures

This amendment adds covered bicycle parking to the list of examples for detached covered accessory structures.

33.130.265 Detached Accessory Structures

- A.** [no change]
- B.** [no change]
- C. Setbacks.**
 - 1. [no change]
 - 2. Covered structures.
 - a. Covered structures such as storage buildings, greenhouses, covered bicycle parking, and work sheds are subject to the setbacks for buildings.

Commentary

Chapter 33.229 Elderly and Disabled High Density Housing

33.229.040 Design Standards

The bicycle parking amount for Elderly and Disabled Housing is being included in the updated Table 266-6. This separate reference in this chapter is not necessary and this amendment removes the reference.

33.229.040 Design Standards

C. Parking and passenger loading.

1. [no change]
2. Bicycle Parking. The project must meet the bicycle parking requirements of Chapter 33.266, Parking and Loading.
 - ~~a.~~
 - ~~b. Exception. The minimum required long term bicycle parking for units restricted by covenant is one space for every eight units.~~
3. [no change]

Commentary

Chapter 33.258 Nonconforming Development

33.258.070

Under current code, if a site with nonconforming development makes improvements above a financial threshold, then the development must be brought closer to current standards. This includes bringing short- and long-term bicycle parking up to code. However, there are two exemptions to the standard. If a development does not have accessory surface parking or if the development is within the Central City or Lloyd District, then only short-term bicycle parking must be brought up to code standard.

The current code results in insufficient provision of new bicycle parking, especially in areas like the Central City, where Portland has a very high bicycle mode split. The amendments in this section remove the exemption for developments within the Central City or Lloyd District but maintain the exemption for developments without accessory surface parking, since those projects would have to repurpose existing building area to comply. Note that most Central City sites may still meet the exemption since they don't have accessory surface parking lots.

In addition, the amended code requires projects that meet the threshold of a major remodel to upgrade both required short-term and long-term bicycle parking to current standards. As defined below, major remodels are large scale renovations or additions to a building that are more likely to include revisions to site and floor plans that can incorporate bike parking.

Definition of major remodel (33.910): 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.

A number of examples in code list where the major remodel definition is used as a threshold to apply standards, including but not limited to the following:

- 33.130.282: The large-site pedestrian connectivity standard applies to major remodels if the site is over 5 acres (i.e., higher any nonconforming upgrade threshold).
- 33.229.010 and 33.229.030: The elderly housing bonuses and standards are only available for new development and major remodeling projects.
- 33.292.020: The superblock requirements get triggered for major remodels that also have certain requirements.
- 33.510.211 Central City Plan District requires a shadow study for major remodeling projects that increases building height above 100 feet on certain sites along the Park Blocks.
- 33.510.223 Central City Plan District bird-safe glazing requirements apply to a major remodel that is also altering at least 75 percent of the façade.
- 33.510.225 Central City Plan District ground floor active use standards apply to major remodels on certain street frontages.

33.258.070 Nonconforming Development

D. Development that must be brought into conformance.

1. [no change]
 - a. [no change]
 - b. [no change]
 - c. Bicycle parking by upgrading existing bicycle parking and providing additional spaces in order to comply with 33.266.2200 and 33.266.210;
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. [no change]
 - 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) [no change]
 - (2) [no change]
 - (3) Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with 33.266.2200, Bicycle Parking as follows:
 - Major remodeling projects must meet the standards for all bicycle parking;
 - Sites with surface parking must meet the standards for all bicycle parking;
 - In all other situations, the amounts and standards Sites that do not have accessory surface parking or are inside the Central City Core Area or Lloyd District, as shown on Map 510-8, are not required to meet this standard for long-term bicycle parking, but are required to meet this standard for short-term bicycle parking must be met.

Commentary

Chapter 33.266 Parking, Loading, And Transportation And Parking Management

33.266.110.D. - Exceptions to the minimum number of parking spaces

This amendment adds an exception to the minimum number of parking spaces to allow required vehicle parking areas to be converted to bicycle parking to accommodate required bicycle parking minimums.

Current code allows a number of exceptions to the minimum required parking spaces if developments include items that are beneficial to overall livability: tree preservation, transit-oriented plazas, carshare spaces and bikeshare stations. This amendment is also consistent with 33.266.130.G.3.e., which allows the amount of required vehicle parking to be reduced by the amount needed to accommodate the minimum interior parking lot landscaping required by current code.

This amendment was added as "c", so the remainder of the current exemptions are renumbered.

Note: Title 33 defines "parking area" and "parking space" in terms of motor vehicles:

- **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.
- **Parking space.** A space designed to provide standard area for a motor vehicle.

33.266 Parking, Loading, And Transportation And Parking Demand Management

266

33.266.110.D

- D. Exceptions to the minimum number of parking spaces.** The minimum number of required parking spaces may be reduced as follows
1. [no change]
 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. [no change]
 - b. Replacement of parking areas with non-required bicycle parking. Bicycle parking may substitute for up to 25 percent of required parking spaces. 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. [no change]
 - e. [no change]
 - f. [no change]
 - g. [no change]

Commentary

Chapter 33.281 Schools and School Sites

33.281.050.A.3

This amendment adds bicycle parking to the list of exterior improvements that are exempt from the 1,500 square foot limit for work allowed without a conditional use review.

33.281.050.A

- A. Allowed.** Alterations to the site that meet all of the following are allowed without a conditional use review
1. [no change]
 2. [no change]
 3. Increases of exterior improvement areas up to 1,500 square feet. Fences, handicap access ramps, on-site pedestrian circulation systems, Community Gardens, Market Gardens, bicycle parking, and increases allowed by Paragraphs A.5 and A.8 are exempt from this limitation;
 4. [no change]
 5. [no change]
 6. [no change]
 7. [no change]
 8. [no change]

Commentary

Chapter 33.510 Central City Plan District

33.510.251 Additional Standards in the South Waterfront Subdistrict

This amendment was added by the Planning and Sustainability Commission to remove the 110 percent bicycle parking requirement in South Waterfront subdistrict. The Planning and Sustainability Commission felt that there was no justifiable reason to hold this subdistrict to a higher rate than all areas of the City given the increases to the minimum required amounts in Table 266-6.

33.510.251 Additional Standards in the South Waterfront Subdistrict

Sites in the South Waterfront subdistrict must meet the following standards.

- A. [no change]
- B. [no change]
- C. **Locker rooms and additional bicycle parking.**
 - 1. [no change]
 - 2. [no change]
 - 3. [no change]
 - 4. ~~Bicycle parking. At least 110 percent of the required long-term bicycle parking for the site must be included in the proposal. The bicycle parking must meet the standards of 33.266.220.B., Long-Term Bicycle Parking.~~

Commentary

Chapter 33.510.251 Additional Standards in the South Waterfront Subdistrict

This amendment was added by the Planning and Sustainability Commission to allow the existing, heavily-used, uncovered OHSU bike valet to count towards future code requirements, subject to a set of standards that cap the number of spaces, require minimum open hours and require the area to be monitored by an attendant. To ensure that these standards are maintained, a covenant will need to be recorded at the time that future development triggers the need for these spaces to count toward their required bicycle parking.

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 [Month Day, 2019];
 - (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.

Commentary

33.510.261.G. - Preservation Parking and 33.510.261.I.

This amendment removes the references to bicycle parking in this chapter to clean up the multiple, sometimes conflicting references to bicycle parking requirements. The update to Table 266-6 addresses the required bicycle parking amounts for Commercial Parking, and the regulations do not need to be repeated under the Central City Plan District Chapter.

33.510.261.G

- G. Preservation Parking.** The regulations of this subsection apply to Preservation Parking. Adjustments to this subsection are prohibited.

1. [no change]
2. [no change]
3. [no change]
4. [no change]
5. ~~Bicycle parking. Preservation Parking facilities must provide 1 long-term bicycle parking spaces for every 14 motor vehicle parking spaces.~~

33.510.261.I

- I. All parking built after (insert effective date).** The regulations of this subsection apply to all new parking regardless of type.

1. [no change]
2. [no change]
3. [no change]
4. [no change]
5. [no change]
6. [no change]
7. ~~Bicycle parking. Bicycle parking is regulated by Chapter 33.266, Parking and Loading. For most types of development, bicycle parking requirements are based on the primary use, such as Office or Retail Sales And Service. For Commercial Parking, which includes Visitor Parking, bicycle parking is based on the number of motor vehicle parking spaces. There are additional bicycle parking requirements for Preservation Parking, see Paragraph G.5.~~

Commentary

Chapter 33.555 Marquam Hill Plan District

This amendment was added by the Planning and Sustainability Commission to allow the existing, heavily- used, uncovered OHSU bike valet to count towards future code requirements. See the commentary for 33.510.251 on page 106 for additional information.

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 [Month Day, 2019];
 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.

Commentary

Chapter 33.815 Conditional Uses

33.815.040.B.1.d

This amendment adds bicycle parking to the list of exterior improvements that are exempt from the 1,500 square foot limit for work allowed without a conditional use review.

33.815.050.B

- B. Proposals that alter the development of an existing conditional use.** Alterations to the development on a site with an existing conditional use 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 that comply with Subparagraphs a through f. All other alterations are subject to Paragraph 2, below. Alterations to development are allowed by right provided the proposal:
 - a. [no change]
 - b. [no change]
 - c. [no change]
 - d. Does not increase the exterior improvement area by more than 1,500 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.f, below, are exempt from this limitation;
 - e. [no change]
 - f. [no change]

Bicycle Parking Code Update

Exhibit B Findings of Fact Report

Text amendments to the zoning code must be found to be consistent with the City of Portland's Comprehensive Plan, the regional Urban Growth Management Functional Plan and Regional Transportation Functional Plan, and the Statewide Planning Goals and the administrative rules that carry out these goals. In addition, the amendments must be consistent with the intent or purpose statement for the base zone, overlay zone, and plan district where the amendment is proposed, and any plan associated with the regulations. (33.835.040)

- 1. Finding:** Within this exhibit the Portland City Council has identified and addressed all plans, goals, policies, rules that apply to the Bicycle Parking Code Update (BPCU) amendments.
- 2. Finding:** The City Council has considered the public testimony on this matter and has weighed all applicable Comprehensive Plan goals and policies and, on balance and overall, finds that adoption of BPCU amendments would advance the Guiding Principles and goals and policies of the 2035 Comprehensive Plan. The BPCU amendments therefore comply with Portland's Comprehensive Plan.

Part I. Statewide Planning Goals

State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with the Statewide Planning Goals.

The Statewide Planning Goals that apply to Portland are:

- Goal 1 Citizen Involvement
- Goal 2 Land Use Planning
- Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces
- Goal 6 Air, Water and Land Resource Quality
- Goal 7 Areas Subject to Natural Hazards
- Goal 8 Recreational Needs
- Goal 9 Economic Development
- Goal 10 Housing
- Goal 11 Public Facilities and Services
- Goal 12 Transportation
- Goal 13 Energy Conservation
- Goal 14 Urbanization
- Goal 15 Willamette River Greenway

There are approximately 560 acres of land both within Portland's municipal boundaries and beyond the regional urban growth boundary that can be classified as rural land. In 1991, as part of Ordinance 164517, the City Council took an exception to Goal 3 and 4 the agriculture and forestry goals. Because of the acknowledged exception, the following goals do not apply:

- Goal 3 Agricultural Lands
- Goal 4 Forest Lands

Other Statewide Planning Goals apply only within Oregon's coastal zone. Since Portland is not within Oregon's coastal zone, the following goals do not apply to this decision:

- Goal 16 Estuarine Resources
- Goal 17 Coastal Shorelands
- Goal 18 Beaches and Dunes
- Goal 19 Ocean Resources

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Goal 1. Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

3. **Finding:** The BPCU project meets this goal. The events and outreach strategies summarized below demonstrate consistency with the requirements of Statewide Planning Goal 1.

The Portland community had an opportunity to be involved in development and adoption of the BPCU amendments.

Discussion Draft. The public comment period of the Discussion Draft of the BPCU spanned from its release on August 14 through October 1, 2018. The outreach period focused on informing the public on the Zoning Code proposals. As documented in the Appendices, in the period leading up to the release of the Discussion Draft, PBOT staff held a Stakeholder Advisory Group process and worked extensively with specific organizations representing groups who are affected by and interested in the topic.

Proposed Draft. On December 12, 2018, the Proposed Draft of BPCU amendments was published in preparation for the Planning and Sustainability Commission (PSC) review and recommendation.

In support of this process, the websites of both the Bureau of Planning and Sustainability (BPS) and the Portland Bureau of Transportation (PBOT) had project pages dedicated to this project, and telephone and email contact information to learn about the project. BPS also hosted a “Map App” page for submitting testimony online.

Just prior to and after the release of the Proposed Draft, PBOT staff made public presentations to organizations on request. Additionally, staff held a focus group with members of the Andando en Bicicletas y Caminando (ABC) in Cully, a community group focused on uniting the community with activities and events to spread awareness about the benefits of cycling.

The City followed the legislative process for Zoning Code Projects, and the PSC held a public hearing on January 22, 2019. Twenty people testified at the hearing. A total of 72 pieces of testimony (written and verbal) was received.

On February 26, 2018, the PSC discussed and amended the proposal and voted to recommend the changes to City Council. The PSC amendments were in response to testimony and guided by City goals and policies.

Recommended Draft. On October 14, 2019, a legislative notice of the City Council Hearing was sent to interested parties and anyone who testified to the PSC on the proposed draft. On October 3, 2019 the Bicycle Parking Code Update published the PSC recommendations for consideration by City Council. City Council held a public hearing on November 13, 2019, to receive verbal testimony.

Goal 2. Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

4. **Finding:** The BPCU project supports Goal 2 because the amendments were developed consistent with the Statewide Planning Goals, the Metro Urban Growth Management Functional Plan the Metro Regional Transportation Functional Plan, and 2035 Comprehensive Plan, as detailed in this ordinance.
5. **Finding:** Other government agencies received notice from the 35-day DLCD notice and the City’s legislative notice. The City did not receive any requests from other government agencies to modify these amendments.

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6. **Finding:** The City Council's decision is based on the findings in this document, which are based on the factual evidence presented to the Planning and Sustainability Commission and City Council that are incorporated in the record that provides the adequate factual base for this decision.

Goal 5. Open Space, Scenic and Historic Areas, and Natural Resources. To protect natural resources and conserve scenic and historic areas and open spaces.

7. **Finding:**

Open Spaces. None of the bicycle parking changes involve designated open spaces (OS map designations).

Scenic Resources. The City has designated scenic resources. Existing scenic resource protections (Chapter 33.480) are not being amended.

Historic Resources. Historic resources are located throughout the City. Existing historic resource protections are not being amended (Chapter 33.445).

Natural Resources. Existing natural resource protections are not being amended (Chapters 33.430 and 33.465). However, not all resources identified in the City's updated Natural Resources Inventory (NRI) are currently included in these protections. The City has initiated a separate legislative process to update the environmental overlay zones based on the adopted NRI.

Generally. As noted below in the findings for the 2035 Comprehensive Plan, the BPCU project is consistent with the goals and policies of Chapter 4 (Design and Development, including Historic and Cultural Resources) and Chapter 7 (Environment and Watershed Health) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, the BPCU project is consistent with the requirements of Statewide Planning Goal 5.

Goal 6. Air, Water, and Land Resource Quality. To maintain and improve the quality of the air, water and land resources of the state.

8. **Finding:** Goal 6 requires the maintenance and improvement of the quality of air, water, and land resources. The State has not yet adopted specific requirements for complying with Statewide Planning Goal 6. The City is in compliance with environmental standards and statutes, including the federal Clean Water Act and Clean Air Act. Existing City regulations including Title 10 (Erosion Control) and the Stormwater Management Manual will remain in effect and are applicable to future development. As noted below in the findings for the 2035 Comprehensive Plan, the BPCU project is consistent with the goals and policies of Chapter 7 (Environment and Watershed Health) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, the BPCU project is consistent with the requirements of Statewide Planning Goal 6.

Goal 7. Areas Subject to Natural Disasters and Hazards. To protect people and property from natural hazards.

9. **Finding:** The State has not yet adopted specific requirements for complying with Statewide Planning Goal 7. The Buildable Land Inventory (BLI), which was adopted (Ordinance 187831) and acknowledged by LCDC on April 25, 2017, included a development constraint analysis that identified parts of Portland that are subject to natural hazards. City programs that are deemed in compliance with Metro Title 3 requirements for flood management, and erosion and sediment control (i.e., City Title 10 Erosion Control, and the balanced cut and fill requirements of City Title

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24), as well as the environmental overlay zones are unchanged by these amendments and will ensure any new development will be done in a way to protect people and property from hazards.

As noted below in the findings for the 2035 Comprehensive Plan, the BPCU project is consistent with the goals and policies of Chapter 7 (Environment and Watershed Health) of the 2035 Comprehensive Plan and findings in response to those goals and policies are incorporated by reference. Therefore, the BPCU project is consistent with the requirements of Statewide Planning Goal 7.

Goal 8. Recreational Needs. To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

10. Finding: Goal 8 focuses on the provision of destination resorts. However, it does impose a general obligation on the City to plan for meeting its residents' recreational needs: "(1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements."

Goal 8 provides that "Recreation Needs -- refers to existing and future demand by citizens and visitors for recreations areas, facilities and opportunities." Goal 8 also provides that "Recreation Areas, Facilities and Opportunities -- provide for human development and enrichment, and include but are not limited to: open space and scenic landscapes; recreational lands; history, archaeology and natural science resources; scenic roads and travelers; sports and cultural events; camping, picnicking and recreational lodging; tourist facilities and accommodations; trails; waterway use facilities; hunting; angling; winter sports; mineral resources; active and passive games and activities."

The City of Portland has robust and diverse system of parks, recreation areas and open spaces. The City's Parks 2020 Vision documents the City's long-term plan to provide a wide variety of high-quality park and recreation services and opportunities for all residents. The Parks 2020 Vision identifies a goal that 100% of Portlanders are within ½ mile of a Park or Natural Area. As of 2016, 81% of the City's households are within ½ mile of a park or natural area, whereas 86 percent of the multi-dwelling zoned areas (4,317 acres out of a total of 5,010 acres) are within ½ mile of a park or natural area. Providing additional opportunities for future households to locate in these areas will continue to contribute towards fulfillment of this goal.

The BPCU project supports Goal 8 because it includes requirements for bicycle parking at development in uses such as, Commercial Outdoor Recreation and Parks & Open Areas to ensure visitors that access these sites by bicycle have a place to park. The Planning and Sustainability Commission made an amendment that bicycle parking requirements for Parks and Open Areas are based on a Conditional Use Review and directed PBOT and Portland Parks and Recreation Bureau to develop a memorandum of understanding outlining minimum standards for different facility types.

Goal 9. Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to health, welfare, and prosperity of Oregon's citizens.

11. Finding: Goal 9 requires cities to consider economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Comprehensive plans for urban areas are required to include, among other things: an analysis of economic patterns, potentialities, strengths, and deficiencies; policies concerning economic development; and land use maps that provide for at least an adequate supply of sites for a variety of industrial and commercial uses.

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The 2035 Comprehensive Plan demonstrates compliance with Goal 9. Land needs for a variety of industrial and commercial uses are identified in the Economic Opportunities Analysis (EOA), which was adopted (Ordinance 187831) and acknowledged by LCDC on April 25, 2017.

The City's acknowledged EOA analyzed and demonstrated adequate growth capacity for a diverse range of employment uses, which are organized into different geographies that represent a distinct mix of business sectors and building types. In each of the geographies, the City analyzed the future employment growth and the developable land supply to accommodate that growth.

As noted below in the findings for the 2035 Comprehensive Plan, the BPCU project is consistent with the goals and policies of Chapter 6 (Economic Development) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, the BPCU project is consistent with the requirements of Statewide Planning Goal 9.

Goal 10. Housing. To provide for the housing needs of citizens of the state.

- 12. Finding:** The BPCU project meets Goal 10 because the City worked to ensure the amendments were clear and objective and do not cause unreasonable cost or delay in providing needed housing.

For example, staff in collaboration with DECA Architecture, conducted a Spatial and Economic Study of the BPCU amendment proposals in the Discussion Draft. Details on the analysis can be found in the Appendices. The Study found that the biggest impact of the BPCU project was on small sites (5,000 sq. ft.) where space is limited to accommodate adequate bicycle parking. The PSC adopted several amendments to address these small site constraints, including, not requiring any bicycle parking for sites with 4 or fewer units and for sites with up to 12 units, 100 percent of long-term bicycle parking can be provided in dwelling units, as opposed to use limited space outside the unit for bicycle parking.

Goal 11. Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

- 13. Finding:** Statewide Planning Goal 11, Public Facilities, requires cities to adopt and update public facilities plans. Public facilities plans ensure that urban development is guided and supported by types and levels of water, sewer and transportation facilities appropriate for the needs and requirements of the urban areas to be serviced, and that those facilities and services are provided in a timely, orderly and efficient arrangement.

The adopted 2035 Comprehensive Plan includes the Citywide Systems Plan (CSP), which was adopted (Ordinance 185657) and acknowledged by LCDC on April 25, 2017. The CSP includes the Public Facilities Plan with information on current and future transportation, water, sanitary sewer, and stormwater infrastructure needs and projects, consistent with the requirements of Statewide Planning Goal 11.

Sanitary Sewer

Both Portland's combined sewer system and its sanitary sewer system have hydraulic and condition deficiencies that impact the ability of these systems to serve existing properties at designated service levels. These deficiencies can result in higher risks for sewer backups, surcharging, and/or overflows.

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Stormwater

Stormwater is conveyed through the combined sewer system, pipes, ditches, or drainageways to streams and rivers. In some cases, stormwater is managed in detention facilities, other vegetated facilities, or allowed to infiltrate in natural areas. Safe conveyance of stormwater is an issue in some areas, particularly in the hilly areas of west Portland and some parts of outer southeast which lack comprehensive conveyance systems and where infiltration is limited by geology or high groundwater. Since 1999, the Stormwater Management Manual (SWMM) has provided policy and design requirements for stormwater management throughout the City of Portland. The requirements apply to all development, redevelopment, and improvement projects within the City of Portland on private and public property and in the public right-of-way. In some cases, solutions may not be technically or financially feasible. Flooding continues to be an issue, particularly in the Johnson Creek area.

Water

Water demand forecasts developed by the Water Bureau anticipate that while per capita water demands will continue to decline somewhat over time, the overall demands on the Portland water system will increase due to population growth. The Portland Water Bureau has not experienced any major supply deficiencies in the last 10 years.

Transportation facilities are addressed under Statewide Planning Goal 12, below.

The constraints on public facilities are not insurmountable, but mean development could face increased cost to provide the constrained infrastructure.

As noted below in the findings for the 2035 Comprehensive Plan, the BPCU project is consistent with the goals and policies of Chapter 8 (Public Facilities and Services) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, the BPCU project is consistent with the requirements of Statewide Planning Goal 11.

Goal 12. Transportation. To provide and encourage a safe, convenient and economic transportation system.

14. Finding: The BPCU project meets this goal because the provision of bicycle parking at trip origins and destinations is a necessary component for supporting bicycling as a form of transportation. The City works on building the connected and safe network of bicycle infrastructure in the right-of-way, but the BPCU project requires that private and public development contribute to the bicycle infrastructure network by ensuring there are adequate and safe places to park a bicycle at these sites.

Transportation Planning Rule 660-012-0045 3(a) calls for “Bicycle Parking facilities as part of new multi-family residential developments of four units or more, new retail, office and institutional developments, and all transit transfer stations and park-and-ride lots.” The BPCU project includes required amounts and standards for 30 Use and Specific Use Categories, including Multi-Dwelling developments, retail, office, institutions, like colleges and medical centers, and transit stations.

The required numbers of bicycle parking spaces were calculated using data points such as the industry standard for average square footage per employee (or employee density), visitation rates from Transportation System Development Charges, and target mode split to build out the

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methodology for updating the amounts. More detail on the methodology can be found in the Recommended Draft (Section IV) and in the Stakeholder Advisory Committee Report.

- 15. Finding:** The current amount required for Office Uses, 2, or 1 per 10,000 square feet of net building area, only equates to enough bike parking spaces for 3.5% of employees. This is well below the City's target mode split and well below even the current bike mode split of 7%, based on the American Community Survey data. Therefore, the proposed amendments use verified data points to require long-term bicycle parking for employees based on mode split goals.

Staff used the following to calculate the ratios for Office Use:

Long-Term Bicycle Parking:

- Employee Density = 350 sq. ft. per employee (from City of Portland Economic Opportunities Analysis, 2016 - *note this was the most conservative in the range of data points found*)
- Target Mode Split - 15% average bicycle mode split for commute trips:
 - Standard A = 20%
 - Standard B = 10%
- Resulting Long-Term Requirements:
 - Standard A = 1 per 1,800 sq. ft. of net building area
 - Standard B = 1 per 3,500 sq. ft. of net building area

Finally, as can be seen in Table A of Appendix D of the Recommended Draft, long-term bike parking is often provided at rates that meet or exceed proposed required levels. However, we are only seeing these rates of bicycle parking at Class A office projects in or near the Central City. Therefore, the BPCU project amendments are focused on ensuring there is bicycle parking at office uses across the city to meet current and future demand.

- 16. Finding:** The BPCU project does not change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification system, or degrade the performance of an existing or planned transportation facility.

Goal 13. Energy Conservation. To conserve energy.

- 17. Finding:** The state has not adopted specific rules for complying with Statewide Planning Goal 13. Goal 13 generally requires that land use plans contribute to energy conservation. The BPCU project does not adopt or amend a local energy policy or implementing provisions.

This goal does not apply because the BPCU project does not adopt or amend a local energy policy or implementing provisions. However, the BPCU project includes standards for bicycle parking at new and major redevelopment, which supports bicycling as an environmentally friendly, low-energy mode of transportation.

Goal 14. Urbanization. To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

- 18. Finding:** Metro is responsible for Goal 14 compliance on behalf of Portland and other cities within the metropolitan region. Metro has adopted an Urban Growth Management Functional Plan and

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compliance with this plan by constituent cities assures compliance with Goal 14, which is discussed in Part II of this document and those findings are incorporated by reference.

- 19. Finding:** As part of the BPCU project the City conducted a Spatial and Economic Analysis Study to determine the impacts of the proposed amendments in the Discussion Draft. Details of the analysis can be found in the Appendices. The Study found that the biggest impact of the BPCU project was on small sites (5,000 sq. ft.) where space is limited to accommodate adequate bicycle parking. The PSC adopted several amendments to address these small site constraints, including, not requiring any bicycle parking for sites with 4 or fewer units and for sites with up to 12 units, 100 percent of long-term bicycle parking can be provided in dwelling units, as opposed to use limited space outside the unit for bicycle parking. Therefore, BPCU project will not impact Portland's development capacity.

Goal 15. Willamette River Greenway. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

- 20. Finding:** Goal 15 does not apply because the BPCU project does not change the protections to affected lands within the Willamette River Greenway Overlay Zone.

Part II. Metro Urban Growth Management Functional Plan

Under ORS 268.380 and its Charter, Metro has the authority to adopt regional plans and require city and county comprehensive plans to comply with regional plan. Metro adopted its Urban Growth Management Functional Plan under this authority.

In its June 2011 update to its 2010 compliance report Metro found, "The City of Portland is in compliance with all Urban Growth Management Functional Plan requirements in effect on December 15, 2010, except for Title 13, Nature in Neighborhoods. On January 16, 2013 the City received a letter from Metro stated that Portland had achieved compliance with Title 13.

Title 1. Housing Capacity. The Regional Framework Plan calls for a compact urban form and a "fair-share" approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to maintain or increase its housing capacity, especially in centers, corridors, main streets, and station communities, except as provided in section 3.07.120.

- 21. Finding:** The BPCU project meets Title 1 because the project will not affect the City's obligation to maintain or increase housing capacity. The City worked to ensure the amendments were clear and objective and do not cause unreasonable cost or delay in providing needed housing. For example, staff in collaboration with DECA Architecture, conducted a Spatial and Economic Study of the BPCU amendment proposals in the Discussion Draft. Details on the analysis can be found in the Appendices. The Study found that the biggest impact of the BPCU project was on small sites (5,000 sq. ft.) where space is limited to accommodate adequate bicycle parking. The PSC adopted several amendments to address these small site constraints, including, not requiring any bicycle parking for sites with 4 or fewer units and for sites with up to 12 units, 100 percent of long-term bicycle parking can be provided in dwelling units, as opposed to use limited space outside the unit for bicycle parking.

Title 2. Regional Parking Policy. (repealed in 1997 by Metro Ordinance 10-1241B, Sec. 6)

Title 3. Water Quality and Flood Management. To protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating

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the impact on these areas from development activities and protecting life and property from dangers associated with flooding.

22. Finding: Title 3 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. Title 3 establishes performance standards for 1) flood management; 2) erosion and sediment control; and 3) water quality. The City has adopted overlay zones and land use regulations, including Title 10 Erosion Control and the balanced cut-and-fill standards in Title 24 Building Regulations, that, in the June 2011 update to its 2010 compliance report, Metro found sufficient to comply with Title 3.

This title does not apply because the BPCU project does not amend or affect Water Quality and Flood Management Areas.

Title 4. Industrial and Other Employment Areas. The Regional Framework Plan calls for a strong regional economy. To improve the economy, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of "clustering" to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region's transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities. The Metro Council will evaluate the effectiveness of Title 4 in achieving these purposes as part of its periodic analysis of the capacity of the urban growth boundary.

23. Finding: The purpose of Title 4 is to maintain a regional supply of existing industrial and employment land by limiting competing uses for this land. Metro has not adopted a Statewide Planning Goal 9 economic opportunities analysis for the region, so Title 4 is not based on an assessment of the land needed for various employment types, nor do the Title 4 maps necessarily depict lands most suitable to accommodate future job growth. Rather, Title 4 seeks to protect the manufacturing, warehousing, and distribution of goods within three types of mapped areas by limiting competing uses. These three areas are Regionally Significant Industrial Areas (RSIAs), Industrial Areas, and Employment Areas.

This title does not apply because the BPCU project does not affect existing industrial and employment land supply.

Title 5. Neighboring Cities (repealed 1997)

Title 6. Centers, Corridors, Station Communities and Main Streets. The Regional Framework Plan identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high-capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro's approval.

24. Finding: Title 6 establishes eligibility criteria for certain regional investments, and the use of more flexible trip generation assumptions when evaluating transportation impacts. Title 6 also contains aspirational activity level targets for different Metro 2040 place types. This title is incentive-based, so these findings simply serve to document intent. There are no specific mandatory compliance standards in Title 6 that apply to this ordinance.

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The BPCU project helps achieve the Metro 2040 Growth Concept by requiring the provision of adequate bicycle parking in development. This includes development with Centers, Corridors, Station Communities and Main Streets. In order to achieve a balanced transportation system to move people and goods, the City needs to meet its target mode split goals established in the Comprehensive Plan 2035 and the Transportation System Plan. These bicycle mode split goals were used to guide the updated methodology for the required amounts of bicycle parking in the BPCU project to ensure there is adequate amounts of bicycle parking in development.

Title 7. Housing Choice. The Regional Framework Plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments and assistance from local governments on reports on progress towards increasing the supply of affordable housing. It is the intent of Title 7 to implement these policies of the Regional Framework Plan.

25. Finding: This title does not apply because the BPCU project affects the provision of bicycle parking in development and does not affect the City's creation of housing production goals and reporting on supply of affordable housing. As discussed in Finding 12, the BPCU project proposals were amended by the Planning and Sustainability Commission to reduce the impacts of required bike parking on small sites.

Title 8. Compliance Procedures. Title 8 addresses compliance procedures. This Title requires the City to notify Metro of pending land use decisions by providing Metro a copy of the 35-day notice required by the DLCD for proposed completion of a periodic review task. Title 8 also requires the City to provide findings of compliance with the *Urban Growth Management Functional Plan*.

26. Finding: This notice was provided to Metro. Title 8 also requires the City to provide findings of compliance with the *Urban Growth Management Functional Plan*. The findings in this ordinance were also provided to Metro. All applicable requirements of Title 8 have been met.

Title 9. Performance Measures. (repealed in 2010)

Title 10. Functional Plan Definitions. Title 10 contains definitions. When 2035 Comprehensive Plan uses a term found in Title 10 either the term has the same meaning found in Title 10, or the difference is explained.

27. Finding: This title does not apply because the BPCU project does not change any definitions in the 2035 Comprehensive Plan.

Title 11. Planning for New Urban Areas. The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. It is the purpose of Title 11 to guide such long-range planning for urban reserves and areas added to the UGB. It is also the purpose of Title 11 to provide interim protection for areas added to the UGB until city or county amendments to land use regulations to allow urbanization to become applicable to the areas.

28. Finding: This title does not apply because the BPCU project does not create new urban areas.

Title 12. Protection of Residential Neighborhoods. Existing neighborhoods are essential to the success of the 2040 Growth Concept. The intent of Title 12 of the Urban Growth Management Functional Plan is to protect the region's residential neighborhoods. The purpose of Title 12 is to help implement the policy of the Regional Framework Plan to protect existing residential neighborhoods from air and water pollution, noise, and crime and to provide adequate levels of public services.

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29. Finding: Title 12 addresses protection of residential neighborhoods. This title largely restricts Metro's authority to plan and regulate density in single-family neighborhoods. This title does not apply because the BPCU project does not employ any of the optional provisions of Title 12.

Title 13. Nature in Neighborhoods. The purposes of this program are to (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

30. Finding: This title does not apply because the BPCU project affects the provision of bicycle parking in development and does not affect the existing environmental overlay zones.

Title 14. Urban Growth Management Plan. Title 14 addresses the regional urban growth boundary.

31. Finding: This title does not apply because the BPCU project affects the provision of bicycle parking in development and does not require, nor initiate, a boundary change.

Summary, Urban Growth Management Functional Plan Findings

32. Finding: The Metro Title 10 definition of comply or compliance means "substantial" rather than absolute compliance. "Substantial compliance" means city comprehensive plans and implementing ordinances, on the whole, conforms with the purposes of the performance standards in the functional plan and any failure to meet individual performance standard requirements is technical or minor in nature. For the facts and reasons stated above this ordinance substantially complies with all Urban Growth Management Functional Plan requirements applicable to the BPCU amendments.

Part III. Portland's Comprehensive Plan

Portland's 2035 Comprehensive Plan was adopted as part of Task Four of Periodic Review. Task Four was adopted by Ordinance No. 187832 on June 15, 2016. The 2035 Comprehensive Plan was amended as part Task Five of Periodic Review, which was adopted by Ordinance No. 188177 on December 21, 2016. Both ordinances were made effective on May 24, 2018 by Ordinance No. 188695, and both Tasks Four and Five were approved by LCDC Order 18 – WKTSK – 001897 on August 8, 2018.

Guiding Principles

The 2035 Comprehensive Plan adopted five "guiding principles" in addition to the goals and policies typically included in a comprehensive plan. These principles were adopted to reinforce that implementation of the plan needs to be balanced, integrated and multi-disciplinary, and the influence of each principle helps to shape the overall policy framework of the plan. The BPCU amendments further these guiding principles as described below.

Economic Prosperity. Support a low-carbon economy and foster employment growth, competitiveness and equitably distributed household prosperity.

33. Finding: The BPCU project advances this principle by supporting low-cost, low-carbon transportation options for all Portlanders. As outlined in Section II of the Recommended Draft Report transportation is the second highest household cost and owning a car can cost a family

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approximately \$8,500 a year. The project supports low-cost, active transportation options which can provide tangible economic benefits to individuals and households across Portland.

Human Health. Avoid or minimize negative health impacts and improve opportunities for Portlanders to lead healthy, active lives.

34. Finding: The BPCU project meets this principle because the project requires safe, convenient bicycle parking in new development, which supports bicycling for transportation and recreation, supporting people to be more active in their daily lives. As outlined in Section II of the Recommended Draft Report, regular physical activity, including the use of active transportation, helps improve overall health and fitness and reduces risk for many chronic diseases.

Environmental Health. Weave nature into the city and foster a healthy environment that sustains people, neighborhoods, and fish and wildlife. Recognize the intrinsic value of nature and sustain the ecosystem services of Portland's air, water and land.

35. Finding: Per Section II of the Recommended Draft Report, the BPCU project meets this principle because it will increase the supply of bicycle parking, which supports bicycling, a low-carbon transportation option. Nearly 40 percent of all local carbon emissions come from transportation sources. Promoting active transportation is one of the key strategies to reduce carbon emissions from the transportation sector.

Equity. Promote equity and environmental justice by reducing disparities, minimizing burdens, extending community benefits, increasing the amount of affordable housing, affirmatively furthering fair housing, proactively fighting displacement, and improving socio-economic opportunities for under-served and under-represented populations. Intentionally engage under-served and under-represented populations in decisions that affect them. Specifically recognize, address and prevent repetition of the injustices suffered by communities of color throughout Portland's history.

36. Finding: This guiding principle does not require every project to meet every aspect of this guiding principle. The BPCU project meets this principle because it establishes standards for bicycle parking that consider the needs of people with a range of abilities. For example, amendments include standards to require bicycle parking spaces that can accommodate other sized bikes like tricycles, family sized bikes and hand cycles. Additionally, for larger developments, standards require that a percentage of bicycle racks must allow for horizontal bicycle parking, so people don't have to lift their bike onto a wall-mounted, vertical bike rack. The Council finds this project reduces disparities for people of differing abilities and furthers fair housing.

37. Finding: The BPCU project also meets this principle because the project staff conducted intentional engagement with the Portland Housing Bureau, affordable housing developers and tenants, which included communities of color and people with low-income, to develop the proposed amendments. This included inviting and providing interpreters for members of Andando en Bicicletas y Caminando (ABC), a community advocacy group in Cully, to testify at the PSC Hearing.

Resilience. Reduce risk and improve the ability of individuals, communities, economic systems, and the natural and build environments to withstand, recover from, and adapt to changes from natural hazards, human-made disasters, climate change, and economic shifts.

38. Finding: The BPCU project meets this principle in emergency situations where fossil fuel may be difficult to get and roads may be blocked to larger vehicles, bicycles will be an important short-range transportation mode. The BPCU project supports this guiding principle by including

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standards for a variety of bicycle types, including standard bicycles, tricycles, hand cycles, tandems, electric motor assisted cycles and cargo bicycles that can be used in emergency situations.

Chapter 1: The Plan

Goal 1.A: Multiple goals. Portland's Comprehensive Plan provides a framework to guide land use, development, and public facility investments. It is based on a set of Guiding Principles that call for integrated approaches, actions, and outcomes that meet multiple goals to ensure Portland is prosperous, healthy, equitable, and resilient.

Goal 1.B: Regional partnership. Portland's Comprehensive Plan acknowledges Portland's role within the region, and it is coordinated with the policies of governmental partners.

Goal 1.C: A well-functioning plan. Portland's Comprehensive Plan is effective, its elements are aligned, and it is updated periodically to be current and to address mandates, community needs, and identified problems.

Goal 1.D: Implementation tools. Portland's Comprehensive Plan is executed through a variety of implementation tools, both regulatory and non-regulatory. Implementation tools comply with the Comprehensive Plan and are carried out in a coordinated and efficient manner. They protect the public's current and future interests and balance the need for providing certainty for future development with the need for flexibility and the opportunity to promote innovation.

Goal 1.E: Administration. Portland's Comprehensive Plan is administered efficiently and effectively and in ways that forward the intent of the Plan. It is administered in accordance with regional plans and state and federal law.

39. Finding: The BPCU project amends the Zoning Code. As noted above in Findings 33 through 38, the BPCU project is consistent with the guiding principles of the 2035 Comprehensive Plan. The findings in this exhibit demonstrate how the BPCU amendments are consistent with the 2035 Comprehensive Plan, the Urban Growth Management Functional Plan, and the Statewide Planning Goals. Metro, TriMet, and other state agencies received notice of the proposed BPCU amendments from the 35-day DLCDD notice and the City's legislative notice. The City did not receive any requests from other government agencies to modify the BPCU amendments.

Chapter 2: Community Involvement

Goal 2.A: Community involvement as a partnership. The City of Portland works together as a genuine partner with all Portland communities and interests. The City promotes, builds, and maintains relationships, and communicates with individuals, communities, neighborhoods, businesses, organizations, institutions, and other governments to ensure meaningful community involvement in planning and investment decisions.

Goal 2.B: Social justice and equity. The City of Portland seeks social justice by expanding choice and opportunity for all community members, recognizing a special responsibility to identify and engage, as genuine partners, under-served and under-represented communities in planning, investment, implementation, and enforcement processes, particularly those with potential to be adversely affected by the results of decisions. The City actively works to improve its planning and investment-related decisions to achieve equitable distribution of burdens and benefits and address past injustices.

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Goal 2.C: Value community wisdom and participation. Portland values and encourages community and civic participation. The City seeks and considers community wisdom and diverse cultural perspectives, and integrates them with technical analysis, to strengthen land use decisions.

Goal 2.D: Transparency and accountability. City planning and investment decision-making processes are clear, open, and documented. Through these processes a diverse range of community interests are heard and balanced. The City makes it clear to the community who is responsible for making decisions and how community input is considered. Accountability includes monitoring and reporting outcomes.

Goal 2.E: Meaningful participation. Community members have meaningful opportunities to participate in and influence all stages of planning and decision making. Public processes engage the full diversity of affected community members, including under-served and under-represented individuals and communities. The City will seek and facilitate the involvement of those potentially affected by planning and decision making.

Goal 2.F: Accessible and effective participation. City planning and investment decision-making processes are designed to be culturally accessible and effective. The City draws from acknowledged best practices and uses a wide variety of tools, including those developed and recommended by under-served and under-represented communities, to promote inclusive, collaborative, culturally-specific, and robust community involvement.

Goal 2.G: Strong civic infrastructure. Civic institutions, organizations, and processes encourage active and meaningful community involvement and strengthen the capacity of individuals and communities to participate in planning processes and civic life.

40. Finding: The BPCU project meets Goals 2.A through 2.G for community involvement because the project's public engagement process provided opportunities for interested parties to comment on and influence the recommended draft and the final decision before City Council.

Early concept development was informed by a variety of public input. At the beginning of the process, a Stakeholder Advisory Group of volunteers with a variety of perspectives on bicycle parking was convened. The Committee met seven times from February 2016 to October 2017 and produced a set of recommendations. Early input into concept development was also collected through an online survey and an online open house. Staff also did site visits and targeted interviews in 2017 and 2018.

During the process of developing these amendments, the Discussion Draft, Proposed Draft and Recommended Draft were posted to the project websites and advertised by email. The project team conducted briefings with the PSC, district coalitions, City Council and community and interest groups.

Electronic submission of testimony on the Proposed and Recommended Drafts was accepted, and all testimony was made available in a searchable format online. Information about the process, including decision-making points and opportunities for public comment, was posted on the BPS and PBOT websites and updated regularly.

During project engagement staff worked intentionally to engage with communities of color, low-income populations and other under-served groups. For example, project staff held a focus group about the BPCU project with members of Andando en Bicicletas y Caminando, an advocacy group in Cully, and had a number of one-on-one meetings with organizations that serve people that live in affordable housing developments.

The public was provided opportunities to express concerns and suggest amendments in front of

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the PSC. The amendments have been appropriately reviewed by the Planning and Sustainability Commission and recommended to City Council. The PSC held a public hearing and heard testimony on the amendments on January 22, 2019. The PSC deliberated and held work sessions on February 11 and 26, 2019. Testimony covered many issues including the need for more bicycle parking in new buildings, whether long-term bicycle parking should be located in residential dwelling units, the need for additional bicycle parking at schools and concerns about the impacts on small development. In response to testimony, and guided by City goals and policies, the PSC adopted several amendments.

The PSC voted on February 26, 2019 to recommend the proposal as amended to Portland City Council for adoption.

Partners in decision making

Policy 2.1. Partnerships and coordination. Maintain partnerships and coordinate land use engagement with:

2.1.a Individual community members.

2.1.b Communities of color, low-income populations, Limited English Proficient (LEP) communities, Native American communities, and other under-served and under-represented communities.

2.1.c District coalitions, neighborhood associations, and business district associations as local experts and communication channels for place-based projects.

2.1.d Businesses, unions, employees, and related organizations that reflect Portland's diversity as the center of regional economic and cultural activity.

2.1.e Community-based, faith-based, artistic and cultural, and interest-based non-profits, organizations, and groups.

2.1.f Institutions, governments, and Sovereign tribes.

Policy 2.2. Broaden partnerships. Work with district coalitions, neighborhood associations, and business district associations to increase participation and to help them reflect the diversity of the people and institutions they serve. Facilitate greater communication and collaboration among district coalitions, neighborhood associations, business district associations, culturally-specific organizations, and community-based organizations.

41. Finding: The BPCU project meets policy 2.1 and 2.2 because staff worked to engage community members, including district coalitions, bicycle advocacy groups, community groups, and affordable housing organizations throughout the project process. Staff held presentations, sent email engagement, had phone calls and set-up one-on-one meetings to increase participation on the project. In instances when staff didn't feel they got enough feedback, like for example, tenants of multifamily housing, staff developed strategies, including an online survey specifically geared towards tenants' experience with bicycle parking at apartment buildings in Portland.

Environmental justice

Policy 2.3. Extend benefits. Ensure plans and investments promote environmental justice by extending the community benefits associated with environmental assets, land use, and public investments to communities of color, low-income populations, and other under-served or under-

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represented groups impacted by the decision. Maximize economic, cultural, political, and environmental benefits through ongoing partnerships.

Policy 2.4. Eliminate burdens. Ensure plans and investments eliminate associated disproportionate burdens (e.g. adverse environmental, economic, or community impacts) for communities of color, low-income populations, and other under-served or under-represented groups impacted by the decision.

2.4.a Minimize or mitigate disproportionate burdens in cases where they cannot be eliminated.

2.4.b Use plans and investments to address disproportionate burdens of previous decisions.

42. Finding: The BPCU project meets policy 2.3 and 2.4 under Environmental Justice because during project engagement staff worked intentionally to engage with communities of color, low-income populations and other under-served groups. For example, project staff held a focus group about the BPCU project with members of Andando en Bicicletas y Caminando, an advocacy group in Cully, and had a number of one-on-one meetings with organizations that serve people that live in affordable housing developments. This testimony was particularly important to demonstrate to the Planning and Sustainability Commission the importance of bicycle parking for people living on low-incomes, as a counterpoint to testimony that this project was only benefiting higher-income families that live close to Central City.

Community assessment

Policy 2.8. Channels of communication. Maintain channels of communication among City Council, the Planning and Sustainability Commission (PSC), project advisory committees, City staff, and community members.

Policy 2.9. Community analysis. Collect and evaluate data, including community-validated population data and information, to understand the needs, priorities, and trends and historical context affecting different communities in Portland.

Policy 2.10. Community participation in data collection. Provide meaningful opportunities for individuals and communities to be involved in inventories, mapping, data analysis, and the development of alternatives.

43. Finding: The BPCU project meets the policies 2.8 through 2.10 because the public engagement process provided opportunities for all interested parties to comment on and influence the recommended draft and the final decision before City Council.

For example, the project team conducted briefings with the PSC, neighborhood associations, City Council and community groups. Electronic submission of testimony on the Proposed and Recommended Drafts were accepted, and all testimony was made available in a searchable format online. Information about the process, including decision-making points and opportunities for public comment, was posted on the website and updated regularly.

Transparency and accountability

Policy 2.12. Roles and responsibilities. Establish clear roles, rights, and responsibilities for participants and decision makers in planning and investment processes. Address roles of City bureaus, elected officials, and participants, including community and neighborhood leadership, business, organizations, and individuals.

Policy 2.13. Project scope. Establish clear expectations about land use project sponsorship, purpose, design, and how decision makers will use the process results.

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Policy 2.14. Community influence. At each stage of the process, identify which elements of a planning and investment process can be influenced or changed through community involvement. Clarify the extent to which those elements can be influenced or changed.

Policy 2.15. Documentation and feedback. Provide clear documentation for the rationale supporting decisions in planning and investment processes. Communicate to participants about the issues raised in the community involvement process, how public input affected outcomes, and the rationale used to make decisions.

44. Finding: The BPCU project meets policies 2.12 through 2.15 because the project, including the legislative process, the project scope, roles and responsibilities related to the project and ways to engage were clearly outlined in notices, documents and on the project website, with guidance on how to testify to influence the Proposed Draft at the PSC, which amended the proposal. Then the Recommended Draft was published with the opportunity to testify to the City Council for the November 13, 2019 public hearing. The staff reports for both drafts include summaries of how the draft changed from a previous iteration and why.

Throughout the process, staff contacted, met with, and coordinated with stakeholders to inform them how to engage in the decision-making process, how the process was structured, and additional opportunities to participate when such opportunities existed.

Electronic submission of testimony on the Proposed Draft was accepted, and all testimony was made available in a searchable format online. Information about the process, including decision-making points and opportunities for public comment, was posted on the website and updated regularly.

Process design and evaluation

Policy 2.24. Representation. Facilitate participation of a cross-section of the full diversity of affected Portlanders during planning and investment processes. This diversity includes individuals, stakeholders, and communities represented by race, color, national origin, English proficiency, gender, age, disability, religion, sexual orientation, gender identity, and source of income.

Policy 2.25. Early involvement. Improve opportunities for interested and affected community members to participate early in planning and investment processes, including identifying and prioritizing issues, needs, and opportunities; participating in process design; and recommending and prioritizing projects and/or other types of implementation.

Policy 2.26. Verifying data. Use data, including community-validated population data, to guide planning and investment processes and priority setting and to shape community involvement and decision-making efforts.

Policy 2.27. Demographics. Identify the demographics of potentially affected communities when initiating a planning or investment project.

Policy 2.28. Historical understanding. To better understand concerns and conditions when initiating a project, research the history, culture, past plans, and other needs of the affected community, particularly under-represented and under-served groups, and persons with limited English proficiency (LEP). Review preliminary findings with members of the community who have institutional and historical knowledge.

Policy 2.29. Project-specific needs. Customize community involvement processes to meet the needs of those potentially affected by the planning or investment project. Use community involvement techniques that fit the scope, character, and potential impact of the planning or investment decision.

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under consideration.

Policy 2.30. Culturally-appropriate processes. Consult with communities to design culturally-appropriate processes to meet the needs of those affected by a planning or investment project. Evaluate, use, and document creative and culturally-appropriate methods, tools, technologies, and spaces to inform and engage people from under-served and under-represented groups about planning or investment projects.

Policy 2.31. Innovative engagement methods. Develop and document innovative methods, tools, and technologies for community involvement processes for plan and investment projects.

Policy 2.32. Inclusive participation beyond Portland residents. Design public processes for planning and investment projects to engage affected and interested people who may not live in Portland such as property owners, employees, employers, and students, among others, as practicable.

Policy 2.33. Inclusive participation in Central City planning. Design public processes for the Central City that recognize its unique role as the region's center. Engage a wide range of stakeholders from the Central City and throughout the region including employees, employers, social service providers, students, and visitors, as well as regional tourism, institutional, recreation, transportation, and local/regional government representatives, as appropriate.

Policy 2.34. Accessibility. Ensure that community involvement processes for planning and investment projects are broadly accessible in terms of location, time, and language, and that they support the engagement of individuals with a variety of abilities and limitations on participation.

Policy 2.35. Participation monitoring. Evaluate and document participant demographics throughout planning and investment processes to assess whether participation reflects the demographics of affected communities. Adapt involvement practices and activities accordingly to increase effectiveness at reaching targeted audiences.

Policy 2.36. Adaptability. Adapt community involvement processes for planning and investment projects as appropriate to flexibly respond to changes in the scope and priority of the issues, needs, and other factors that may affect the process.

Policy 2.37. Process evaluation. Evaluate each community involvement process for planning or investment projects from both the City staff and participants' perspectives, and consider feedback and lessons learned to enhance future involvement efforts.

45. Finding: The BPCU project meets policies 2.24 through 2.37 because the project staff worked to engage all possible stakeholders throughout the community engagement phase and made adjustments when certain community groups and representatives were seemingly not participating. For example, during the concept development stage, staff found that an online survey was being filled out primarily by people in limited demographic categories. Given the potential impact on low-income tenants, staff worked with the Portland Housing Bureau to do more focused outreach with tenants to identify the challenges they experience associated with bicycle parking.

During the Planning and Sustainability Commission Public Hearing the City arranged for a Spanish interpreter to aid the members of Andando en Bicicletas y Caminando (ABC) in Cully in testifying.

There was Central City representation on the Stakeholder Advisory Committee.

Information design and development

Policy 2.38. Accommodation. Ensure accommodations to let individuals with disabilities participate in

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administrative, quasi-judicial, and legislative land use decisions, consistent with federal regulations.

46. Finding: The BPCU project meets policy 2.38 to ensure accommodations to let people with disabilities participate throughout the legislative process because project staff did specific outreach with organizations that serve people with disabilities and worked to provide accommodation for people to participate at the PSC public hearing meeting.

Policy 2.39. Notification. Notify affected and interested community members and recognized organizations about administrative, quasi-judicial, and legislative land use decisions with enough lead time to enable effective participation. Consider notification to both property owners and renters.

Policy 2.40. Tools for effective participation. Provide clear and easy access to information about administrative, quasi-judicial, and legislative land use decisions in multiple formats and through technological advancements and other ways.

47. Finding: The BPCU project meets policies 2.39 and 2.40 to provide notification and use effective tools for effective participation because the City sent mailed and emailed legislative notice to a variety of stakeholders that have requested notice of proposed land use changes, including organizations that represent underrepresented communities. Subsequently, the City sent a legislative notice to interested parties and people who testified to the PSC to inform them of the opportunity to testify at the November 13, 2019 City Council public hearing. The project process engaged individuals and organizations through email updates and notifications throughout the process. A project website was maintained and regularly updated with relevant information. Periodic project updates were provided via meeting appearances (project-specific meetings, neighborhood associations, district coalitions, Development Review Advisory Committee, etc.) and via email.

Policy 2.41. Limited English Proficiency (LEP). Ensure that limited English proficient (LEP) individuals are provided meaningful access to information about administrative, quasi-judicial, and legislative land use decisions, consistent with federal regulations.

48. Finding: The BPCU project meets policy 2.41 because staff worked to provide information about the project in other languages and increase access to participating in the legislative process for limited English proficient individuals. For example, during the PSC public hearing, staff worked with the group Andando en Bicycletas y Caminando (ABC) in Cully to support members who wished to testify in Spanish at the hearing with interpretation.

Chapter 3: Urban Form

GOAL 3.A: A city designed for people. Portland's built environment is designed to serve the needs and aspirations of all Portlanders, promoting prosperity, health, equity, and resiliency. New development, redevelopment, and public investments reduce disparities and encourage social interaction to create a healthy connected city.

49. Finding: The BPCU project meets Goal 3.A. The BPCU project requires provision of adequate bicycle parking in new development, which supports bicycling, a low-cost, low-carbon transportation option for all Portlanders. The project includes standards that support low-cost, active transportation options which can provide tangible economic and health benefits to Portlanders.

GOAL 3.B: A climate and hazard resilient urban form. Portland's compact urban form, sustainable building development practices, green infrastructure, and active transportation system reduce carbon

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emissions, reduce natural hazard risks and impacts, and improve resilience to the effects of climate change.

50. Finding: The BPCU project meets Goal 3.B. The BPCU project will increase the supply of bicycle parking, which supports bicycling, a low-carbon, active transportation option. Promoting active transportation is one of the key strategies to reduce carbon emissions from the transportation sector.

GOAL 3.C: Focused growth. Household and employment growth is focused in the Central City and other centers, corridors, and transit station areas, creating compact urban development in areas with a high level of service and amenities, while allowing the relative stability of lower-density single-family residential areas.

GOAL 3.D: A system of centers and corridors. Portland's interconnected system of centers and corridors provides diverse housing options and employment opportunities, robust multimodal transportation connections, access to local services and amenities, and supports low-carbon complete, healthy, and equitable communities.

GOAL 3.E: Connected public realm and open spaces. A network of parks, streets, City Greenways, and other public spaces supports community interaction; connects neighborhoods, districts, and destinations; and improves air, water, land quality, and environmental health.

GOAL 3.F: Employment districts. Portland supports job growth in a variety of employment districts to maintain a diverse economy.

GOAL 3.G: Nature in the city. A system of habitat corridors weaves nature into the city, enhances habitat connectivity, and preserves natural resources and the ecosystem services they provide.

51. Finding: The goals 3.C through 3.G do not apply because the BPCU project affects the requirement of bicycle parking in new construction and does not amend or affect the urban form or where development occurs in the city.

Chapter 4: Design and Development

Goal 4.A: Context-sensitive design and development. New development is designed to respond to and enhance the distinctive physical, historic, and cultural qualities of its location, while accommodating growth and change.

Goal 4.B: Historic and cultural resources. Historic and cultural resources are integral parts of an urban environment that continue to evolve and are preserved.

52. Finding: The goals of 4.A and 4.B do not apply to the BPCU project because the project affects the requirement of bicycle parking in new construction and do not amend or affect how new development is designed to respond to historic or cultural qualities.

Goal 4.C: Human and environmental health. Neighborhoods and development are efficiently designed and built to enhance human and environmental health: they protect safety and livability; support local access to healthy food; limit negative impacts on water, hydrology, and air quality; reduce carbon emissions; encourage active and sustainable design; protect wildlife; address urban heat islands; and integrate nature and the built environment.

53. Finding: The BPCU project meets this goal because the project requires convenient, safe bicycle parking in new construction, supporting the use of bicycling for recreation and transportation.

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Bicycling is an active transportation mode that supports human health through physical activity and environmental health because it is a low-emission mode.

Goal 4.D: Urban resilience. Buildings, streets, and open spaces are designed to ensure long-term resilience and to adjust to changing demographics, climate, and economy, and withstand and recover from natural disasters.

54. Finding: The goal 4.D does not apply to the BPCU project because the project affects the requirement of bicycle parking in new construction and do not amend or affect how the building, street or open space is designed to withstand natural disasters.

Context

Policy 4.1. Pattern areas. Encourage building and site designs that respect the unique built, natural, historic, and cultural characteristics of Portland's five pattern areas described in Chapter 3: Urban Form.

55. Finding: The BPCU project meets this policy. The BPCU project stipulates the amount of required bicycle parking based on Pattern Areas. The amendments expand the tiered approach in current code and acknowledge that a one-size fits all approach does not necessarily work for development across Portland. The amendments use the Transportation System Plan (TSP) target mode split rates for the five different Pattern Areas when developing the required amount of bicycle parking for each use category.

Policy 4.2. Community identity. Encourage the development of character-giving design features that are responsive to place and the cultures of communities.

56. Finding: This policy does not apply because the BPCU project only affects the standards around bicycle parking in new development and does not address the cultural design features of the development.

Policy 4.3. Site and context. Encourage development that responds to and enhances the positive qualities of site and context — the neighborhood, the block, the public realm, and natural features.

57. Finding: The BPCU project meets this policy. The BPCU project considered the site context and use category when developing the amount of required bicycle parking. For example, the proposal used data points like average square footage per employee (or employee density) and visitation rates from Transportation System Development Charges, both of which were specific to the specific use category of development.

Policy 4.4. Natural features and green infrastructure. Integrate natural and green infrastructure such as trees, green spaces, ecoroofs, gardens, green walls, and vegetated stormwater management systems, into the urban environment. Encourage stormwater facilities that are designed to be a functional and attractive element of public spaces, especially in centers and corridors.

Policy 4.5. Pedestrian-oriented design. Enhance the pedestrian experience throughout Portland through public and private development that creates accessible, safe, and attractive places for all those who walk and/or use wheelchairs or other mobility devices.

Policy 4.6. Street orientation. Promote building and site designs that enhance the pedestrian experience with windows, entrances, pathways, and other features that provide connections to the street environment.

Policy 4.7. Development and public spaces. Guide development to help create high-quality public places and street environments while considering the role of adjacent development in framing,

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shaping, and activating the public space of streets and urban parks.

Policy 4.9. Transitional urbanism. Encourage temporary activities and structures in places that are transitioning to urban areas to promote job creation, entrepreneurship, active streets, and human interaction.

58. Finding: The policies 4.4 through 4.9 do not apply because the BPCU project only affects the standards around bicycle parking in new development and do not address context like natural features, pedestrian-oriented design, traditional urbanism and public spaces that these policies address.

Health and safety

Policy 4.10. Design for active living. Encourage development and building and site design that promotes a healthy level of physical activity in daily life.

59. Finding: The BPCU project meets policy 4.10 because the project requires convenient, safe bicycle parking in new construction, supporting the use of bicycling, an active transportation mode, for recreation and transportation. Regular physical activity, including the use of active transportation, helps improve overall health.

Policy 4.11. Access to light and air. Provide for public access to light and air by managing and shaping the height and mass of buildings while accommodating urban-scale development.

Policy 4.12. Privacy and solar access. Encourage building and site designs that consider privacy and solar access for residents and neighbors while accommodating urban-scale development.

Policy 4.13. Crime-preventive design. Encourage building, site, and public infrastructure design approaches that help prevent crime.

60. Finding: The BPCU project meets policy 4.13 because the BPCU project removed a number of current code provisions that led to less secure bicycle parking, and focused the security standards on locked, restricted access rooms or spaces for long-term bicycle parking.

Policy 4.14. Fire prevention and safety. Encourage building and site design that improves fire prevention, safety, and reduces seismic risks.

61. Finding: The policies 4.11, 4.12 and 4.14 do not apply because the BPCU project only affects the standards around bicycle parking in new development and do not address design items like access to air, solar or crime and fire prevention.

Residential areas

Policy 4.15. Residential area continuity and adaptability. Encourage more housing choices to accommodate a wider diversity of family sizes, incomes, and ages, and the changing needs of households over time. Allow adaptive reuse of existing buildings, the creation of accessory dwelling units, and other arrangements that bring housing diversity that is compatible with the general scale and patterns of residential areas.

Policy 4.16. Scale and patterns. Encourage design and development that complements the general scale, character, and natural landscape features of neighborhoods. Consider building forms, scale, street frontage relationships, setbacks, open space patterns, and landscaping. Allow for a range of architectural styles and expression.

Policy 4.19. Resource efficient and healthy residential design and development. Support resource efficient and healthy residential design and development.

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- 62. Finding:** The policies 4.15 through 4.19 do not apply because the BPCU project only affects the standards around bicycle parking in new development and do not address the design elements of development within residential areas. Additionally, the bicycle parking standards don't apply to residential sites that have fewer than 5 units.

Design and development of centers and corridors

Policy 4.20. Walkable scale. Focus services and higher-density housing in the core of centers to support a critical mass of demand for commercial services and more walkable access for customers.

Policy 4.21. Street environment. Encourage development in centers and corridors to include amenities that create a pedestrian-oriented environment and provide places for people to sit, spend time, and gather.

Policy 4.22. Relationship between building height and street size. Encourage development in centers and corridors that is responsive to street space width, thus allowing taller buildings on wider streets.

- 63. Finding:** The policies 4.20 through 4.22 do not apply in that the BPCU project only affects the standards around bicycle parking in new development and do not address the design and development of the public pedestrian realm.

Policy 4.23. Design for pedestrian and bicycle access. Provide accessible sidewalks, high-quality bicycle access, and frequent street connections and crossings in centers and corridors.

- 64. Finding:** The BPCU project meets policy 4.23 in that the project addresses short-term bicycle parking requirements that must be located outside of a building and place a requirement that these racks be located in an area that is reachable by an accessible route.

Policy 4.24. Drive-through facilities. Prohibit drive through facilities in the Central City, and limit new development of new ones in the Inner Ring Districts and centers to support a pedestrian-oriented environment.

Policy 4.25. Residential uses on busy streets. Improve the livability of places and streets with high motor vehicle volumes. Encourage landscaped front setbacks, street trees, and other design approaches to buffer residents from street traffic.

Policy 4.26. Active gathering places. Locate public squares, plazas, and other gathering places in centers and corridors to provide places for community activity and social connections. Encourage location of businesses, services, and arts adjacent to these spaces that relate to and promote the use of the space.

Policy 4.27. Protect defining features. Protect and enhance defining places and features of centers and corridors, including landmarks, natural features, and historic and cultural resources.

Policy 4.28. Historic buildings in centers and corridors. Protect and encourage the restoration and improvement of historic resources in centers and corridors.

Policy 4.29. Public art. Encourage new development and public places to include design elements and public art that contribute to the distinct identities of centers and corridors, and that highlight the history and diverse cultures of neighborhoods.

- 65. Finding:** The policies 4.24 through 4.29 do not apply because the BPCU project only affects the standards for bicycle parking within new development and do not address the design elements in the public right of way that are addressed in these policies.

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Transitions

Policy 4.30. Scale transitions. Create transitions in building scale in locations where higher-density and higher-intensity development is adjacent to smaller-scale single-dwelling zoning. Ensure that new high-density and large-scale infill development adjacent to single dwelling zones incorporates design elements that soften transitions in scale and limit light and privacy impacts on adjacent residents.

Policy 4.31. Land use transitions. Improve the interface between non-residential uses and residential uses in areas where commercial or employment uses are adjacent to residentially-zoned land.

Policy 4.32. Industrial edge. Protect non-industrially zoned parcels from the adverse impacts of facilities and uses on industrially zoned parcels through the use of a variety of tools, including but not limited to vegetation, physical separation, land acquisition, and insulation to establish buffers between industrial sanctuaries and adjacent residential or mixed use areas to protect both the viability of long-term industrial operations and the livability of adjacent areas.

66. Finding: The policies 4.30 through 4.32 do not apply because the BPCU project only affects the standards for bicycle parking in new development and do not address the transitional design elements.

Off-site impacts

Policy 4.33. Off-site impacts. Limit and mitigate public health impacts, such as odor, noise, glare, light pollution, air pollutants, and vibration that public facilities, land uses, or development may have on adjacent residential or industrial uses, and on significant fish and wildlife habitat areas. Pay particular attention to limiting and mitigating impacts to under-served and under-represented communities.

Policy 4.34. Auto-oriented facilities, uses, and exterior displays. Minimize the adverse impacts of highways, auto-oriented uses, vehicle area, drive-through areas, signage, and exterior display and storage areas on adjacent residential uses.

Policy 4.35. Noise impacts. Encourage building and landscape design and land use patterns that limit and/ or mitigate negative noise impacts to building users and residents, particularly in areas near freeways, regional truckways, major city traffic streets, and other sources of noise.

Policy 4.36. Air quality impacts. Encourage building and landscape design and land use patterns that limit and/ or mitigate negative air quality impacts to building users and residents, particularly in areas near freeways, regional truckways, high traffic streets, and other sources of air pollution.

Policy 4.37. Diesel emissions. Encourage best practices to reduce diesel emissions and related impacts when considering land use and public facilities that will increase truck or train traffic. Advocate for state legislation to accelerate replacement of older diesel engines.

Policy 4.38. Light pollution. Encourage lighting design and practices that reduce the negative impacts of light pollution, including sky glow, glare, energy waste, impacts to public health and safety, disruption of ecosystems, and hazards to wildlife.

Policy 4.39. Airport noise. Partner with the Port of Portland to require compatible land use designations and development within the noise-affected area of Portland International Airport, while providing disclosure of the level of aircraft noise and mitigating the potential impact of noise within the affected area.

Policy 4.40. Telecommunication facility impacts. Mitigate the visual impact of telecommunications and broadcast facilities near residentially-zoned areas through physical design solutions.

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67. Finding: The policies 4.33 through 4.40 do not apply because the BPCU project only affects the standards around bicycle parking in new development and do not create or address the off-site impacts of development like noise, air quality, diesel emissions, light pollution and airport noise.

Scenic resources

Policy 4.41. Scenic resources. Enhance and celebrate Portland's scenic resources to reinforce local identity, histories, and cultures and contribute toward wayfinding throughout the city. Consider views of mountains, hills, buttes, rivers, streams, wetlands, parks, bridges, the Central City skyline, buildings, roads, art, landmarks, or other elements valued for their aesthetic appearance or symbolism.

Policy 4.42. Scenic resource protection. Protect and manage designated significant scenic resources by maintaining scenic resource inventories, protection plans, regulations, and other tools.

Policy 4.43. Vegetation management. Maintain regulations and other tools for managing vegetation in a manner that preserves or enhances designated significant scenic resources.

Policy 4.44. Building placement, height, and massing. Maintain regulations and other tools related to building placement, height, and massing in order to preserve designated significant scenic resources.

Policy 4.45. Future development. Encourage new public and private development to create new public viewpoints providing views of Portland's rivers, bridges, surrounding mountains, hills and buttes, and Central City skyline, and other landmark features.

68. Finding: The policies 4.41 through 4.45 do not apply because the BPCU project only affects the standards around bicycle parking in new development and do not address scenic resources or management.

Historic and cultural resources

Policy 4.46. Historic and cultural resource protection. Within statutory requirements for owner consent, identify, protect, and encourage the use and rehabilitation of historic buildings, places, and districts that contribute to the distinctive character and history of Portland's evolving urban environment.

Policy 4.47. State and federal historic resource support. Advocate for state and federal policies, programs, and legislation that would enable stronger historic resource designations, protections, and rehabilitation programs.

Policy 4.48. Continuity with established patterns. Encourage development that fills in vacant and underutilized gaps within the established urban fabric, while preserving and complementing historic resources.

Policy 4.49. Resolution of conflicts in historic districts. Adopt and periodically update design guidelines for unique historic districts. Refine base zoning in historic districts to take into account the character of the historic resources in the district.

Policy 4.50. Demolition. Protect historic resources from demolition. When demolition is necessary or appropriate, provide opportunities for public comment and encourage pursuit of alternatives to demolition or other actions that mitigate for the loss.

Policy 4.51. City-owned historic resources. Maintain City-owned historic resources with necessary upkeep and repair.

Policy 4.52. Historic Resources Inventory. Within statutory limitations, regularly update and maintain Portland's Historic Resources Inventory to inform historic and cultural resource preservation

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strategies.

Policy 4.53. Preservation equity. Expand historic resources inventories, regulations, and programs to encourage historic preservation in areas and in communities that have not benefited from past historic preservation efforts, especially in areas with high concentrations of under-served and/or under-represented people.

Policy 4.54. Cultural diversity. Work with Portland's diverse communities to identify and preserve places of historic and cultural significance.

Policy 4.55. Cultural and social significance. Encourage awareness and appreciation of both beautiful and ordinary historic places and their roles in enhancing community identity and sense of place.

Policy 4.56. Community structures. Encourage the adaptive reuse of historic community structures, such as former schools, meeting halls, and places of worship, for arts, cultural, and community uses that continue their role as anchors for community and culture.

Policy 4.57. Economic viability. Provide options for financial and regulatory incentives to allow for the productive, reasonable, and adaptive reuse of historic resources.

Policy 4.58. Archaeological resources. Protect and preserve archaeological resources, especially those sites and objects associated with Native American cultures. Work in partnership with Sovereign tribes, Native American communities, and the state to protect against disturbance to Native American archaeological resources.

69. Finding: The policies 4.46 through 4.58 do not apply because the BPCU project only affects the standards around bicycle parking in new development and do not impact or address historic and cultural resources in the standards.

Public art

Policy 4.59. Public art and development. Create incentives for public art as part of public and private development projects.

70. Finding: This policy does not apply because the BPCU project only affects the standards around bicycle parking in new development and are not significant in size or scale to allow for inclusion of public art.

Resource-efficient design and development

Policy 4.60. Rehabilitation and adaptive reuse. Encourage rehabilitation and adaptive reuse of buildings, especially those of historic or cultural significance, to conserve natural resources, reduce waste, and demonstrate stewardship of the built environment.

Policy 4.61. Compact housing. Promote the development of compact, space- and energy-efficient housing types that minimize use of resources such as smaller detached homes or accessory dwellings and attached homes.

Policy 4.62. Seismic and energy retrofits. Promote seismic and energy-efficiency retrofits of historic buildings and other existing structures to reduce carbon emissions, save money, and improve public safety.

Policy 4.63. Life cycle efficiency. Encourage use of technologies, techniques, and materials in building design, construction, and removal that result in the least environmental impact over the life cycle of the structure.

Policy 4.64. Deconstruction. Encourage salvage and reuse of building elements when demolition is

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necessary or appropriate.

Policy 4.65. Materials and practices. Encourage use of natural, resource-efficient, recycled, recycled content, and non-toxic building materials and energy-efficient building practices.

Policy 4.66. Water use efficiency. Encourage site and building designs that use water efficiently and manage stormwater as a resource.

Policy 4.67. Optimizing benefits. Provide mechanisms to evaluate and optimize the range of benefits from solar and renewable resources, tree canopy, ecoroofs, and building design.

Policy 4.68. Energy efficiency. Encourage and promote energy efficiency significantly beyond the Statewide Building Code and the use of solar and other renewable resources in individual buildings and at a district scale.

71. Finding: The policies 4.60 through 4.68 do not apply because the BPCU project only affects the standards around bicycle parking in new development and do not address resource efficient materials, design and development.

Policy 4.69. Reduce carbon emissions. Encourage a development pattern that minimizes carbon emissions from building and transportation energy use.

72. Finding: The BPCU project meets policy 4.69 to encourage development elements that minimize carbon emissions from transportation energy use because the project requires convenient, safe bicycle parking in new construction, supporting the use of bicycling for recreation and transportation. Bicycling is a zero-emission transportation mode, and when people are able to easily access bicycle storage, per the Recommended Draft Report, they may choose to use bicycles for trips instead of using higher-emission modes.

Policy 4.70. District energy systems. Encourage and remove barriers to the development and expansion of low-carbon heating and cooling systems that serve multiple buildings or a broader district.

Policy 4.71. Ecodistricts. Encourage ecodistricts, where multiple partners work together to achieve sustainability and resource efficiency goals at a district scale.

Policy 4.72. Energy-producing development. Encourage and promote development that uses renewable resources, such as solar, wind, and water to generate power on-site and to contribute to the energy grid.

73. Finding: The policies 4.70 through 4.72 do not apply because the BPCU project only affects the standards around bicycle parking in new development and do not address resource efficient materials, design and development.

Designing with nature

Policy 4.73. Design with nature. Encourage design and site development practices that enhance, and avoid the degradation of, watershed health and ecosystem services and that incorporate trees and vegetation.

Policy 4.74. Flexible development options. Encourage flexibility in the division of land, the siting and design of buildings, and other improvements to reduce the impact of development on environmentally-sensitive areas and to retain healthy native and beneficial vegetation and trees.

Policy 4.75. Low-impact development and best practices. Encourage use of low-impact development, habitat-friendly development, bird-friendly design, and green infrastructure.

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Policy 4.76. Impervious surfaces. Limit use of and strive to reduce impervious surfaces and associated impacts on hydrologic function, air and water quality, habitat connectivity, tree canopy, and urban heat island effects.

Policy 4.77. Hazards to wildlife. Encourage building, lighting, site, and infrastructure design and practices that provide safe fish and wildlife passage, and reduce or mitigate hazards to birds, bats, and other wildlife.

Policy 4.78. Access to nature. Promote equitable, safe, and well-designed physical and visual access to nature for all Portlanders, while also maintaining the functions and values of significant natural resources, fish, and wildlife. Provide access to major natural features, including:

- Water bodies such as the Willamette and Columbia rivers, Smith and Bybee Lakes, creeks, streams, and sloughs.
- Major topographic features such as the West Hills, Mt. Tabor, and the East Buttes.
- Natural areas such as Forest Park and Oaks Bottom.

74. Finding: The policies 4.73 through 4.78 do not apply because the BPCU project impact only the standards around bicycle parking for new development and does not affect the way new development interacts with the natural environment.

Hazard-resilient design

Policy 4.79. Natural hazards and climate change risks and impacts. Limit development in or near areas prone to natural hazards, using the most current hazard and climate change-related information and maps.

Policy 4.80. Geological hazards. Evaluate slope and soil characteristics, including liquefaction potential, landslide hazards, and other geologic hazards.

Policy 4.81. Disaster-resilient development. Encourage development and site-management approaches that reduce the risks and impacts of natural disasters or other major disturbances and that improve the ability of people, wildlife, natural systems, and property to withstand and recover from such events.

Policy 4.82. Portland Harbor facilities. Reduce natural hazard risks to critical public and private energy and transportation facilities in the Portland Harbor.

Policy 4.83. Urban heat islands. Encourage development, building, landscaping, and infrastructure design that reduce urban heat island effects.

Policy 4.84. Planning and disaster recovery. Facilitate effective disaster recovery by providing recommended updates to land use designations and development codes, in preparation for natural disasters.

75. Finding: The policies 4.79 through 4.84 do not apply because the BPCU project impacts only the standards around bicycle parking for new development and do not affect the hazard resiliency of new development.

Healthy food

Policy 4.85. Grocery stores and markets in centers. Facilitate the retention and development of grocery stores, neighborhood-based markets, and farmers markets offering fresh produce in centers. Provide adequate land supply to accommodate a full spectrum of grocery stores catering to all socioeconomic groups and providing groceries at all levels of affordability.

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Policy 4.86. Neighborhood food access. Encourage small, neighborhood-based retail food opportunities, such as corner markets, food co-ops, food buying clubs, and community-supported agriculture pickup/ drop-off sites, to fill in service gaps in food access across the city.

Policy 4.87. Growing food. Increase opportunities to grow food for personal consumption, donated, sales, and educational purposes.

Policy 4.88. Access to community gardens. Ensure that community gardens are allowed in areas close to or accessible via transit to people living in areas zone for mixed-use or multi-dwelling development, where residents have few opportunities to grow food in yards.

76. Finding: The policies 4.85 through 4.88 do not apply because the BPCU project impacts the standards around bicycle parking for new development and does not address the availability of or access to healthy food.

Chapter 5: Housing

Goal 5.A: Housing diversity. Portlanders have access to high-quality affordable housing that accommodates their needs, preferences, and financial capabilities in terms of different types, tenures, density, sizes, costs, and locations.

Goal 5.B: Equitable access to housing. Portland ensures equitable access to housing, making a special effort to remove disparities in housing access for people with disabilities, people of color, low-income households, diverse household types, and older adults.

77. Finding: The Goals 5.A. and 5.B. do not apply because the BPCU project impacts the standards around bicycle parking for new development and does not address programs related to access to affordable housing developments.

Goal 5.C: Healthy connected city. Portlanders live in safe, healthy housing that provides convenient access to jobs and to goods and services that meet daily needs. This housing is connected to the rest of the city and region by safe, convenient, and affordable multimodal transportation.

78. Finding: The BPCU project meets this goal. The BPCU project requires convenient, safe bicycle parking in new construction, supporting the use of bicycling for recreation and transportation. Bicycling is an affordable, active transportation mode, and when it is easier to bicycle, Portlanders can benefit from being able to choose bicycling over other modes and participate in affordable multimodal transportation.

Goal 5.D: Affordable housing. Portland has an adequate supply of affordable housing units to meet the needs of residents vulnerable to increasing housing costs.

79. Finding: The BPCU project meets this goal. The BPCU project requires the provision of safe, convenient, accessible bicycle parking, making it easier for people to choose to use bicycles for transportation. Bicycling is an affordable mode of transportation, and the use of bicycles can reduce a household's combined housing and transportation costs.

Project staff worked to ensure the amendments were clear and objective and do not cause unreasonable cost or delay in providing needed housing. For example, staff in collaboration with DECA Architecture, conducted a Spatial and Economic Study of the BPCU amendment proposals in the Discussion Draft. Details on the analysis can be found in the Appendices. The Study found that the biggest impact of the BPCU project were on small sites (5,000 sq. ft.) where space is limited to accommodate adequate bicycle parking. Staff worked with the Portland Housing Bureau (PHB) to add a new specific use to the Group Living use category to allow a separate minimum bicycle

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parking amount for restricted-tenancy affordable housing developments that meet the income restrictions of the PHB. Further, the PSC adopted several amendments to address these small site constraints, including, not requiring any bicycle parking for sites with 4 or fewer units and for sites with up to 12 units, 100 percent of long-term bicycle parking can be provided in dwelling units, as opposed to using limited space outside the unit for bicycle parking.

Goal 5.E: High-performance housing. Portland residents have access to resource-efficient and high-performance housing for people of all abilities and income levels.

80. Finding: This Goal does not apply because the BPCU project impacts the standards around bicycle parking for new development and does not address programs related resource-efficient and high-performance housing.

Diverse and expanding housing supply

Policy 5.1. Housing supply. Maintain sufficient residential development capacity to accommodate Portland's projected share of regional household growth.

Policy 5.2. Housing growth. Strive to capture at least 25 percent of the seven-county region's residential growth (Multnomah, Washington, Clackamas, Yamhill, Columbia, Clark, and Skamania counties).

Policy 5.3. Housing potential. Evaluate plans and investments for their impact on housing capacity, particularly the impact on the supply of housing units that can serve low- and moderate-income households and identify opportunities to meet future demand.

Policy 5.4. Housing types. Encourage new and innovative housing types that meet the evolving needs of Portland households, and expand choices in all neighborhoods. These housing types include but are not limited to single-dwelling units; multi-dwelling units; accessory dwelling units; small units; pre-fabricated homes such as manufactured, modular, and mobile homes; co-housing; and clustered housing/ clustered services.

Policy 5.5 Housing in centers. Apply zoning in and around centers that allow for and supports a diversity of housing that can accommodate a broad range of households, including multi-dwelling and family-friendly housing options.

Policy 5.6 Middle housing. Enable and encourage development of middle housing. This includes multi-unit or clustered residential buildings that provide relatively smaller, less expensive units; more units; and a scale transition between the core of the mixed-use center and surrounding single family areas. Where appropriate, apply zoning that would allow this within a quarter mile of designated centers, corridors with frequent service transit, high capacity transit stations, and within the Inner Ring around the Central City.

Policy 5.7. Adaptable housing. Encourage adaption of existing housing and the development of new housing that can be adapted in the future to accommodate the changing variety of household types.

81. Finding: The policies 5.1 through 5.7 do not apply because the BPCU project impacts the standards around bicycle parking in new development and does not address the diversity and supply of housing in Portland.

Housing access

Policy 5.10. Coordinate with fair housing programs. Foster inclusive communities, overcome disparities in access to community assets, and enhance housing choice for people in protected classes

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throughout the city by coordinating plans and investments to affirmatively further fair housing.

Policy 5.11 Remove barriers. Remove potential regulatory barriers to housing choice for people in protected classes to ensure freedom of choice in housing type, tenure, and location.

82. Finding: The policies 5.10 and 5.11 do not apply because the BPCU project impacts the standards for bicycle parking in new development and does not include standards that address fair housing programs or regulatory processes for people accessing housing.

Policy 5.12 Impact analysis. Evaluate plans and investments, significant new infrastructure, and significant new development to identify potential disparate impacts on housing choice, access, and affordability for protected classes and low-income households. Identify and implement strategies to mitigate the anticipated impacts.

83. Finding: The BPCU project meets this policy. Staff worked to ensure the amendments limit impact on providing affordable housing. For example, staff in collaboration with DECA Architecture, conducted a Spatial and Economic Study of the BPCU amendment proposals in the Discussion Draft. Details on the analysis can be found in the Appendices. The Study found that the biggest impact of the BPCU project were on small sites (5,000 sq. ft.) where space is limited to accommodate adequate bicycle parking. Staff worked with the Portland Housing Bureau (PHB) to add a new specific use to the Group Living use category to allow a separate minimum bicycle parking amount for restricted-tenancy affordable housing developments that meet the income restrictions of the PHB. Further, the PSC adopted several amendments to address these small site constraints, including, not requiring any bicycle parking for sites with 4 or fewer units and for sites with up to 12 units, 100 percent of long-term bicycle parking can be provided in dwelling units, as opposed to use limited space outside the unit for bicycle parking.

84. Finding: One of the major themes of the BPCU project, as identified in the Stakeholder Advisory Committee's Guiding Principles (see Recommended Draft Section III), was Accessible and Convenient Bicycle Parking that accommodates users of all ages and all abilities as well as a variety of different types of bicycles. This principle led to the inclusion of bicycle parking standards that require the provision of bicycle parking spaces for larger bicycles (including, but not limited to, tricycle and handcycles) in developments that have more than 20 required long-term bicycle parking spaces.

Additionally, the BPCU project made changes to the purpose statement to be explicit that the standards are intended to allow for a variety of bicycle types, which serve people of differing abilities.

85. Finding: One of the most discussed topics related to the BPCU project is regarding the placement of required long-term bicycle parking in apartment dwelling units. Staff, the Planning and Sustainability Commission and City Council heard considerable testimony from users and people that live in apartments about the poor placement of racks by developers and designers. Bike racks are being placed in back bedrooms, in awkward spaces in the living room, like over couches, and in other unusable locations within the unit. Additionally, users have shared the challenges with carrying wet, muddy bikes through their apartments and losing security deposits due to the damage caused by having their bicycle in the unit.

On the other hand, developers have shared challenges with the spatial demands to provide bike parking spaces outside of dwelling units, especially causing pinch points on smaller projects.

Amendments were made at the Planning and Sustainability Commission to address the usability challenges and to reduce impacts on development:

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- No bicycle parking is required for sites with 4 units or less.
- For any residential project, 50% of the required long-term bicycle parking can be placed in unit.
- For small sites – sites with 12 units or less, 100% of required bicycle parking can be located in the dwelling unit. This mitigates the potential spatial impacts on the smaller, constrained sites.

The Planning and Sustainability Commission did adopt design standards to keep bikes close to the front door in a designated space. These design standards are really a result of balancing the feedback and potential impact on users, developers and City Staff that must review submitted plans.

Policy 5.13. Housing stability. Coordinate plans and investments with programs that prevent avoidable, involuntary evictions and foreclosures.

Policy 5.14. Preserve communities. Encourage plans and investments to protect and/or restore the socioeconomic diversity and cultural stability of established communities.

86. Finding: The policies 5.13 and 5.14 do not apply because the BPCU project impacts the standards for bicycle parking in new development and does not include standards that address housing stability.

Policy 5.15. Gentrification/ displacement risk. Evaluate plans and investments, significant new infrastructure, and significant new development for the potential to increase housing costs for, or cause displacement of communities of color, low- and moderate-income households, and renters. Identify and implement strategies to mitigate the anticipated impacts.

87. Finding: The BPCU project meets this policy. The BPCU project will increase the supply of bicycle parking in all new types of development. Bicycle parking is integral in supporting people biking and biking is a low-cost, transportation option for all Portlanders. By spending less on transportation, individuals and households have more to spend on housing and other needs. While the project did not conduct a displacement analysis, staff in collaboration with DECA Architecture, conducted a Spatial and Economic Study of the BPCU amendment proposals in the Discussion Draft. Details on the analysis can be found in the Appendices. The Study found that the biggest impact of the BPCU project were on small sites (5,000 sq. ft.) where space is limited to accommodate adequate bicycle parking. The PSC adopted several amendments to address these small site constraints, including, not requiring any bicycle parking for sites with 4 or fewer units and for sites with up to 12 units, 100 percent of long-term bicycle parking can be provided in dwelling units, as opposed to use limited space outside the unit for bicycle parking and reducing higher value space within the project (i.e. units or commercial space).

Additionally, the BPCU project sets standards for development across the city, but the project sets a tiered system for the required amounts. The tiered approach accounts for the differences in bike use and thus bike parking demand in Portland and parallels the tiered approach in the Transportation System Plan to set target mode share rates for the different pattern areas.

Finally, in testimony at the Planning and Sustainability Commission, the City heard the strong desire that the BPCU project not develop separate (or reduced) standards for affordable housing projects, because that will result in increased inequitable access to active transportation modes. Through an amendment Planning and Sustainability Commission removed existing standards that

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set a different level of allowable in-unit bicycle parking for affordable housing projects, and instead, made the standard apply to all development.

Policy 5.16. Involuntary displacement. When plans and investments are expected to create neighborhood change, limit the involuntary displacement of those who are under-served and under-represented. Use public investments and programs, and coordinate with nonprofit housing organizations (such as land trusts and housing providers) to create permanently-affordable housing and to mitigate the impacts of market pressures that cause involuntary displacement.

Policy 5.17. Land banking. Support and coordinate with community organizations to hold land in reserve for affordable housing, as an anti-displacement tool, and for other community development purposes.

Policy 5.18. Rebuild communities. Coordinate plans and investments with programs that enable communities impacted by involuntary displacement to maintain social and cultural connections, and re-establish a stable presence and participation in the impacted neighborhoods.

Policy 5.19. Aging in place. Encourage a range of housing options and supportive environments to enable older adults to remain in their communities as their needs change.

88. Finding: The policies 5.16 through 5.19 do not apply because the BPCU project impacts the standards for bicycle parking in new development and does not include standards that address creating affordable housing, land banking or aging in place.

Housing location

Policy 5.20. Coordinate housing needs in high-poverty areas. Meet the housing needs of under-served and under-represented populations living in high-poverty areas by coordinating plans and investments with housing programs.

Policy 5.21. Access to opportunities. Improve equitable access to active transportation, jobs, open spaces, high-quality schools, and supportive services and amenities in areas with high concentrations of under-served and under-represented populations and an existing supply of affordable housing.

Policy 5.22. New development in opportunity areas. Locate new affordable housing in areas that have high/medium levels of opportunity in terms of access to active transportation, jobs, open spaces, high-quality schools, and supportive services and amenities. *See Figure 5-1 – Housing Opportunity Map.*

Policy 5.23. Higher-density housing. Locate higher-density housing, including units that are affordable and accessible, in and around centers to take advantage of the access to active transportation, jobs, open spaces, schools, and various services and amenities.

Policy 5.24. Impact of housing on schools. Evaluate plans and investments for the effect of housing development on school enrollment, financial stability, and student mobility. Coordinate with school districts to ensure plans are aligned with school facility plans.

89. Finding: The policies 5.20 through 5.24 do not apply because the BPCU project impacts the standards for bicycle parking in new development and does not affect the location of affordable housing.

Housing affordability

Policy 5.25. Housing preservation. Preserve and produce affordable housing to meet needs that are not met by the private market by coordinating plans and investments with housing providers and

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organizations.

Policy 5.26. Regulated affordable housing target. Strive to produce at least 10,000 new regulated affordable housing units citywide by 2035 that will be affordable to households in the 0-80 percent MFI bracket.

Policy 5.27. Funding plan. Encourage development or financial or regulatory mechanisms to achieve the regulated affordable housing target set forth for 2035.

Policy 5.28. Inventory of regulated affordable housing. Coordinate periodic inventories of the supply of regulated affordable housing in the four-county (Clackamas, Clark, Multnomah and Washington) region with Metro.

Policy 5.29. Permanently-affordable housing. Increase the supply of permanently-affordable housing, including both rental and homeownership opportunities.

90. Finding: The policies 5.25 through 5.29 do not apply because the BPCU project impacts the standards for bicycle parking in new development and does not include standards that impact the city meeting its housing targets or taking inventory of regulated affordable housing.

Policy 5.30. Housing cost burden. Evaluate plans and investments for their impact on household cost, and consider ways to reduce the combined cost of housing, utilities, and/or transportation. Encourage energy-efficiency investments to reduce overall housing costs.

91. Finding: The BPCU project meets this goal. The BPCU project requires the provision of safe, convenient, accessible bicycle parking, making it easier for people to choose to use bicycles for transportation. Bicycling is an affordable mode of transportation, and the use of bicycles can reduce a household's combined housing and transportation costs.

92. Finding: Project staff worked to ensure the amendments were clear and objective and do not cause unreasonable cost or delay in providing needed housing. The BPCU project supports reducing overall household costs by supporting low-cost, low-carbon transportation options for all Portlanders. Transportation is the second highest household cost and owning a car can cost a family approximately \$8,500 a year. The project supports low-cost, active transportation options which can provide tangible economic benefits to individuals and households across Portland.

Policy 5.31. Household prosperity. Facilitate expanding the variety of types and sizes of affordable housing units, and do so in locations that provide low-income households with greater access to convenient transit and transportation, education and training opportunities, the Central City, industrial districts, and other employment areas.

Policy 5.33. Central City affordable housing. Encourage the preservation and production of affordable housing in the Central City to take advantage of the area's unique concentration of active transportation access, jobs, open spaces, and supportive services and amenities.

Policy 5.34. Affordable housing resources. Pursue a variety of funding sources and mechanisms including new financial and regulatory tools to preserve and develop housing units and various assistance programs for households whose needs are not met by the private market.

Policy 5.35. Inclusionary housing. Use inclusionary zoning and other regulatory tools to effectively link the production of affordable housing to the production of market-rate housing.

93. Finding: The policies 5.31 through 5.35 do not apply because the BPCU project impacts the standards for bicycle parking in new development and does not include standards that impact

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inclusionary housing, the production of affordable housing in the Central City or other affordable housing resources.

Policy 5.36. Impact of regulations on affordability. Evaluate how existing and new regulations affect private development of affordable housing, and minimize negative impacts where possible. Avoid regulations that facilitate economically-exclusive neighborhoods.

94. Finding: The BPCU project meets this goal. Staff worked to ensure the amendments were clear and objective and minimized negative impacts such as unreasonable cost or delay in providing needed housing. For example, staff in collaboration with DECA Architecture, conducted a Spatial and Economic Study of the BPCU amendment proposals in the Discussion Draft. Details on the analysis can be found in the Appendices. The Study found that the biggest impact of the BPCU project were on small sites (5,000 sq. ft.) where space is limited to accommodate adequate bicycle parking. The PSC adopted several amendments to address these small site constraints, including, not requiring any bicycle parking for sites with 4 or fewer units and for sites with up to 12 units, 100 percent of long-term bicycle parking can be provided in dwelling units, as opposed to use limited space outside the unit for bicycle parking.

95. Finding: Further, one of the amendments made to the BPCU package at City Council was to support affordable housing projects currently in the development pipeline, including the nine projects awarded Portland Housing Bond funding, by maintaining existing bicycle parking requirements. These projects used the existing bicycle parking standards (33.266.200, 33.266.210 and 33.266.220) to determine their development costs that are reflected in their financial award commitment letters from the Portland Housing Bureau (PHB). However, because the projects have not yet filed for land use review, building permit or development permit, they are not vested under the existing regulations and in the absence of the proposed legislation would be subject to the new requirements established with the Bicycle Parking Code Update Project.

Therefore, the BPCU project includes an exemption for a specific subset of projects that are eligible to use alternative bicycle parking standards. And a companion Ordinance was adopted to establish the alternative bicycle parking standards for the defined affordable housing projects.

This amendment was an inter-bureau effort between the Portland Bureau of Transportation (PBOT), Bureau of Planning and Sustainability (BPS), Bureau of Development Services (BDS), and PHB to deliver stable, affordable housing to households earning 60% of the median family income (MFI) for rental units and 100% MFI for homeownership units.

The proposal acknowledges the importance of bicycle parking for tenants of new developments, including affordable housing developments – but to also recognizes the unique financing structures and longer timelines of affordable housing projects.

Policy 5.37. Mobile home parks. Encourage preservation of mobile home parks as a low/moderate-income housing option. Evaluate plans and investments for potential redevelopment pressures on existing mobile home parks and impacts on park residents and protect this low/moderate-income housing option. Facilitate replacement and alteration of manufactured homes within an existing mobile home park.

Policy 5.38. Workforce housing. Encourage private development of a robust supply of housing that is affordable to moderate-income households located near convenient multimodal transportation that provides access to education and training opportunities, the Central City, industrial districts, and other employment areas.

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Policy 5.39. Compact single-family options. Encourage development and preservation of small resource-efficient and affordable single-family homes in all areas of the city.

Policy 5.40 Employer-assisted housing. Encourage employer-assisted affordable housing in conjunction with major employment development.

Policy 5.41 Affordable homeownership. Align plans and investments to support improving homeownership rates and locational choice for people of color and other groups who have been historically under-served and under-represented.

Policy 5.42 Homeownership retention. Support opportunities for homeownership retention for people of color and other groups who have been historically under-served and under-represented.

Policy 5.43 Variety in homeownership opportunities. Encourage a variety of ownership opportunities and choices by allowing and supporting including but not limited to condominiums, cooperatives, mutual housing associations, limited equity cooperatives, land trusts, and sweat equity.

Policy 5.44 Regional cooperation. Facilitate opportunities for greater regional cooperation in addressing housing needs in the Portland metropolitan area, especially for the homeless, low- and moderate-income households, and historically under-served and under-represented communities.

Policy 5.45 Regional balance. Encourage development of a “regional balance” strategy to secure greater regional participation to address the housing needs of homeless people and communities of color, low- and moderate-income households, and historically under-served and under-represented communities throughout the region.

96. Finding: The policies 5.37 through 5.45 do not apply because the BPCU project impacts the standards for bicycle parking in new development and does not include standards that impact the preservation of diverse affordable housing types or homeownership opportunities.

Homelessness

Policy 5.46. Housing continuum. Prevent homelessness and reduce the time spent being homeless by allowing and striving to provide a continuum of safe and affordable housing opportunities and related supportive services including but not limited to rent assistance, permanent supportive housing, transitional housing, micro housing communities, emergency shelters, temporary shelters such as warming centers, and transitional campground/ rest areas.

97. Finding: This policy does not apply because the BPCU amendments impact only the standards around bicycle parking in new development and do not affect the continuum of housing opportunities.

Health, safety, and well-being

Policy 5.47 Healthy housing. Encourage development and maintenance of all housing, especially multi-dwelling housing, that protects the health and safety of residents and encourages healthy lifestyles and active living.

98. Finding: The BPCU project meets policy 5.47 because the project requires convenient, safe bicycle parking in new construction, supporting the use of bicycling, an active transportation mode, for

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recreation and transportation. Regular physical activity, including the use of active transportation, helps protect overall health and encourage active living.

Policy 5.48. Housing safety. Require safe and healthy housing free of hazardous materials such as lead, asbestos, and radon.

Policy 5.49. Housing quality. Encourage housing that provides high indoor air quality, access to sunlight and outdoor spaces, and is protected from excessive noise, pests, and hazardous environmental conditions.

Policy 5.50. High-performance housing. Encourage energy efficiency, green building practices, materials, and design to produce healthy, efficient, durable, and adaptable homes that are affordable or reasonably priced.

99. Finding: The policies 5.48 through 5.50 do not apply because the BPCU project impacts the standards for bicycle parking in new development and does not include standards that address hazardous materials, indoor air quality or energy efficiency of developments.

Policy 5.51. Healthy and active living. Encourage housing that provides features supportive of healthy eating and active living such as useable open areas, recreation areas, community gardens, crime-preventive design, and community kitchens in multifamily housing.

100. Finding: The BPCU project meets policy 5.51 because the project requires convenient, safe bicycle parking in new construction, supporting the use of bicycling, an active transportation mode, for recreation and transportation. Regular physical activity, including the use of active transportation, helps improve overall health and fitness and promotes active living.

Policy 5.52. Walkable surroundings. Encourage active transportation in residential areas through the development of pathways, sidewalks, and high-quality onsite amenities such as secure bicycle parking.

101. Finding: The BPCU project meets policy 5.52 because the project will increase the supply of bicycle parking, which supports bicycling, an active mode of transportation. The BPCU will ensure that there is adequate secure bicycle parking to meet city bicycle mode split goals. Additionally, the BPCU project removed a number of current code provisions that led to less secure bicycle parking, and focused the security standards on locked, restricted access rooms or spaces for long-term bicycle parking.

Policy 5.53. Responding to social isolation. Encourage site designs and relationship to adjacent developments that reduce social isolation for groups that often experience it, such as older adults, people with disabilities, communities of color, and immigrant communities.

Policy 5.54. Renter protections. Enhance renter health, safety, and stability through education, expansion of enhanced inspections, and support of regulations and incentives that protect tenants and prevent involuntary displacement.

102. Finding: The policies 5.53 through 5.54 do not apply because the BPCU project impacts the standards for bicycle parking in new development and does not include standards that address site design to reduce social isolation or renter protections.

Chapter 6: Economic Development

Goal 6.A: Prosperity. Portland has vigorous economic growth and a healthy, diverse economy that supports prosperity and equitable access to employment opportunities for an increasingly diverse

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population. A strong economy that is keeping up with population growth and attracting resources and talent can:

- Create opportunity for people to achieve their full potential.
- Improve public health.
- Support a healthy environment.
- Support the fiscal well-being of the city.

103.Finding: The BPCU project meets Goal 6.A. because the project will increase the supply of bicycle parking, which supports bicycling, a low-cost transportation option. Transportation is the second highest household cost and owning a car can cost a family approximately \$8,500 a year. The BPCU standards support low-cost active transportation options which can provide tangible economic benefits to individuals and households across Portland.

104.Finding: The BPCU project supports people to use bicycling as a mode of transportation, which could be beneficial for reaching jobs, improving personal health, and reducing carbon emissions from the transportation sector.

Goal 6.B: Development. Portland supports an attractive environment for industrial, commercial, and institutional job growth and development by 1) maintaining an adequate land supply; 2) a local development review system that is nimble, predictable, and fair; and 3) high-quality public facilities and services.

105.Finding: The BPCU project meets Goal 6.B. because the project staff worked with members of the development community and the Bureau of Development Services to include standards that are predictable and fair.

The business environment can be impacted by the cost of implementing City regulations, and new fees. A Financial Impact Statement (FIS) was prepared with the filing of this ordinance examining the impact of the proposal the Bureau of Development Services and their permitting process. A modest land use services fee increase was included to account for staff time to implement the new bike parking standards.

One of the factors noted in the FIS was the number of permits that will be reviewed annually under these standards. Most permits reviewed by the City are for remodeling existing buildings, rather than new development. In general, the Portland Zoning Code does not require existing development to immediately come into conformance with new standards, like the new bike parking standards. Instead, larger remodeling projects over a certain dollar threshold must spend up to 10% of project costs on improvements that will bring the site closer to meeting current standards (these are known as “nonconforming upgrades”). The nonconforming upgrade threshold is currently \$168,550 and goes up each year based on the Construction Cost index. Council has also periodically made policy-based changes to this threshold, to adjust how many projects and businesses are impacted by zoning requirements.

Among the amendments made to the BPCU package at City Council was to increase to the nonconforming upgrade threshold from \$168,550 to \$300,000. This reduces the number of existing businesses that will be required to make nonconforming upgrades, including those related to bike parking. This amendment was in response to concerns raised by BDS and commercial building owners about the general cost of implementing new zoning regulations – to both City agencies and Portland businesses. This amendment balances the Council’s desire to implement

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other Comprehensive Plan goals with the to maintain a nimble permitting process, and an environment that facilitates business, as stated in Goal 6B.

Goal 6.C: Business district vitality. Portland implements land use policy and investments to:

- Ensure that commercial, institutional, and industrial districts support business retention and expansion.
- Encourage the growth of districts that support productive and creative synergies among local businesses.
- Provide convenient access to goods, services, and markets.
- Take advantage of our location and quality of life advantages as a gateway to world-class natural landscapes in Northwest Oregon, Southwest Washington, and the Columbia River Basin, and a robust interconnected system of natural landscapes within the region's Urban Growth Boundary.

106.Finding: The BPCU project meets Goal 6.C., and specifically the third bullet to “provide convenient access to goods, services, and markets”. In the Table 266-6, there are bicycle parking requirements for Commercial Uses, such as Retail Sales and Services and Restaurants and Bars. Requiring bicycle parking at these types of development support people who are accessing these businesses by bikes.

In testimony to the Planning and Sustainability Commission people explained the importance of having adequate amounts of bicycle parking near retail and services to support their trips.

107. Finding: Current code includes one Retail use category and therefore did not specify a different rate for Restaurants and Bars. Staff routinely saw insufficient bicycle parking at bar/restaurants to meet current bike demand, further demonstrated by requests for additional PBOT sidewalk racks at these new locations.

The inclusion of a new specific use category for Restaurant and Bar is a response to the high bike parking demand that Portland eating and drinking establishments have. Further, requiring more visitor bike parking for a separate Restaurant and Bar specific use category is typical in other cities, including Seattle, WA and San Francisco, CA.

Below are a few Portland examples in the Restaurant and Bar Use Category, and how many short-term racks are required in current code vs. proposed code:

- Zipper (2705 NE Sandy Blvd) - 7,763 sq. ft.
 - Current Short-term Requirement = 2 spaces (1 rack)
 - Proposed Short-term Requirement = 8 spaces (4 racks)
- Radio Room (1101 NE Alberta St.) - 4,550 sq. ft.
 - Current Short-term Requirement = 2 spaces (1 rack)
 - Proposed Short-term Requirement = 5 spaces (3 racks)
- Hopworks (2944 SE Powell Blvd) - 13,050 sq. ft.
 - Current Short-term Requirement = 2 spaces (1 rack)
 - Proposed Short-term Requirement = 14 spaces (7 racks)

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108.Finding: The first, second and forth bullets under Goal 6.C. do not apply because the BPCU project impacts the standards for bicycle parking in new development and does not include standards that address business retention, the growth of business districts or the connection to natural landscapes.

Diverse, expanding city economy

Policy 6.1. Diverse and growing community. Expand economic opportunity and improve economic equity for Portland's diverse, growing population through sustained business growth.

Policy 6.2. Diverse and expanding economy. Align plans and investments to maintain the diversity of Portland's economy and status as Oregon's largest job center with growth across all sectors (commercial, industrial, creative, and institutional) and across all parts of the city.

Policy 6.3. Employment growth. Strive to capture at least 25 percent of the seven-county region's employment growth (Multnomah, Washington, Clackamas, Yamhill, Columbia, Clark, and Skamania counties).

Policy 6.4 Fiscally-stable city. Promote a high citywide jobs-to-households ratio that supports tax revenue growth at pace with residential demand for municipal services.

Policy 6.5. Economic resilience. Improve Portland's economic resilience to impacts from climate change and natural disasters through a strong local economy and equitable opportunities for prosperity.

Policy 6.6 Low-carbon and renewable energy economy. Align plans and investments with efforts to improve energy efficiency and reduce lifecycle carbon emissions from business operations. Promote employment opportunities associated with the production of renewable energy, energy efficiency projects, waste reduction, production of more durable goods, and recycling.

Policy 6.7 Competitive advantages. Maintain and strengthen the city's comparative economic advantages including access to a high-quality workforce, business diversity, competitive business climate, and multimodal transportation infrastructure.

Policy 6.8 Business environment. Use plans and investments to help create a positive business environment in the city and provide strategic assistance to retain, expand, and attract businesses.

Policy 6.9 Small business development. Facilitate the success and growth of small businesses and coordinate plans and investments with programs that provide technical and financial assistance to promote sustainable operating practices.

Policy 6.10 Business innovation. Encourage innovation, research, development, and commercialization of new technologies, products, and services through responsive regulations and public sector approaches.

Policy 6.11 Sharing economy. Encourage mechanisms that enable individuals, corporations, non-profits, and government to market, distribute, share, and reuse excess capacity in goods and services. This includes peer-to-peer transactions, crowd funding platforms, and a variety of business models to facilitate borrowing and renting unused resources.

Policy 6.12 Economic role of livability and ecosystem services. Conserve and enhance Portland's cultural, historic, recreational, educational, food-related, and ecosystem assets and services for their contribution to the local economy and their importance for retention and attraction of skilled workers and businesses.

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109.Finding: The policies 6.1 through 6.12 do not apply because the BPCU project impacts the standards for bicycle parking in new development and does not include standards that directly address the expanding the city economy or the business environment in Portland.

Land Development

Policy 6.13 Land supply. Provide supplies of employment land that are sufficient to meet the long-term and short-term employment growth forecasts, adequate in terms of amounts and types of sites, available and practical for development and intended uses. Types of sites are distinguished primarily by employment geographies identified in the Economic Opportunities Analysis, although capacity needs for building types with similar site characteristics can be met in other employment geographies.

Policy 6.14 Brownfield redevelopment. Overcome financial-feasibility gaps to cleanup and redevelop 60 percent of brownfield acreage by 2035. Additional related policies are found in the Industrial and employment districts section of this chapter.

Policy 6.15 Regionally-competitive development sites. Improve the competitiveness of vacant and underutilized sites located in Portland's employment areas through the use of incentives, and regional and state assistance for needed infrastructure and site readiness improvements. '

110.Finding: The policies 6.13 through 6.15 do not apply because the BPCU project impacts the standards for bicycle parking in new development and does not include standards that address land supply, brownfield redevelopment or development of underutilized sites.

Policy 6.16 Regulatory climate. Improve development review processes and regulations to encourage predictability and support local and equitable employment growth and encourage business retention, including:

6.16.a. Assess and understand cumulative regulatory costs to promote Portland's financial competitiveness with other comparable cities.

6.16.b. Promote certainty for new development through appropriate allowed uses and "clear and objective" standards to permit typical development types without a discretionary review.

6.16.c. Allow discretionary-review as a way to facilitate flexible and innovative approaches to meet requirements.

6.16.d. Design and monitor development review processes to avoid unnecessary delays.

6.16.e. Promote cost effective compliance with federal and state mandates, productive intergovernmental coordination, and efficient, well-coordinated development review and permitting procedures.

6.16.f. Consider short-term market conditions and how area development patterns will transition over time when creating new development regulations.

Finding: The BPCU project meets Policy 6.16.a. to assess and understand cumulative regulatory costs. Project staff worked to ensure the amendments were clear and objective and do not cause unreasonable cost or delay in providing needed housing. For example, staff in collaboration with DECA Architecture, conducted a Spatial and Economic Study of the BPCU amendment proposals in the Discussion Draft. Details on the analysis can be found in the Appendices. The Study found that the biggest impact of the BPCU project were on small sites (5,000 sq. ft.) where space is limited to accommodate adequate bicycle parking. The PSC adopted several amendments to address these small site constraints, including, not requiring any bicycle parking for sites with 4 or fewer units

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and for sites with up to 12 units, 100 percent of long-term bicycle parking can be provided in dwelling units, as opposed to use limited space outside the unit for bicycle parking.

Policy 6.17 Short-term land supply. Provide for a competitive supply of development ready sites with different site sizes and types, to meet five-year demand for employment growth in the Central City, industrial areas, campus institutions, and neighborhood business districts.

Policy 6.18 Evaluate land needs. Update the Economic Opportunities Analysis and short-term land supply strategies every five to seven years.

Policy 6.19 Corporate headquarters. Provide land opportunities for development of corporate headquarters campuses in locations with suitable transportation facilities.

111.Finding: The policies 6.17 through 6.19 do not apply because the BPCU project impacts the standards for bicycle parking in new development and does not include standards that address land supply or providing site locations for corporate headquarters.

Trade sector competitiveness

Policy 6.20 Traded sector competitiveness. Align plans and investments with efforts to improve the city and regional business environment for traded sector and export growth. Participate in regional and statewide initiatives.

Policy 6.21 Traded sector diversity. Encourage partnerships to foster the growth, small business vitality, and diversity of traded sectors.

Policy 6.22 Clusters. Align plans and investments with efforts that direct strategic business development resources to enhance the competitiveness of businesses in traded sector clusters.

Policy 6.23 Trade and freight hub. Encourage investment in transportation systems and services that will retain and expand Portland's competitive position as a West Coast trade gateway and freight distribution hub.

Policy 6.24 Traded sector land supply. Foster traded sector retention, growth, and competitive advantages in industrial districts and the Central City. Recognize the concentration of traded-sector businesses in these districts.

Policy 6.25 Import substitution. Encourage local goods production and service delivery that substitute for imports and help keep the money Portlanders earn in the local economy.

Policy 6.26 Business opportunities in urban innovation. Strive to have Portland's built environment, businesses, and infrastructure systems showcase examples of best practices of innovation and sustainability.

112.Finding: The policies 6.20 through 6.26 do not apply because the BPCU project impacts the standards for bicycle parking in new development and does not include standards that address the trade sector.

Equitable household prosperity

Policy 6.27 Income self-sufficiency. Expand access to self-sufficient wage levels and career ladders for low-income people by maintaining an adequate and viable supply of employment land and public facilities to support and expand opportunities in Portland for middle- and high-wage jobs that do not require a 4-year college degree.

6.27.a. Support the role of industrial districts as a leading source of middle wage jobs that do not require a 4-year college degree and as a major source of wage-disparity reduction for under-

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served and under-represented communities.

6.27.b. Evaluate and limit negative impacts of plans and investments on middle and high wage job creation and retention.

Policy 6.28 East Portland job growth. Improve opportunities for East Portland to grow as a business destination and source of living wage jobs.

Policy 6.29 Poverty reduction. Encourage investment in, and alignment of, poverty reduction efforts that address economic development, land use, transportation, housing, social services, public health, community development, and workforce development.

Policy 6.30 Disparity reduction. Encourage investment in, and alignment of, public efforts to reduce racial, ethnic, and disability-related disparities in income and employment opportunity.

Policy 6.31 Minority-owned, woman-owned and emerging small business (MWESB) assistance. Ensure that plans and investments improve access to contracting opportunities for minority-owned, woman-owned, and emerging small businesses.

Policy 6.32 Urban renewal plans. Encourage urban renewal plans to primarily benefit existing residents and businesses within the urban renewal area through:

- Revitalization of neighborhoods.
- Expansion of housing choices.
- Creation of business and job opportunities.
- Provision of transportation linkages.
- Protection of residents and businesses from the threats posed by gentrification and displacement.
- The creation and enhancement of those features which improve the quality of life within the urban renewal area.

113.Finding: The policies 6.27 through 6.32 do not apply because the BPCU project impacts the standards for bicycle parking in new development and does not include standards that address expansion of job opportunities and development of job sites.

Central City

Policy 6.33 Central City. Improve the Central City's regional share of employment and continue its growth as the unique center of both the city and the region for innovation and exchange through commerce, employment, arts, culture, entertainment, tourism, education, and government.

Policy 6.34 Central City industrial districts. Protect and facilitate the long-term success of Central City industrial sanctuary districts, while supporting their evolution into places with a broad mix of businesses with high employment densities.

Policy 6.35 Innovation districts. Provide for expanding campus institutions in the Central City and Marquam Hill, and encourage business development that builds on their research and development strengths.

114.Finding: The policies 6.33 through 6.35 do not apply because the BPCU project impacts the standards for bicycle parking in new development and does not include standards that address expanding employment districts and campuses in the Central City.

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Industrial and employment districts

Policy 6.36 Industrial land. Provide industrial land that encourages industrial business retention, growth, and traded sector competitiveness as a West Coast trade and freight hub, a regional center of diverse manufacturing, and a widely accessible base of family-wage jobs, particularly for under-served and underrepresented people.

Policy 6.37 Industrial sanctuaries. Protect industrial land as industrial sanctuaries identified on the Comprehensive Plan Map primarily for manufacturing and distribution uses and to encourage the growth of industrial activities in the city.

Policy 6.38 Prime industrial land retention. Protect the multimodal freight-hub industrial districts at the Portland Harbor, Columbia Corridor, and Brooklyn Yard as prime industrial land that is prioritized for long-term retention. See Figure 6-1 – Industrial and Employment Districts.

6.38.a. Protect prime industrial lands from quasi-judicial Comprehensive Plan Map amendments that convert prime industrial land to non-industrial uses, and consider the potential for other map amendments to otherwise diminish the economic competitiveness or viability of prime industrial land.

6.38.b. Limit conversion of prime industrial land through land use plans, regulations, or public land acquisition for non-industrial uses, especially land that can be used by river-dependent and river-related industrial uses.

6.38.c. Limit regulatory impacts on the capacity, affordability, and viability of industrial uses in the prime industrial area while ensuring environmental resources and public health are also protected.

6.38.d. Strive to offset the reduction of development capacity as needed, with additional prime industrial capacity that includes consideration of comparable site characteristics. Offsets may include but are not limited to additional brownfield remediation, industrial use intensification, strategic investments, and other innovative tools and partnerships that increase industrial utilization of industrial land.

6.38.e. Protect prime industrial land from siting for parks, schools, large format places of assembly, and large-format retail sales. **6.38.f.** Promote efficient use of freight hub infrastructure and prime industrial land by limiting non-industrial uses that do not need to be located in the prime industrial area.

Policy 6.39 Harbor access lands. Limit use of harbor access lands to river- or rail dependent or related industrial land uses due to the unique and necessary infrastructure and site characteristics of harbor access lands for river dependent industrial uses.

Policy 6.40 Portland Harbor Superfund Site. Take a leadership role to facilitate a cleanup of the Portland Harbor that moves forward as quickly as possible and that allocates cleanup costs fairly and equitably. Encourage a science-based and cost-effective cleanup solution that facilitates re-use of land for river- or rail dependent or related industrial uses.

Policy 6.41 Multimodal freight corridors. Encourage freight-oriented industrial development to locate where it can maximize the use of and support reinvestment in multimodal freight corridors.

Policy 6.42 Columbia East. Provide a mix of industrial and limited business park development in Columbia East (east of 82nd Avenue) that expand employment opportunities supported by proximity to Portland International Airport and multimodal freight access.

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Policy 6.43 Dispersed employment areas. Provide small, dispersed employment areas for a flexible and affordable mix of office, creative services, small-scale manufacturing, traded sector and distribution, and other small-format light industrial and commercial uses with access to nearby freeways or truck streets.

Policy 6.44 Industrial land use intensification. Encourage reinvestment in, and intensification of, industrial land use, as measured by output and throughput per acre.

Policy 6.45 Industrial brownfield redevelopment. Provide incentives, investments, technical assistance and other direct support to overcome financial-feasibility gaps to enable remediation and redevelopment of brownfields for industrial growth.

Policy 6.46 Impact analysis. Evaluate and monitor the impacts on industrial land capacity that may result from land use plans, regulations, public land acquisition, public facility development, and other public actions to protect and preserve existing industrial lands.

Policy 6.47 Clean, safe, and green. Encourage improvements to the cleanliness, safety, and ecological performance of industrial development and freight corridors by facilitating adoption of market feasible new technology and design.

Policy 6.48 Fossil fuel distribution. Limit fossil fuels distribution and storage facilities to those necessary to serve the regional market.

Policy 6.49 Industrial growth and watershed health. Facilitate concurrent strategies to protect and improve industrial capacity and watershed health in the Portland Harbor and Columbia Corridor areas.

Policy 6.50 District expansion. Provide opportunities for expansion of industrial areas based on evaluation of forecasted need and the ability to meet environmental, social, economic, and other goals.

Policy 6.51 Golf course reuse and redevelopment. Facilitate a mix of industrial, natural resource, and public open space uses on privately-owned golf course sites in the Columbia Corridor that property owners make available for reuse.

Policy 6.52 Residential and commercial reuse. Facilitate compatible industrial or employment redevelopment on residential or commercial sites that become available for reuse if the site is in or near prime industrial areas, and near a freeway or on a freight street.

Policy 6.53 Mitigation banks. Facilitate industrial site development by promoting and allowing environmental mitigation banks that serve industrial land uses on prime industrial land.

Policy 6.54 Neighborhood buffers. Maintain and enhance major natural areas, open spaces, and constructed features as boundaries and buffers for the Portland Harbor and Columbia Corridor industrial areas.

Policy 6.55 Neighborhood park use. Allow neighborhood park development within industrial zones where needed to provide adequate park service within one-half mile of every resident.

115.Finding: The policies 6.36 through 6.55 do not apply because the BPCU project impacts the standards for bicycle parking in new development and does not include standards that address industrial districts or allowing types of industrial uses on sites.

Campus Institutions

Policy 6.56 Campus institutions. Provide for the stability and growth of Portland's major campus institutions as essential service providers, centers of innovation, workforce development resources,

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and major employers. See Figure 6-2 – Campus Institutions.

Policy 6.57 Campus land use. Provide for major campus institutions as a type of employment land, allowing uses typically associated with health care and higher education institutions. Coordinate with institutions in changing campus zoning to provide land supply that is practical for development and intended uses.

116.Finding: The policies 6.56 and 6.57 do not apply because the BPCU project impacts the standards for bicycle parking in new development and does not include standards that address the land use for campus institutions.

Policy 6.58 Development impacts. Protect the livability of surrounding neighborhoods through adequate infrastructure and campus development standards that foster suitable density and attractive campus design. Minimize off-site impacts in collaboration with institutions and neighbors, especially to reduce automobile traffic and parking impacts.

117.Finding: The BPCU project meets this policy. The BPCU project requires the provision of safe, accessible, convenient bicycle parking in new construction. This supports the use of bicycling, an active and zero-emission mode, for trips, potentially reducing demand for automobile parking and car traffic.

Policy 6.59 Community amenities and services. Encourage campus development that provides amenities and services to surrounding neighborhoods, emphasizing the role of campuses as centers of community activity.

Policy 6.60 Campus edges. Provide for context-sensitive, transitional uses, and development at the edges of campus institutions to enhance their integration into surrounding neighborhoods, including mixed-use and neighborhood-serving commercial uses where appropriate.

Policy 6.61 Satellite facilities. Encourage opportunities for expansion of uses, not integral to campus functions, to locate in centers and corridors to support their economic vitality.

118.Finding: The policies 6.59 and 6.61 do not apply because the BPCU project impacts the standards for bicycle parking in new development and does not include standards that address the land use for campus institutions.

Neighborhood business districts

Policy 6.62 Neighborhood business districts. Provide for the growth, economic equity, and vitality of neighborhood business districts. See Figure 6-3 – Neighborhood Business Districts.

Policy 6.63 District function. Enhance the function of neighborhood business districts as a foundation of neighborhood livability.

Policy 6.64 Small, independent businesses. Facilitate the retention and growth of small and locally-owned businesses.

Policy 6.65 Home-based businesses. Encourage and expand allowances for small, low impact home based businesses in residential areas, including office or personal service uses with infrequent or by-appointment customer or client visits to the site. Allow a limited number of employees, within the scale of activity typical in residential areas. Allow home-based businesses on sites with accessory dwelling units.

Policy 6.66 Neighborhood-serving business. Provide for neighborhood business districts and small commercial nodes in areas between centers to expand local access to goods and services. Allow nodes of small-scale neighborhood-serving commercial uses in large planned developments and as a ground

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floor use in high density residential areas.

Policy 6.67 Retail development. Provide for a competitive supply of retail sites that support the wide range of consumer needs for convenience, affordability, accessibility, and diversity of goods and services, especially in under-served areas of Portland.

Policy 6.68 Investment priority. Prioritize commercial revitalization investments in neighborhoods that serve communities with limited access to goods and services.

Policy 6.69 Non-conforming neighborhood business uses. Limit non-conforming uses to reduce adverse impacts on nearby residential uses while avoiding displacement of existing neighborhood businesses.

Policy 6.70 Involuntary commercial displacement. Evaluate plans and investments for their impact on existing businesses.

6.70.a. Limit involuntary commercial displacement in areas at risk of gentrification, and incorporate tools to reduce the cost burden of rapid neighborhood change on small business owners vulnerable to displacement.

6.70.b. Encourage the preservation and creation of affordable neighborhood commercial space to support a broad range of small business owners.

Policy 6.71 Temporary and informal markets and structures. Acknowledge and support the role that temporary markets (farmers markets, craft markets, flea markets, etc.) and other temporary or mobile-vending structures play in enabling startup business activity. Also acknowledge that temporary uses may ultimately be replaced by more permanent development and uses.

Policy 6.72 Community economic development. Encourage collaborative approaches to align land use and neighborhood economic development for residents and business owners to better connect and compete in the regional economy.

6.72.a. Encourage broad-based community coalitions to implement land use and economic development objectives and programs.

6.72.b. Enhance opportunities for cooperation and partnerships between public and private entities that promote economic vitality in communities most disconnected from the regional economy.

6.72.c. Encourage cooperative efforts by area businesses, Business Associations, and Neighborhood Associations to work together on commercial revitalization efforts, sustainability initiatives, and transportation demand management.

Policy 6.73 Centers. Encourage concentrations of commercial services and employment opportunities in centers.

6.73.a. Encourage a broad range of neighborhood commercial services in centers to help residents and others in the area meet daily needs and/or serve as neighborhood gathering places.

6.73.b. Encourage the retention and further development of grocery stores and local markets as essential elements of centers.

6.73.c. Enhance opportunities for services and activities in centers that are responsive to the needs of the populations and cultural groups of the surrounding area.

6.73.d. Require ground-level building spaces in core areas of centers accommodate commercial or other street-activating uses and services.

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6.73.e. Encourage employment opportunities as a key function of centers, including connections between centers, institutions, and other major employers to reinforce their roles as vibrant centers of activity.

119.Finding: The policies 6.62 through 6.73 do not apply because the BPCU project impacts only the standards around bicycle parking and do not affect employment or the function of commercial districts.

Chapter 7: Environmental and Watershed Health

Goal 7.A: Climate. Carbon emissions are reduced to 50 percent below 1990 levels by 2035.

120.Finding: The BPCU project meets this goal. Transportation emissions make up 40% of total carbon emissions. The BPCU project makes it easier for people in Portland to use bicycles for transportation and recreation rather than fossil-fueled vehicles.

Goal 7.B: Healthy watersheds and environment. Ecosystem services and ecosystem functions are maintained, and watershed conditions have improved over time, supporting public health and safety, environmental quality, fish and wildlife, cultural values, economic prosperity, and the intrinsic value of nature.

Goal 7.C: Resilience. Portland's built and natural environments function in complementary ways and are resilient in the face of climate change and natural hazards.

Goal 7.D: Environmental equity. All Portlanders have access to clean air and water, can experience nature in their daily lives, and benefit from development designed to lessen the impacts of natural hazards and environmental contamination.

Goal 7.E: Community stewardship. Portlanders actively participate in efforts to maintain and improve the environment, including watershed health.

121.Finding: Goals 7B through 7E do not apply because the BPCU project affects the requirement of bicycle parking in new construction and the standards do not address environmental and watershed health.

Improve environmental quality and resilience

Policy 7.1 Environmental quality. Protect or support efforts to protect air, water, and soil quality, and associated benefits to public and ecological health and safety, through plans and investments.

Policy 7.2 Environmental equity. Prevent or reduce adverse environment-related disparities affecting under-served and under-represented communities through plans and investments. This includes addressing disparities relating to air and water quality, natural hazards, contamination, climate change, and access to nature.

Policy 7.3 Ecosystem services. Consider the benefits provided by healthy ecosystems that contribute to the livability and economic health of the city.

122.Finding: Policies 7.1 through 7.3 do not apply. While the BPCU project makes it easier for people in Portland to use bicycles for transportation and recreation rather than fossil-fueled vehicles which is beneficial to the environment, the standards do not directly address air, soil and water quality, environmental disparities and natural hazards or ecosystem services.

Policy 7.4 Climate change. Update and implement strategies to reduce carbon emissions and impacts, and increase resilience through plans and investments and public education.

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123.Finding: The BPCU project meets the intent of Policy 7.4. Transportation emissions make up 40% of total carbon emissions. The BPCU project makes it easier for people in Portland to use bicycles for transportation and recreation rather than fossil-fueled vehicles.

7.4.a. Carbon sequestration. Enhance the capacity of Portland's urban forest, soils, wetlands, and other water bodies to serve as carbon reserves.

7.4.b. Climate adaptation and resilience. Enhance the ability of rivers, streams, wetlands, floodplains, urban forest, habitats, and wildlife to limit and adapt to climate-exacerbated flooding, landslides, wildfire, and urban heat island effects.

124.Finding: Policies 7.4.a. and 7.4.b. do not apply. While the BPCU project makes it easier for people in Portland to use bicycles for transportation and recreation rather than fossil-fueled vehicles, the standards do not directly address carbon sequestration or enhancing the environment's ability to adapt to climate change related flooding, landslides, wildfire or heat island effects.

Policy 7.5 Air quality. Improve, or support efforts to improve, air quality through plans and investments, including reducing exposure to air toxics, criteria pollutants, and urban heat island effects. Consider the impacts of air quality on the health of all Portlanders. Coordinate with the Oregon Department of Environmental Quality to incorporate up-to-date air quality information and best practices into planning and investment decisions.

Policy 7.6 Hydrology. Improve, or support efforts to improve, watershed hydrology, through plans and investments, to achieve more natural flow and enhance conveyance and storage capacity in rivers, streams, floodplains, wetlands, and aquifers. Minimize impacts from development and associated impervious surfaces, especially in areas with poorly-infiltrating soils and limited public stormwater discharge points and encourage restoration of degraded hydrologic functions.

Policy 7.7 Water quality. Improve, or support efforts to improve, water quality in rivers, streams, floodplains, groundwater, and wetlands through land use plans and investments, to address water quality issues including toxics, bacteria, temperature, metals, and sediment pollution. Consider the impacts of water quality on the health of all Portlanders.

Policy 7.8 Biodiversity. Strive to achieve and maintain self-sustaining populations of native species, including native plants, native resident and migratory fish and wildlife species, at-risk species, and beneficial insects (such as pollinators) through plans and investments.

Policy 7.9 Habitat and biological communities. Improve, or support efforts to improve, fish and wildlife habitat and biological communities. Use plans and investments to enhance the diversity, quantity, and quality of habitats habitat corridors, and especially habitats that:

- Are rare or declining.
- Support at-risk plant and animal species and communities.
- Support recovery of species under the Endangered Species Act, and prevent new listings.
- Provide culturally important food sources, including those associated with Native American fishing rights.

Policy 7.10 Habitat connectivity. Improve or support efforts to improve terrestrial and aquatic habitat connectivity for fish and wildlife by using plans and investments, to:

- Prevent and repair habitat fragmentation.
- Improve habitat quality.

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- Weave habitat into sites as new development occurs.
- Enhance or create habitat corridors that allow fish and wildlife to safely access and move through and between habitat areas.
- Promote restoration and protection of floodplains.

Policy 7.11 Urban forest. Improve, or support efforts to improve the quantity, quality, and equitable distribution of Portland's urban forest through plans and investments.

7.11.a. Tree preservation. Require and incent preservation of large healthy trees, native trees and vegetation, tree groves, and forested areas.

7.11.b. Urban forest diversity. Coordinate plans and investments with efforts to improve tree species diversity and age diversity.

7.11.c. Tree canopy. Coordinate plans and investments toward meeting City tree canopy goals.

7.11.d. Tree planting. Invest in tree planting and maintenance, especially in low-canopy areas, neighborhoods with under-served or under-represented communities, and within and near urban habitat corridors.

7.11.e. Vegetation in natural resource areas. Require native trees and vegetation in significant natural resource areas.

7.11.f. Resilient urban forest. Encourage planting of Pacific Northwest hardy and climate change resilient native trees and vegetation generally, and especially in urban habitat corridors.

7.11.g. Trees in land use planning. Identify priority areas for tree preservation and planting in land use plans and incent these actions.

7.11.h. Managing wildfire risk. Address wildfire hazard risks and management priorities through plans and investments.

Policy 7.12 Invasive species. Prevent or reduce the spread of invasive plants, remove infestations, and support efforts to reduce the impacts of invasive plants, animals, and insects, through plans, investments, and education.

Policy 7.13 Soils. Coordinate plans and investments with programs that address human induced soil loss, erosion, contamination, or other impairments to soil quality and function.

Policy 7.14 Natural hazards. Prevent development-related degradation of natural systems and associated increases in landslide, wildfire, flooding, and earthquake risks.

Policy 7.15 Brownfield remediation. Improve environmental quality and watershed health by promoting and facilitating brownfield remediation and redevelopment that incorporates ecological site design and resource enhancement.

Policy 7.16 Adaptive management. Evaluate trends in watershed and environmental health, and use current monitoring data and information to guide and support improvements in the effectiveness of City plans and investments.

Policy 7.17 Restoration partnerships. Coordinate plans and investments with other jurisdictions, air and water quality regulators, watershed councils, soil and water conservation districts, Sovereign nations, and community organizations and groups including under-served and under-represented communities, to optimize the benefits, distribution, and cost-effectiveness of watershed restoration and enhancement efforts.

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Policy 7.18 Community stewardship. Encourage voluntary cooperation between property owners, community organizations, and public agencies to restore or re-create habitat on their property, including removing invasive plants and planting native species.

125.Finding: The policies 7.1 through 7.3 and 7.4 through 7.18 do not apply. While the BPCU project makes it easier for people in Portland to use bicycles for transportation and recreation rather than fossil-fueled vehicles, the standards do not directly address these policies under environmental quality and resilience.

Planning for natural resource protection

Policy 7.19 Natural resource protection. Protect the quantity, quality, and function of significant natural resources identified in the City's natural resource inventory, including:

- Rivers, streams, sloughs, and drainageways.
- Floodplains.
- Riparian corridors.
- Wetlands.
- Groundwater.
- Native and other beneficial vegetation species and communities.
- Aquatic and terrestrial habitats, including special habitats or habitats of concern, large anchor habitats, habitat complexes and corridors, rare and declining habitats such as wetlands, native oak, bottomland hardwood forest, grassland habitat, shallow water habitat, and habitats that support special-status or at-risk plant and wildlife species.
- Other resources identified in natural resource inventories.

Policy 7.20 Natural resource inventory. Maintain an up-to-date inventory by identifying the location and evaluating the relative quantity and quality of natural resources.

Policy 7.21 Environmental plans and regulations. Maintain up-to-date environmental protection plans and regulations that specify the significant natural resources to be protected and the types of protections to be applied, based on the best data and science available and on an evaluation of cumulative environmental, social, and economic impacts and tradeoffs. See Figure 7-2 — Adopted Environmental Plans.

7.21.a. Improve the effectiveness of environmental protection plans and regulations to protect and encourage enhancement of ecological functions and ecosystem services.

7.21.b. Prevent or reduce disproportionate environmental impacts on underserved and under-represented communities.

Policy 7.22 Land acquisition priorities and coordination. Maintain a land acquisition program as a tool to protect and support natural resources and their functions. Coordinate land acquisition with the programs of City bureaus and other agencies and organizations.

126.Finding: The policies 7.19 through 7.22 do not apply because the BPCU project affects the requirement of bicycle parking in new construction and the standards do not address natural resource protection.

Protecting natural resources in development situations

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Policy 7.23 Impact evaluation. Evaluate the potential adverse impacts of proposed development on significant natural resources, their functions, and the ecosystem services they provide to inform and guide development design and mitigation consistent with policies 7.24-7.26, and other relevant Comprehensive Plan policies.

Policy 7.24 Regulatory hierarchy: avoid, minimize, mitigate. Maintain regulations requiring that the potential adverse impacts of new development on significant natural resources and their functions first be avoided where practicable, then minimized, then lastly, mitigated.

Policy 7.25 Mitigation effectiveness. Require that mitigation approaches compensate fully for adverse impacts on locally and regionally significant natural resources and functions. Require mitigation to be located as close to the impact as possible. Mitigation must also take place within the same watershed or portion of the watershed that is within the Portland Urban Services Boundary, unless mitigating outside of these areas will provide a greater local ecological benefit. Mitigation will be subject to the following preference hierarchy:

1. On the site of the resource subject to impact with the same kind of resource; if that is not possible, then
2. Off-site with the same kind of resource; if that is not possible, then
3. On-site with a different kind of resource; if that is not possible, then
4. Off-site with a different kind of resource.

Policy 7.26 Improving environmental conditions through development. Encourage ecological site design, site enhancement, or other tools to improve ecological functions and ecosystem services in conjunction with new development and alterations to existing development.

127.Finding: The policies 7.23 through 7.26 do not apply because the BPCU project affects the requirement of bicycle parking in new construction and the standards do not address natural resource impact mitigation and development mitigation.

Aggregate resources

Policy 7.27 Aggregate resource protection. Protect aggregate resource sites for current and future use where there are no major conflicts with urban needs, or where these conflicts may be resolved.

Policy 7.28 Aggregate resource development. When aggregate resources are developed, ensure that development minimizes adverse environmental impacts and impacts on adjacent land uses.

Policy 7.29 Mining site reclamation. Ensure that the reclamation of mining sites protects public health and safety, protects fish and wildlife (including at-risk species), enhances or restores habitat (including rare and declining habitat types), restores adequate watershed conditions and functions on the site, and is compatible with the surrounding land uses and conditions of nearby land.

128.Finding: The policies 7.27 through 7.29 do not apply because the BPCU project affects the requirement of bicycle parking in new construction and the standards do not address aggregate resource protection or development.

Columbia River Watershed

Policy 7.30 In-water habitat. Enhance in-water habitat for native fish and wildlife, particularly in the Oregon Slough and near-shore environments along the Columbia River.

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Policy 7.31 Sensitive habitats. Enhance grassland, beach, riverbanks, wetlands, bottomland forests, shallow water habitats, and other key habitats for wildlife traveling along the Columbia River migratory corridor, while continuing to manage the levees and floodplain for flood control.

Policy 7.32 River-dependent and river-related uses. Maintain plans and regulations that recognize the needs of river-dependent and river-related uses while also supporting ecologically-sensitive site design and practices.

129.Finding: The policies 7.30 through 7.32 do not apply because the BPCU project affects the requirement of bicycle parking in new construction and the standards do not address standards related to the Columbia River Watershed.

Willamette River Watershed

Policy 7.33 Fish habitat. Provide adequate intervals of ecologically-functional shallow water habitat for native fish along the entire length of the Willamette River within the city, and at the confluences of its tributaries.

Policy 7.34 Stream connectivity. Improve stream connectivity between the Willamette River and its tributaries.

Policy 7.35 River bank conditions. Preserve existing river bank habitat and encourage the rehabilitation of river bank sections that have been significantly altered due to development with more fish and wildlife friendly riverbank conditions.

Policy 7.36 South Reach ecological complex. Enhance habitat quality and connections between Ross Island, Oaks Bottom, and riverfront parks and natural areas south of the Central City, to enhance the area as a functioning ecological complex.

Policy 7.37 Contaminated sites. Promote and support programs that facilitate the cleanup, reuse, and restoration of the Portland Harbor Superfund site and other contaminated upland sites.

Policy 7.38 Sensitive habitats. Protect and enhance grasslands, beaches, floodplains, wetlands, remnant native oak, bottomland hardwood forest, and other key habitats for native wildlife including shorebirds, waterfowl, and species that migrate along the Pacific Flyway and the Willamette River corridor.

Policy 7.39 Riparian corridors. Increase the width and quality of vegetated riparian buffers along the Willamette River.

Policy 7.40 Connected upland and river habitats. Enhance habitat quality and connectivity between the Willamette riverfront, the Willamette's floodplain, and upland natural resource areas.

Policy 7.41 River-dependent and river-related uses. Develop and maintain plans and regulations that recognize the needs of river-dependent and river-related uses, while also supporting ecologically-sensitive site design and practices.

Policy 7.42 Forest Park. Enhance Forest Park as an anchor habitat and recreational resource.

130.Finding: The policies 7.33 through 7.42 do not apply because the BPCU project affects the requirement of bicycle parking in new construction and the standards do not address standards related to the Willamette River Watershed or Forest Park.

Columbia Slough Watershed

Policy 7.43 Fish passage. Restore in-stream habitat and improve fish passage within the Columbia Slough, including for salmonids in the lower slough.

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Policy 7.44 Flow constriction removal. Reduce constriction, such as culverts, in the slough channels, to improve the flow of water and water quality.

Policy 7.45 Riparian corridors. Increase the width, quality, and native plant diversity of vegetated riparian buffers along Columbia Slough channels and other drainageways within the watershed, while also managing the slough for flood control.

Policy 7.46 Sensitive habitats. Enhance grasslands and wetland habitats in the Columbia Slough, such as those found in the Smith and Bybee Lakes and at the St. Johns Landfill site, to provide habitat for sensitive species, and for wildlife traveling along the Columbia and Willamette river migratory corridors.

Policy 7.47 Connected rivers habitats. Enhance upland habitat connections to the Willamette and Columbia rivers.

Policy 7.48 Contaminated sites. Ensure that plans and investments are consistent with and advance programs that facilitate the cleanup, reuse, and restoration of contaminated sites that are adjacent, or that discharge stormwater, to the Columbia Slough.

Policy 7.49 Portland International Airport. Protect, restore, and enhance natural resources and functions in the Portland International Airport plan district, as identified in Portland International Airport/Middle Columbia Slough Natural Resources Inventory. Accomplish this through regulations, voluntary strategies, and the implementation of special development standards.

131.Finding: The policies 7.43 through 7.49 do not apply because the BPCU project affects the requirement of bicycle parking in new construction and the standards do not address standards related to the Columbia Slough Watershed.

Fanno and Tryon Creek Watersheds

Policy 7.50 Stream connectivity. Encourage the daylighting of piped portions of Tryon and Fanno creeks and their tributaries.

Policy 7.51 Riparian and habitat corridors. Protect and enhance riparian habitat quality and connectivity along Tryon and Fanno creeks and their tributaries. Enhance connections between riparian areas, parks, anchor habitats, and areas with significant tree canopy. Enhance in-stream and upland habitat connections between Tryon Creek State Natural Area and the Willamette River.

Policy 7.52 Reduced hazard risks. Reduce the risks of landslides and streambank erosion by protecting trees and vegetation that absorb stormwater, especially in areas with steep slopes or limited access to stormwater infrastructure.

132.Finding: The policies 7.50 through 7.52 do not apply because the BPCU project affects the requirement of bicycle parking in new construction and the standards do not address standards related to the Fanno and Tryon Creek Watersheds.

Johnson Creek Watershed

Policy 7.53 In-stream and riparian habitat. Enhance in-stream and riparian habitat and improve fish passage for salmonids along Johnson Creek and its tributaries.

Policy 7.54 Floodplain restoration. Enhance Johnson Creek floodplain functions to increase flood-storage capacity, improve water quality, and enhance fish and wildlife habitat.

Policy 7.55 Connected floodplains, springs, and wetlands. Enhance hydrologic and habitat connectivity between the Johnson Creek floodplain and its springs and wetlands.

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Policy 7.56 Reduced natural hazards. Reduce the risks of landslides, streambank erosion and downstream flooding by protecting seeps, springs, trees, vegetation, and soils that absorb stormwater in the East Buttes.

Policy 7.57 Greenspace network. Enhance the network of parks, trails, and natural areas near the Springwater Corridor Trail and the East Buttes to enhance habitat connectivity and nature-based recreation in East Portland.

133.Finding: The policies 7.53 through 7.57 do not apply because the BPCU project affects the requirement of bicycle parking in new construction and the standards do not address standards related to the Johnson Creek Watershed.

Chapter 8: Public Facilities and Services

Goal 8.A: Quality public facilities and services. High-quality public facilities and services provide Portlanders with optimal levels of service throughout the city, based on system needs and community goals, and in compliance with regulatory mandates.

Goal 8.B: Multiple benefits. Public facility and service investments improve equitable service provision, support economic prosperity, and enhance human and environmental health.

Goal 8.C: Reliability and resiliency. Public facilities and services are reliable, able to withstand or recover from catastrophic natural and manmade events, and are adaptable and resilient in the face of long-term changes in the climate, economy, and technology.

Goal 8.D: Public rights-of-way. Public rights-of-way enhance the public realm and provide a multi-purpose, connected, safe, and healthy physical space for movement and travel, public and private utilities, and other appropriate public functions and uses.

Goal 8.E: Sanitary and stormwater systems. Wastewater and stormwater are managed, conveyed, and/or treated to protect public health, safety, and the environment, and to meet the needs of the community on an equitable, efficient, and sustainable basis.

Goal 8.F: Flood management. Flood management systems and facilities support watershed health and manage flooding to reduce adverse impacts on Portlanders' health, safety, and property.

Goal 8.G: Water. Reliable and adequate water supply and delivery systems provide sufficient quantities of high-quality water at adequate pressures to meet the needs of the community on an equitable, efficient, and sustainable basis.

Goal 8.H: Parks, natural areas, and recreation. All Portlanders have safe, convenient, and equitable access to high-quality parks, natural areas, trails, and recreational opportunities in their daily lives, which contribute to their health and well-being. The City manages its natural areas and urban forest to protect unique urban habitats and offer Portlanders an opportunity to connect with nature.

Goal 8.I: Public safety and emergency response. Portland is a safe, resilient, and peaceful community where public safety, emergency response, and emergency management facilities and services are coordinated and able to effectively and efficiently meet community needs.

Goal 8.J: Solid waste management. Residents and businesses have access to waste management services and are encouraged to be thoughtful consumers to minimize upstream impacts and avoid generating waste destined for the landfill. Solid waste — including food, yard debris, recyclables, electronics, and construction and demolition debris — is managed, recycled, and composted to ensure the highest and best use of materials.

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Goal 8.K: School facilities. Public schools are honored places of learning as well as multifunctional neighborhood anchors serving Portlanders of all ages, abilities, and cultures.

Goal 8.L: Technology and communications. All Portland residences, businesses, and institutions have access to universal, affordable, and reliable state-of-the-art communication and technology services.

Goal 8.M: Energy infrastructure and services. Residents, businesses, and institutions are served by reliable energy infrastructure that provides efficient, low-carbon, affordable energy through decision-making based on integrated resource planning.

134.Finding: The goals of Chapter 8 do not apply because they require public facilities and services to be established and maintained, while the BPCU project affects the requirement of bicycle parking in new development. The adopted 2035 Comprehensive Plan includes the Citywide Systems Plan (CSP), which was adopted (Ordinance 185657) and acknowledged by LCDC on April 25, 2017. The CSP includes the Public Facilities Plan with information on current and future transportation, water, sanitary sewer, and stormwater infrastructure needs and projects. The BPCU project does not affect the CSP.

Service provision and urbanization

Policy 8.1 Urban services boundary. Maintain an Urban Services Boundary for the City of Portland that is consistent with the regional urban growth policy, in cooperation with neighboring jurisdictions. The Urban Services Boundary is shown on the Comprehensive Plan Map.

Policy 8.2 Rural, urbanizable, and urban public facility needs. Recognize the different public facility needs in rural, urbanizable and urban land as defined by the Regional Urban Growth Boundary, the City Urban Services Boundary, and the City Boundaries of Municipal Incorporation. See Figure 8-1 — Urban, Urbanizable, and Rural Lands.

Policy 8.3 Urban service delivery. Provide the following public facilities and services at urban levels of service to urban lands within the City's boundaries of incorporation:

- Public rights-of-way, streets, and public trails
- Sanitary sewers and wastewater treatment
- Stormwater management and conveyance
- Flood management
- Protection of the waterways of the state
- Water supply
- Police, fire, and emergency response
- Parks, natural areas, and recreation
- Solid waste regulation

Policy 8.4 Supporting facilities and systems. Maintain supporting facilities and systems, including public buildings, technology, fleet, and internal service infrastructure, to enable the provision of public facilities and services.

Policy 8.5 Planning service delivery. Provide planning, zoning, building, and subdivision control services within the boundaries of incorporation, and as otherwise provided by intergovernmental agreement within the City's Urban Services Boundary.

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135.Finding: The policies 8.1 through 8.5 do not apply because the BPCU project affects the requirement of bicycle parking in new development and the standards do not address service delivery.

Service Coordination

Policy 8.6 Interagency coordination. Maintain interagency coordination agreements with neighboring jurisdictions and partner agencies that provide urban public facilities and services within the City of Portland's Urban Services Boundary to ensure effective and efficient service delivery. See Policy 8.3 for the list of services included. Such jurisdictions and agencies include, but may not be limited to:

- Multnomah County for transportation facilities and public safety.
- State of Oregon for transportation and parks facilities and services.
- TriMet for public transit facilities and services.
- Port of Portland for air and marine facilities and services.
- Metro for regional parks and natural areas, and for solid waste, composting, and recycling facilities and transfer stations.
- Gresham, Milwaukie, Clackamas County Service District #1, and Clean Water Services for sanitary sewer conveyance and treatment.
- Multnomah County Drainage District No. 1, Peninsula Drainage District No 1, and Peninsula Drainage District No. 2 for stormwater management and conveyance, and for flood mitigation, protection, and control.
- Rockwood People's Utility District; Sunrise Water Authority; and the Burlington, Tualatin Valley, Valley View, West Slope, Palatine Hill, Alto Park, and Clackamas River Water Districts for water distribution.
- Portland Public Schools and the David Douglas, Parkrose, Reynolds, Centennial, and Riverdale school districts for public education, park, trail, and recreational facilities.

Policy 8.7 Outside contracts. Coordinate with jurisdictions and agencies outside of Portland where the City provides services under agreement.

136.Finding: The policies 8.6 and 8.7 do not apply because the BPCU project affects the Zoning Code requirement of bicycle parking in new development and the standards do not address or make additional interagency agreements or contracts.

Policy 8.8 Public service coordination. Coordinate with the planning efforts of agencies providing public education, public health services, community centers, urban forest management, library services, justice services, energy, and technology and communications services.

Policy 8.9 Internal coordination. Coordinate planning and provision of public facilities and services, including land acquisition, among City agencies, including internal service bureaus.

137.Finding: The BPCU project meets policy 8.8 and 8.9. The BPCU project requires bicycle parking for public facilities like community centers, parks, libraries and schools, and during the code development process project staff coordinated with the various agencies as well as public stakeholders that visit these public facilities

Policy 8.10 Co-location. Encourage co-location of public facilities and services across providers where co-location improves service delivery efficiency and access for historically under-represented and

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under-served communities.

138.Finding: The policy 8.10 does not apply because the BPCU project affects the requirement of bicycle parking in new development and the standards do not address co-locating public facilities or services.

Service extension

Policy 8.11 Annexation. Require annexation of unincorporated urbanizable areas within the City's Urban Services Boundary as a prerequisite to receive urban services.

Policy 8.12 Feasibility of service. Evaluate the physical feasibility and cost-effectiveness of extending urban public services to candidate annexation areas to ensure sensible investment and to set reasonable expectations.

Policy 8.13 Orderly service extension. Establish or improve urban public services in newly-annexed areas to serve designated land uses at established levels of service, as funds are available and as responsible engineering practice allows.

Policy 8.14 Coordination of service extension. Coordinate provision of urban public services to newly-annexed areas so that provision of any given service does not stimulate development that significantly hinders the City's ability to provide other urban services at uniform levels.

Policy 8.15 Services to unincorporated urban pockets. Plan for future delivery of urban services to urbanizable areas that are within the Urban Services Boundary but outside the city limits.

Policy 8.16 Orderly urbanization. Coordinate with counties, neighboring jurisdictions, and other special districts to ensure consistent management of annexation requests, and to establish rational and orderly process of urbanization that maximize efficient use of public funds.

Policy 8.17 Services outside the city limits. Prohibit City provision of new urban services, or expansion of the capacity of existing services, in areas outside city limits, except in cases where the City has agreements or contracts in place.

Policy 8.18 Service district expansion. Prohibit service district expansion or creation within the City's Urban Services Boundary without the City's expressed consent.

Policy 8.19 Rural service delivery. Provide the public facilities and services identified in Policy 8.3 in rural areas only at levels necessary to support designated rural residential land uses and protect public health and safety. Prohibit sanitary sewer extensions into rural land and limit other urban services.

139.Finding: The policies 8.11 through 8.19 do not apply because the BPCU project affects the requirement of bicycle parking in new development and the standards do not address standards related to service extension.

Public investment

Policy 8.20 Regulatory compliance. Ensure public facilities and services remain in compliance with state and federal regulations. Work toward cost-effective compliance with federal and state mandates through intergovernmental coordination and problem solving.

Policy 8.21 System capacity. Establish, improve, and maintain public facilities and services at levels appropriate to support land use patterns, densities, and anticipated residential and employment growth, as physically feasible and as sufficient funds are available.

Policy 8.22 Equitable service. Provide public facilities and services to alleviate service deficiencies and meet level-of-service standards for all Portlanders, including individuals, businesses, and property

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owners.

8.22.a. In places that are not expected to grow significantly but have existing deficiencies, invest to reduce disparity and improve livability.

8.22.b. In places that lack basic public facilities or services and also have significant growth potential, invest to enhance neighborhoods, fill gaps, maintain affordability, and accommodate growth.

8.22.c. In places that are not expected to grow significantly and already have access to complete public facilities and services, invest primarily to maintain existing facilities and retain livability.

8.22.d. In places that already have access to complete public facilities and services, but also have significant growth potential, invest to fill remaining gaps, maintain affordability, and accommodate growth.

Policy 8.23 Asset management. Improve and maintain public facility systems using asset management principles to optimize preventative maintenance, reduce unplanned reactive maintenance, achieve scheduled service delivery, and protect the quality, reliability, and adequacy of City services.

Policy 8.24 Risk management. Maintain and improve Portland's public facilities to minimize or eliminate economic, social, public health and safety, and environmental risks.

Policy 8.25 Critical infrastructure. Increase the resilience of high-risk and critical infrastructure through monitoring, planning, maintenance, investment, adaptive technology, and continuity planning.

Policy 8.26 Capital programming. Maintain long-term capital improvement programs that balance acquisition and construction of new public facilities with maintenance and operations of existing facilities.

140.Finding: The policies 8.20 through 8.26 do not apply because the BPCU project affects the Zoning Code requirement of bicycle parking in new development and the standards do not address state and federal regulatory compliance, system compliance, asset management, risk management, maintenance, resilience, or programming for public facilities.

Funding

Policy 8.27 Cost-effectiveness. Establish, improve, and maintain the public facilities necessary to serve designated land uses in ways that cost-effectively provide desired levels of service, consider facilities' lifecycle costs, and maintain the City's long-term financial sustainability.

Policy 8.28 Shared costs. Ensure the costs of constructing and providing public facilities and services are equitably shared by those who benefit from the provision of those facilities and services.

Policy 8.29 System development. Require private or public entities whose prospective development or redevelopment actions contribute to the need for public facility improvements, extensions, or construction to bear a proportional share of the costs.

Policy 8.30 Partnerships. Maintain or establish public and private partnerships for the development, management, or stewardship of public facilities necessary to serve designated land uses, as appropriate.

141.Finding: The policies 8.27 through 8.30 do not apply because the BPCU project affects the requirement of bicycle parking on-site for new development and does not impose bicycle parking

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requirements to provide public bicycle parking that meets the greater City demand for bicycle parking outside of those generated by the specific land use.

Public benefits

Policy 8.31 Application of Guiding Principles. Plan and invest in public facilities in ways that promote and balance the Guiding Principles established in The Vision and Guiding Principles of this Comprehensive Plan.

Policy 8.32 Community benefits. Encourage providing additional community benefits with large public facility projects as appropriate to address environmental justice policies in Chapter 2: Community Involvement.

Policy 8.33 Community knowledge and experience. Encourage public engagement processes and strategies for large public facility projects to include community members in identifying potential impacts, mitigation measures, and community benefits.

Policy 8.34 Resource efficiency. Reduce the energy and resource use, waste, and carbon emissions from facilities necessary to serve designated land uses to meet adopted City goals and targets.

Policy 8.35 Natural systems. Protect, enhance, and restore natural systems and features for their infrastructure service and other values.

Policy 8.36 Context-sensitive infrastructure. Design, improve, and maintain public rights-of-way and facilities in ways that are compatible with, and that minimize negative impacts on, their physical, environmental, and community context.

Policy 8.37 Site- and area-specific needs. Allow for site- and area-specific public facility standards, requirements, tools, and policies as needed to address distinct topographical, geologic, environmental, and other conditions.

Policy 8.38 Age-friendly public facilities. Promote public facility designs that make Portland more age-friendly.

142.Finding: The policies 8.31 through 8.38 do not apply because the BPCU project affects the requirement of bicycle parking on-site for new development and does not impose public facility or public right-of-way requirements.

Public rights-of-way

Policy 8.39 Interconnected network. Establish a safe and connected rights-of-way system that equitably provides infrastructure services throughout the city.

Policy 8.40 Transportation function. Improve and maintain the right-of-way to support multimodal transportation mobility and access to goods and services as is consistent with the designated street classification.

Policy 8.41 Utility function. Improve and maintain the right-of-way to support equitable distribution of utilities, including water, sanitary sewer, stormwater management, energy, and communications, as appropriate.

Policy 8.42 Stormwater management function. Improve rights-of-way to integrate green infrastructure and other stormwater management facilities to meet desired levels-of-service and economic, social, and environmental objectives.

Policy 8.43 Trees in rights-of-way. Integrate trees into public rights-of-way to support City canopy goals, transportation functions, and economic, social, and environmental objectives.

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Policy 8.44 Community uses. Allow community use of rights-of-way for purposes such as public gathering space, events, food production, or temporary festivals, as long as the community uses are integrated in ways that balance and minimize conflict with the designated through movement and access roles of rights-of-ways.

Policy 8.45 Pedestrian amenities. Encourage facilities that enhance pedestrian enjoyment, such as transit shelters, garbage containers, benches, etc. in the right of way. **Policy 8.46 Commercial uses.** Accommodate allowable commercial uses of the rights-of-way for the purpose of enhancing commercial vitality, if the commercial uses can be integrated in ways that balance and minimize conflict with the other functions of the right-of-way. Restrict the size of signage in the right-of-way.

Policy 8.47 Flexible design. Allow flexibility in right-of-way design and development standards to appropriately reflect the pattern area and other relevant physical, community, and environmental contexts and local needs.

8.47.a. Use a variety of transportation resources in developing and designing projects for all City streets, such as the City of Portland's Pedestrian Design Guide, Bicycle Master Plan- Appendix A, NACTO Urban Bikeway Design Guide, NACTO Urban Street Design Guide, Portland Parks and Recreation Trail Design Guidelines, Designing for Truck Movements and Other Large Vehicles, and City of Portland Green Street Policy, Stormwater Management Manual, Design Guide for Public Street Improvements, and Neighborhood Greenways.

Policy 8.48 Corridors and City Greenways. Ensure public facilities located along Civic Corridors, Neighborhood Corridors, and City Greenways support the multiple objectives established for these corridors. Corridor and City Greenway goals and policies are listed in Chapter 3: Urban Form.

Policy 8.49 Coordination. Coordinate the planning, design, development, improvement, and maintenance of public rights-of-way among appropriate public agencies, private providers, and adjacent landowners.

8.49.a. Coordination efforts should include the public facilities necessary to support the uses and functions of rights-of-way, as established in policies 8.40 to 8.46.

8.49.b. Coordinate transportation and stormwater system plans and investments, especially in unimproved or substandard rights-of-way, to improve water quality, public safety, including for pedestrians and bicyclists, and neighborhood livability.

Policy 8.50 Undergrounding. Encourage undergrounding of electrical and telecommunications facilities within public rights-of-way, especially in centers and along Civic Corridors.

Policy 8.51 Right-of-way vacations. Maintain rights-of-way if there is an established existing or future need for them, such as for transportation facilities or for other public functions established in policies 8.40 to 8.46.

Policy 8.52 Rail rights-of-way. Preserve existing and abandoned rail rights-of-way for future rail or public trail uses.

143.Finding: The policies 8.39 through 8.52 do not apply because the BPCU project affects the requirement of bicycle parking on-site for new development and does not impact the design of public right-of-way requirements.

Trails

Policy 8.53 Public trails. Establish, improve, and maintain a citywide system of local and regional public trails that provide transportation and/or recreation options and are a component of larger

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network of facilities for bicyclists, pedestrians, and recreational users.

Policy 8.54 Trail system connectivity. Plan, improve, and maintain the citywide trail system so that it connects and improves access to Portland's neighborhoods, commercial areas, employment centers, schools, parks, natural areas, recreational facilities, regional destinations, the regional trail system, and other key places that Portlanders access in their daily lives.

Policy 8.55 Trail coordination. Coordinate planning, design, improvement, and maintenance of the trail system among City agencies, other public agencies, non-governmental partners, and adjacent landowners.

Policy 8.56 Trail diversity. Allow a variety of trail types to reflect a trail's transportation and recreation roles, requirements, and physical context.

Policy 8.57 Public access requirements. Require public access and improvement of Major Public Trails as shown in Figure 8-2 — Major Public Trails. Major Public Trails include regional trails and other significant trail connections that provide for the movement of pedestrians, cyclists, and other users for recreation and transportation purposes.

Policy 8.58 Trail and City Greenway coordination. Coordinate the planning and improvement of trails as part of the City Greenways system. See Chapter 3: Urban Form for additional policies related to City Greenways.

Policy 8.59 Trail and Habitat Corridor coordination. Coordinate the planning and improvement of trails with the establishment, enhancement, preservation, and access to habitat corridors. See Chapter 3: Urban Form for additional policies related to Habitat Corridors.

Policy 8.60 Intertwine coordination. Coordinate with the Intertwine Alliance and its partners, including local and regional parks providers, to integrate Portland's trail and active transportation network with the bi-state regional trail system.

144.Finding: The policies 8.53 through 8.60 do not apply because the BPCU project affects the requirement of bicycle parking in new development and the standards do not address standards related to trails.

Sanitary system

Policy 8.61 Sewer connections. Require all developments within the city limits to be connected to sanitary sewers unless the public sanitary system is not physically or legally available per City Code and state requirements; or the existing onsite septic system is functioning properly without failure or complaints per City Code and state requirements; and the system has all necessary state and county permits.

Policy 8.62 Combined sewer overflows. Provide adequate public facilities to limit combined sewer overflows to frequencies established by regulatory permits.

Policy 8.63 Sanitary sewer overflows. Provide adequate public facilities to prevent sewage releases to surface waters as consistent with regulatory permits.

Policy 8.64 Private sewage treatment systems. Adopt land use regulations that require any proposed private sewage treatment system to demonstrate that all necessary state and county permits are obtained. **Policy 8.65 Sewer extensions.** Prioritize sewer system extensions to areas that are already developed at urban densities and where health hazards exist.

Policy 8.66 Pollution prevention. Reduce the need for wastewater treatment capacity through land use programs and public facility investments that manage pollution as close to its source as practical

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and that reduce the amount of pollution entering the sanitary system.

Policy 8.67 Treatment. Provide adequate wastewater treatment facilities to ensure compliance with effluent standards established in regulatory permits.

145.Finding: The policies 8.61 through 8.67 do not apply because the BPCU project affects the requirement of bicycle parking in new development and the standards do not address standards related to sanitary systems.

Stormwater system

Policy 8.68 Stormwater facilities. Provide adequate stormwater facilities for conveyance, flow control, and pollution reduction.

Policy 8.69 Stormwater as a resource. Manage stormwater as a resource for watershed health and public use in ways that protect and restore the natural hydrology, water quality, and habitat of Portland's watersheds.

Policy 8.70 Natural systems. Protect and enhance the stormwater management capacity of natural resources such as rivers, streams, creeks, drainageways, wetlands, and floodplains.

Policy 8.71 Green infrastructure. Promote the use of green infrastructure, such as natural areas, the urban forest, and landscaped stormwater facilities, to manage stormwater.

Policy 8.72 Stormwater discharge. Avoid or minimize the impact of stormwater discharges on the water and habitat quality of rivers and streams.

Policy 8.73 On-site stormwater management. Encourage on-site stormwater management, or management as close to the source as practical, through land use decisions and public facility investments.

Policy 8.74 Pollution prevention. Coordinate policies, programs, and investments with partners to prevent pollutants from entering the stormwater system by managing point and non-point pollution sources through public and private facilities, local regulations, and education.

Policy 8.75 Stormwater partnerships. Provide stormwater management through coordinated public and private facilities, public-private partnerships, and community stewardship.

146.Finding: The policies 8.68 through 8.75 do not apply because the BPCU project affects the requirement of bicycle parking in new development and the standards do not address standards related to stormwater systems in Portland.

Flood management

Policy 8.76 Flood management. Improve and maintain the functions of natural and managed drainageways, wetlands, and floodplains to protect health, safety, and property, provide water conveyance and storage, improve water quality, and maintain and enhance fish and wildlife habitat.

Policy 8.77 Floodplain management. Manage floodplains to protect and restore associated natural resources and functions and to minimize the risks to life and property from flooding.

Policy 8.78 Floodplain management facilities. Establish, improve, and maintain flood management facilities to serve designated land uses through planning, investment and regulatory requirements.

Policy 8.79 Drainage district coordination. Coordinate with drainage districts that provide stormwater management, conveyance, and flood mitigation, protection, and control services within the City's Urban Services Boundary.

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Policy 8.80 Levee coordination. Coordinate plans and investments with special districts and agencies responsible for managing and maintaining certification of levees along the Columbia River.

147.Finding: The policies 8.76 through 8.80 do not apply because the BPCU project affects the requirement of bicycle parking in new development and the standards do not address standards related to flood management.

Water systems

Policy 8.81 Primary supply source. Protect the Bull Run watershed as the primary water supply source for Portland.

Policy 8.82 Bull Run protection. Maintain a source-protection program and practices to safeguard the Bull Run watershed as a drinking water supply.

Policy 8.83 Secondary supply sources. Protect, improve, and maintain the Columbia South Shore wellfield groundwater system, the Powell Valley wellfield groundwater system, and any other alternative water sources designated as secondary water supplies.

Policy 8.84 Groundwater wellfield protection. Maintain a groundwater protection program and practices to safeguard the Columbia South Shore wellfield and the Powell Valley wellfield as drinking water supplies.

Policy 8.85 Water quality. Maintain compliance with state and federal drinking water quality regulations.

Policy 8.86 Storage. Provide sufficient in-city water storage capacity to serve designated land uses, meet demand fluctuations, maintain system pressure, and ensure supply reliability.

Policy 8.87 Fire protection. Provide adequate water facilities to serve the fire protection needs of all Portlanders and businesses.

Policy 8.88 Water pressure. Provide adequate water facilities to maintain water pressure in order to protect water quality and provide for the needs of customers.

Policy 8.89 Water efficiency. Reduce the need for additional water facility capacity and maintain compliance with state water resource regulations by encouraging efficient use of water by customers within the city.

Policy 8.90 Service interruptions. Maintain and improve water facilities to limit interruptions in water service to customers.

Policy 8.91 Outside user contracts. Coordinate long-term water supply planning and delivery with outside-city water purveyors through long-term wholesale contracts.

148.Finding: The policies 8.81 through 8.91 do not apply because the BPCU project affects the requirement of bicycle parking in new development and the standards do not address standards related to water systems in Portland.

Parks and recreation

Policy 8.92 Acquisition, development, and maintenance. Provide and maintain an adequate supply and variety of parkland and recreational facilities to serve the city's current and future population based on identified level-of-service standards and community needs.

Policy 8.93 Service equity. Invest in acquisition and development of parks and recreation facilities in areas where service-level deficiencies exist.

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Policy 8.94 Capital programming. Maintain a long-range park capital improvement program, with criteria that considers acquisition, development, and operations; provides opportunities for public input; and emphasizes creative and flexible financing strategies.

Policy 8.95 Park planning. Improve parks, recreational facilities, natural areas, and the urban forest in accordance with relevant master plans, management plans, or adopted strategies that reflect user group needs, development priorities, development and maintenance costs, program opportunities, financing strategies, and community input. Consider developing master or management plans for properties that lack guiding plans or strategies.

Policy 8.96 Recreational trails. Establish, improve, and maintain a complete and connected system of Major Public Trails that provide recreational opportunities and that can serve transportation functions consistent with policies 8.53 through 8.60 and other City trail policies and plans.

Policy 8.97 Natural resources. Preserve, enhance, and manage City-owned natural areas and resources to protect and improve their ecological health, in accordance with both the natural area acquisition and restoration strategies, and to provide compatible public access.

Policy 8.98 Urban forest management. Manage urban trees as green infrastructure with associated ecological, community, and economic functions, through planning, planting, and maintenance activities, education, and regulation. See also Policy 7.10. Policy 8.99 Recreational facilities. Provide a variety of recreational facilities and services that contribute to the health and well-being of Portlanders of all ages and abilities.

Policy 8.100 Self-sustaining Portland International Raceway (PIR). Provide for financially self-sustaining operations of PIR, and broaden its programs and activities to appeal to families, diverse communities, and non-motorized sports such as biking and running.

Policy 8.101 Self-sustaining and inclusive golf facilities. Provide financially self-sustaining public golf course operations. Diversify these assets to attract new users, grow the game, provide more introductory-level programming, and expand into other related recreational opportunities such as foot golf and disk golf.

Policy 8.102 Specialized recreational facilities. Establish and manage specialized facilities within the park system that take advantage of land assets and that respond to diverse, basic, and emerging recreational needs.

Policy 8.103 Public-private partnerships. Encourage public-private partnerships to develop and operate publicly-accessible recreational facilities that meet identified public needs.

149.Finding: The policies 8.92 through 8.103 do not apply because the BPCU project affects the requirement of bicycle parking in new development and the standards do not address standards related to parks and recreation facilities. The BPCU project requires bicycle parking for parks and open spaces.

Public safety and emergency response

Policy 8.104 Emergency preparedness, response, and recovery coordination. Coordinate land use plans and public facility investments between City bureaus, other public and jurisdictional agencies, businesses, community partners, and other emergency response providers, to ensure coordinated and comprehensive emergency and disaster risk reduction, preparedness, response, and recovery.

Policy 8.105 Emergency management facilities. Provide adequate public facilities – such as emergency coordination centers, communications infrastructure, and dispatch systems – to support

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emergency management, response, and recovery.

Policy 8.106 Police facilities. Improve and maintain police facilities to allow police personnel to efficiently and effectively respond to public safety needs and serve designated land uses.

Policy 8.107 Community safety centers. Establish, coordinate, and co-locate public safety and other community services in centers.

Policy 8.108 Fire facilities. Improve and maintain fire facilities to serve designated land uses, ensure equitable and reliable response, and provide fire and life safety protection that meets or exceeds minimum established service levels.

Policy 8.109 Mutual aid. Maintain mutual aid coordination with regional emergency response providers as appropriate to protect life and ensure safety.

Policy 8.110 Community preparedness. Enhance community preparedness and capacity to prevent, withstand, and recover from emergencies and natural disasters through land use decisions and public facility investments.

Policy 8.111 Continuity of operations. Maintain and enhance the City's ability to withstand and recover from natural disasters and human-made disruptions in order to minimize disruptions to public services.

150.Finding: The policies 8.104 through 8.111 do not apply because the BPCU project affects the requirement of bicycle parking in new development and the standards do not address standards related to coordination of emergency preparedness in Portland.

Solid waste management

Policy 8.112 Waste management. Ensure land use programs, rights-of-way regulations, and public facility investments allow the City to manage waste effectively and prioritize waste management in the following order: waste reduction, recycling, anaerobic digestion, composting, energy recovery, and then landfill.

151.Finding: This policy does not apply because the BPCU project affects the requirement of bicycle parking in new development and the standards do not address solid waste management.

School facilities

Policy 8.113 School district capacity. Consider the overall enrollment capacity of a school district – as defined in an adopted school facility plan that meets the requirements of Oregon Revised Statute 195 – as a factor in land use decisions that increase capacity for residential development.

152.Finding: This policy does not apply because the BPCU project affects the requirement of bicycle parking in new development and the standards do not address increasing capacity for residential development.

Policy 8.114 Facilities planning. Facilitate coordinated planning among school districts and City bureaus, including Portland Parks and Recreation, to accommodate school site/facility needs in response to most up-to-date growth forecasts.

153.Finding: The BPCU project meets this policy. Project staff used current school attendance rates and staffing capacity to calculate the amount of required bicycle parking for schools K-8 and 9-12.

Policy 8.115 Co-location. Encourage public school districts, Multnomah County, the City of Portland, and other providers to co-locate facilities and programs in ways that optimize service provision and intergenerational and intercultural use.

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154.Finding: This policy does not apply because the BPCU project affects the requirement of bicycle parking in new development and the standards do not address co-location of school facilities for intergenerational and intercultural use.

Policy 8.116 Community use. Encourage public use of public school grounds for community purposes while meeting educational and student safety needs and balancing impacts on surrounding neighborhoods.

Policy 8.117 Recreational use. Encourage publicly-available recreational amenities (e.g. athletic fields, green spaces, community gardens, and playgrounds) on public school grounds for public recreational use, particularly in neighborhoods with limited access to parks.

155.Finding: The BPCU project meet Policies 8.116 and 8.117. The BPCU project ensures there is adequate bicycle parking for new developments, including schools. This bicycle parking on school property can be used for community purposes during non-school hours for community members to access the site by bicycle.

Policy 8.118 Schools as emergency aid centers. Encourage the use of seismically-safe school facilities as gathering and aid-distribution locations during natural disasters and other emergencies.

Policy 8.119 Facility adaptability. Ensure that public schools may be upgraded to flexibly accommodate multiple community-serving uses and adapt to changes in educational approaches, technology, and student needs over time.

Policy 8.120 Leverage public investment. Encourage City public facility investments that complement and leverage local public school districts' major capital investments.

156.Finding: The policies 8.118 through 8.120 do not apply because the BPCU project affects the requirement of bicycle parking in new development and the standards do not address the recreational amenities, facility adaptability or complementary capital investments at public schools.

Policy 8.121 School access. Encourage public school districts to consider the ability of students to safely walk and bike to school when making decisions about the site locations and attendance boundaries of schools.

157.Finding: This policy does not apply because the BPCU project affects the requirement of bicycle parking in new development and the standards do not address school site locations and attendance boundaries.

Policy 8.122 Private institutions. Encourage collaboration with private schools and educational institutions to support community and recreational use of their facilities.

158.Finding: This policy does not apply because the BPCU project affects the requirement of bicycle parking in new development and the standards do not address private schools and the recreational use of those facilities.

Technology and communications

Policy 8.123 Technology and communication systems. Maintain and enhance the City's technology and communication facilities to ensure public safety, facilitate access to information, and maintain City operations.

Policy 8.124 Equity, capacity, and reliability. Encourage plans and investments in technology and communication infrastructure to ensure access in all areas of the city, reduce disparities in capacity, and affordability, and to provide innovative high-performance, reliable service for Portland's residents

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and businesses.

159.Finding: The policies 8.123 and 8.124 do not apply because the BPCU project affects the requirement of bicycle parking in new development and the standards do not address technology and communication systems.

Energy infrastructure

Policy 8.125 Energy efficiency. Promote efficient and sustainable production and use of energy resources by residents and businesses, including low-carbon renewable energy sources, district energy systems, and distributed generation, through land use plans, zoning, and other legislative land use decisions.

Policy 8.126 Coordination. Coordinate with energy providers to encourage investments that ensure reliable, equitable, efficient, and affordable energy for Portland residents and businesses.

160.Finding: The policies 8.125 and 8.126 do not apply. While the BPCU project makes it easier for people in Portland to use bicycles, which is a low-emissions mode of transportation the standards do not directly address energy generation or infrastructure.

Chapter 9 Transportation

GOAL 9.A: Safety. Transportation safety impacts the livability of a city and the comfort and security of those using City streets. Comprehensive efforts to improve transportation safety through engineering, education, enforcement and evaluation will be used to eliminate traffic-related fatalities and serious injuries from Portland's transportation system.

161.Finding: This goal does not apply because the BPCU project addresses standards for bicycle parking in new development and does not address safety engineering, education or enforcement measures.

Goal 9.B: Multiple goals. Portland's transportation system is funded and maintained to achieve multiple goals and measurable outcomes for people and the environment. The transportation system is safe, complete, interconnected, multimodal, and fulfills daily needs for people and businesses.

GOAL 9.C: Great places. Portland's transportation system enhances quality of life for all Portlanders, reinforces existing neighborhoods and great places, and helps make new great places in town centers, neighborhood centers and corridors, and civic corridors.

162.Finding: The BPCU project meets Goals 9.B. and 9.C. The BPCU project will increase the supply of bicycle parking which supports bicycling, a low-carbon, active transportation option. Promoting active transportation is one of Portland's key strategies to reduce impacts on the environment, increase positive public health outcomes, and enhance neighborhood livability.

GOAL 9.D: Environmentally sustainable. The transportation system increasingly uses active transportation, renewable energy, or electricity from renewable sources, achieves adopted carbon reduction targets, and reduces air pollution, water pollution, noise, and Portlanders' reliance on private vehicles.

163.Finding: The BPCU project meets this goal. The BPCU project will increase the supply of bicycle parking which supports bicycling, a low-carbon, active transportation option. Promoting active transportation is one of the key strategies to reduce carbon emissions from the transportation sector.

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GOAL 9.E: Equitable transportation. The transportation system provides all Portlanders options to move about the city and meet their daily needs by using a variety of safe, efficient, convenient, and affordable modes of transportation. Transportation investments are responsive to the distinct needs of each community.

164.Finding: The BPCU project meets this goal because it establishes standards for bicycle parking that requires the provision of convenient, accessible, secure bicycle parking in new construction throughout the city, making it easier for Portlanders to bicycle for transportation. Additionally, the BPCU considers the needs of people with a range of abilities. For example, amendments include standards to require bicycle parking spaces that can accommodate other sized bikes like tricycles, family sized bikes and hand cycles. Additionally, for larger developments standards require that a percentage of bicycle racks must allow for horizontal bicycle parking, so people don't have to lift their bike onto a wall-mounted, vertical bike rack.

GOAL 9.F: Positive health outcomes. The transportation system promotes positive health outcomes and minimizes negative impacts for all Portlanders by supporting active transportation, physical activity, and community and individual health.

165. Finding: The BPCU project meets this goal because the project requires safe, convenient bicycle parking in new development, which supports bicycling for transportation and recreation, supporting people to be more active in their daily lives. Regular physical activity, including the use of active transportation, helps improve overall health and fitness and reduces risk for many chronic diseases.

GOAL 9.G: Opportunities for prosperity. The transportation system supports a strong and diverse economy, enhances the competitiveness of the city and region, and maintains Portland's role as a West Coast trade gateway and freight hub by providing efficient and reliable goods movement, multimodal access to employment areas and educational institutions, as well as enhanced freight access to industrial areas and intermodal freight facilities. The transportation system helps people and businesses reduce spending and keep money in the local economy by providing affordable alternatives to driving.

166.Finding: The BPCU project advances this goal by supporting low-cost, low-carbon transportation options for all Portlanders to a variety of destinations, including employment areas and educational institutions. Transportation is the second highest household cost and owning a car can cost a family approximately \$8,500 a year. The project supports low-cost, active transportation options which can provide tangible economic benefits to individuals and households across Portland.

Designing and planning

Policy 9.1. Street design classifications. Maintain and implement street design classifications consistent with land use plans, environmental context, urban design pattern areas, and the Neighborhood Corridor and Civic Corridor Urban Design Framework designations.

Policy 9.2. Street policy classifications. Maintain and implement street policy classifications for pedestrian, bicycle, transit, freight, emergency vehicle, and automotive movement, while considering access for all modes, connectivity, adjacent planned land uses, and state and regional requirements.

9.2.a. Designate district classifications that emphasize freight mobility and access in industrial and employment areas serving high levels of truck traffic and to accommodate the needs of intermodal freight movement.

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9.2.b. Designate district classifications that give priority to pedestrian access in areas where high levels of pedestrian activity exist or are planned, including the Central City, Gateway regional center, town centers, neighborhood centers, and transit station areas.

9.2.c. Designate district classifications that give priority to bicycle access and mobility in areas where high levels of bicycle activity exist or are planned, including Downtown, the River District, Lloyd District, Gateway Regional Center, town centers, neighborhood centers, and transit station areas.

167.Finding: The policies 9.1 and 9.2 do not apply because the BPCU project affects the requirement of bicycle parking in new development and do not address street design or policy classifications.

Policy 9.3. Transportation System Plan. Maintain and implement the Transportation System Plan (TSP) as the decision-making tool for transportation-related projects, policies, programs, and street design.

168.Finding: The BPCU project meets this goal. The BPCU project used the mode split goals for the five Pattern Areas outlined in the TSP to determine the amounts of required bicycle parking for all use categories.

The TSP policies include bicycle parking under its Parking Management Policies and calls for requiring the provision of adequate off-street bicycle parking for new development and redevelopment; encouraging the provision of parking for different types of bicycles; and establishing standards for long-term bicycle parking that consider the needs of persons with different levels of ability. Thus, the BPCU project helps implement the TSP.

Policy 9.4. Use of classifications. Plan, develop, implement, and manage the transportation system in accordance with street design and policy classifications outlined in the Transportation System Plan.

9.4.a. Classification descriptions are used to describe how streets should function for each mode of travel, not necessarily how they are functioning at present.

169.Finding: This policy does not apply because the BPCU project affects the requirement of bicycle parking in new development and does not address street classifications.

Policy 9.5. Mode share goals and Vehicle Miles Traveled (VMT) reduction. Increase the share of trips made using active and low-carbon transportation modes. Reduce VMT to achieve targets set in the most current Climate Action Plan and Transportation System Plan, and meet or exceed Metro's mode share and VMT targets.

170.Finding: The BPCU project meets this policy. The BPCU project requires the provision of safe, accessible, convenient bicycle parking in new construction. This supports the use of bicycling, an active and zero-emission mode, for trips.

The Climate Action Plan calls for a reduction in daily vehicle miles traveled by 30 percent from 2008 levels by 2030 and to create vibrant neighborhoods where 80 percent of residents can easily walk or bicycle to meet all basic non-work needs and have a safe pedestrian or bicycle access to transit.

The following mode split goals are outlined in the Portland Bicycle Plan for 2030 and the TSP:

- Portland Bicycle Plan for 2030 – 25% bicycle mode split of all trips by 2030
- Transportation System Plan – 25% bicycle mode split for commute trips by 2035

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171.Finding: Several research papers have found that secure bicycle parking plays a significant role in mode choice, for example bicycle parking and cyclist showers are related to higher levels of bike commuting¹ and bicycle parking is identified as a significant factor in whether infrequent, potential and non-cyclists choose to commute by bicycle or not.²

Additionally, a number of City of Portland studies and surveys have provided strong evidence that people will not ride a bicycle if they don't have a designated and secure place to park their bicycle (this information can also be found in the Recommended Draft Report):

- SmartTrips Downtown Participant Survey – 37 percent of respondents said providing secure bike parking or lockers would help them bike more – this was second to only offering monetary incentives.
- Central Eastside Survey – 52 percent of residents reported that more bike parking would help them drive less.

Policy 9.6. Transportation strategy for people movement. Design the system to accommodate the most vulnerable users, including those that need special accommodation under the Americans with Disabilities Act (ADA). Implement a prioritization of modes for people movement by making transportation system decisions per the following ordered list:

1. Walking
2. Bicycling
3. Transit
4. Fleets of electric, fully automated, multiple passenger vehicles
5. Other shared vehicles
6. Low or no occupancy vehicles, fossil-fueled non-transit vehicles

When implementing this prioritization ensure that:

- The needs and safety of each group of users are considered, and changes do not make existing conditions worse for the most vulnerable users.
- All users' needs are balanced with the intent of optimizing the right of way for multiple modes on the same street.
- When necessary to ensure safety, accommodate some users on parallel streets as part of multi-street corridors.
- Land use and system plans, network functionality for all modes, other street functions, and complete street policies, are maintained.
- Policy-based rationale is provided if modes lower in the ordered list are prioritized.

172.Finding: The BPCU project meets this policy. The BPCU project requires the provision of safe, accessible, convenient bicycle parking in new construction. This supports the bicycling, which is second in the TSP hierarchy of modes.

One of the major themes of the BPCU project, as identified in the Stakeholder Advisory Committee's Guiding Principles (see Recommended Draft Section III), was Accessible and Convenient Bicycle Parking that accommodates users of all ages and all abilities as well as a variety

¹ Buehler, Ralph, "Trends and Determinants of Cycling in the Washington, D.C." Transportation Research Part D, Vol 17, No. 7, 2012, pp.525-531

² Wang, JYT, Mirza, L, Cheung, AKL et al., 2014, Understanding factors influencing choices of cyclists and potential cyclists: A case study at the University of Auckland. Road and Transport Research: A Journal of Australian and New Zealand Research and Practice, 23(4). 37-51.

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of different types of bicycles. This principle led to the inclusion of bicycle parking standards that require the provision of bicycle parking spaces for larger bicycles (including, but not limited to, tricycle and handcycles) in developments that have more than 20 required long-term bicycle parking spaces.

Policy 9.7. Moving goods and delivering services. In tandem with people movement, maintain efficient and reliable movement of goods and services as a critical transportation system function. Prioritize freight system reliability improvements over single-occupancy vehicle mobility where there are solutions that distinctly address those different needs.

173.Finding: This policy does not apply because the BPCU project affects the requirement of bicycle parking in new development and does not directly address policies or standards for prioritizing freight or improving freight reliability.

Policy 9.8. Affordability. Improve and maintain the transportation system to increase access to convenient and affordable transportation options for all Portlanders, especially those who have traditionally been under-served or under-represented or have historically borne unequal burdens.

174.Finding: The BPCU supports this policy. The BPCU project requires the provision of safe, accessible, convenient bicycle parking in new construction. This supports the use of bicycling, a convenient and affordable transportation option, for trips. Lack of secure bicycle parking is a barrier for under-served and under-represented people to using a bicycle for transportation or recreation, particularly those living in multi-dwelling buildings.

Policy 9.9. Accessible and age-friendly transportation system. Ensure that transportation facilities are accessible to people of all ages and abilities, and that all improvements to the transportation system (traffic, transit, bicycle, and pedestrian) in the public right-of-way comply with the Americans with Disabilities Act of 1990. Improve and adapt the transportation system to better meet the needs of the most vulnerable users, including the young, older adults, and people with different abilities.

175.Finding: The BPCU project meets this policy because it establishes standards for bicycle parking that requires the provision of convenient, accessible, secure bicycle parking in new construction throughout the city, making it easier for Portlanders to bicycle for transportation. Additionally, the BPCU considers the needs of people with a range of abilities. For example, amendments include standards to require bicycle parking spaces that can accommodate other sized bikes like tricycles, family sized bikes and hand cycles. Additionally, for larger developments, new standards require that a percentage of bicycle racks must allow for horizontal bicycle parking, so people don't have to lift their bike onto a wall-mounted, vertical bike rack.

Policy 9.10. Geographic policies. Adopt geographically-specific policies in the Transportation System Plan to ensure that transportation infrastructure reflects the unique topography, historic character, natural features, system gaps, economic needs, demographics, and land uses of each area. Use the Pattern Areas identified in Chapter 3: Urban Form as the basis for area policies.

9.10.a. Refer to adopted area plans for additional applicable geographic objectives related to transportation. Land use, development, and placemaking

176.Finding: The BPCU project meets this policy. The BPCU project stipulates the amount of required bicycle parking based on Pattern Areas. The amendments expand the tiered approach in current code and acknowledges that a one-size fits all approach does not necessarily work for development across Portland. The amendments use the Transportation System Plan (TSP) target mode split rates for the five different Pattern Areas when developing the required amount of

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bicycle parking for each use category. The standards require greater bicycle parking capacity in the Inner Neighborhoods (identified as a Pattern Area) and Gateway and Swan Island.

Land use, development, and placemaking

Policy 9.11. Land use and transportation coordination. Implement the Comprehensive Plan Map and the Urban Design Framework through coordinated long-range transportation and land use planning. Ensure that street policy and design classifications and land uses complement one another.

Policy 9.12. Growth strategy. Use street design and policy classifications to support Goals 3A-3G in Chapter 3: Urban Form. Consider the different design contexts and transportation functions in Town Centers, Neighborhood Centers, Neighborhood Corridors, Employment Areas, Freight Corridors, Civic Corridors, Transit Station Areas, and Greenways.

Policy 9.13. Development and street design. Evaluate adjacent land uses to help inform street classifications in framing, shaping, and activating the public space of streets. Guide development and land use to create the kinds of places and street environments intended for different types of streets.

177.Finding: The policies 9.11 through 9.13 do not apply because the BPCU project affects the requirement of bicycle parking in new development and do not address street design frameworks.

Streets as public spaces

Policy 9.14. Streets for transportation and public spaces. Integrate both placemaking and transportation functions when designing and managing streets by encouraging design, development, and operation of streets to enhance opportunities for them to serve as places for community interaction, environmental function, open space, tree canopy, recreation, and other community purposes.

Policy 9.15. Repurposing street space. Encourage repurposing street segments that are not critical for transportation connectivity to other community purposes.

Policy 9.16. Design with nature. Promote street alignments and designs that respond to topography and natural features, when feasible, and protect streams, wildlife habitat, and native trees.

178.Finding: The policies 9.14 through 9.16 do not apply because the BPCU project affects the requirement of bicycle parking in new development and do not address placemaking elements.

Modal policies

Policy 9.17. Pedestrian transportation. Encourage walking as the most attractive mode of transportation for most short trips, within and to centers, corridors, and major destinations, and as a means for accessing transit.

Policy 9.18. Pedestrian networks. Create more complete networks of pedestrian facilities, and improve the quality of the pedestrian environment.

Policy 9.19. Pedestrian safety and accessibility. Improve pedestrian safety, accessibility, and convenience for people of all ages and abilities.

179.Finding: The policies 9.17 through 9.19 do not apply because the BPCU project affects the requirement of bicycle parking in new development and do not address pedestrian policies and network.

Policy 9.20. Bicycle transportation. Create conditions that make bicycling more attractive than driving for most trips of approximately three miles or less.

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180.Finding: The BPCU project meets this policy. The BPCU project requires the provision of safe, accessible, convenient bicycle parking in new construction. This creates conditions that support the use of bicycling for all trips. As addressed in the Recommended Draft Report – nearly 45% of all trips made by car in the Portland region are less than 3 miles – and it is PBOT’s goal to shift these shorter trips to bicycling.

Policy 9.21. Accessible bicycle system. Create a bicycle transportation system that is safe, comfortable, and accessible to people of all ages and abilities.

181.Finding: The BPCU project meets this policy. The BPCU project requires the provision of safe, accessible, convenient bicycle parking in new construction. The standards include requirements for parking that accommodates different types of bicycles, such as cargo bicycles and electric bicycles and a range of users, including those who cannot lift bicycles onto a vertical rack. This supports the use of bicycling for users with a range of abilities.

Policy 9.22. Public transportation. Coordinate with public transit agencies to create conditions that make transit the preferred mode of travel for trips that are not made by walking or bicycling.

182.Finding: The BPCU project meets this policy. The BPCU project requires the provision of safe, accessible, convenient bicycle parking in new construction, including standards for Transit Centers and Light Rail Stations. These standards create conditions that support the use of bicycling for trips and linking bicycle trips with public transportation trips.

Policy 9.23. Transportation to job centers. Promote and enhance transit to be more convenient and economical than the automobile for people travelling more than three miles to and from the Central City and Gateway. Enhance regional access to the Central City and access from Portland to other regional job centers.

Policy 9.24. Transit service. In partnership with TriMet, develop a public transportation system that conveniently, safely, comfortably, and equitably serves residents and workers 24 hours a day, 7 days a week.

Policy 9.25. Transit equity. In partnership with TriMet, maintain and expand high-quality frequent transit service to all Town Centers, Civic Corridors, Neighborhood Centers, Neighborhood Corridors, and other major concentrations of employment, and improve service to areas with high concentrations of poverty and historically under-served and under-represented communities.

9.25.a. Support a public transit system and regional transportation that address the transportation needs of historically marginalized communities and provide increased mobility options and access.

183.Finding: The BPCU project meets policies 9.23 through 9.25. The BPCU project requires the provision of safe, accessible, convenient bicycle parking in new construction, including standards for Transit Centers and Light Rail Stations. These standards create conditions that support the use of bicycling for trips and increase access to transit for people to link bicycle trips with public transit.

Policy 9.26. Transit funding. Consider funding strategies and partnership opportunities that improve access to and equity in transit service, such as raising metro-wide funding to improve service and decrease user fees/fares.

Policy 9.27. Transit service to centers and corridors. Use transit investments to shape the city’s growth and increase transit use. In partnership with TriMet and Metro, maintain, expand, and enhance Portland Streetcar, frequent service bus, and high-capacity transit, to better serve centers

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and corridors with the highest intensity of potential employment and household growth.

9.27.a. Locate major park-and-ride lots only where transit ridership is increased significantly, vehicle miles traveled are reduced, transit-supportive development is not hampered, bus service is not available or is inadequate, and the surrounding area is not negatively impacted.

184.Finding: The policies 9.26 and 9.27 do not apply because the BPCU project affects the requirement of bicycle parking in new development and do not address funding for transit service or transit service line investment.

Policy 9.28. Intercity passenger service. Coordinate planning and project development to expand intercity passenger transportation services in the Willamette Valley, and from Portland to Seattle and Vancouver, BC.

Policy 9.29. Regional trafficways and transitways. Maintain capacity of regional transitways and existing regional trafficways to accommodate through-traffic.

185.Finding: The policies 9.28 and 9.29 do not apply because the BPCU project affects the requirement of bicycle parking in new development and do not address standards for intercity or regional transitways.

Policy 9.30. Multimodal goods movement. Develop, maintain, and enhance a multimodal freight transportation system for the safe, reliable, sustainable, and efficient movement of goods within and through the city.

Policy 9.31. Economic development and industrial lands. Ensure that the transportation system supports traded sector economic development plans and full utilization of prime industrial land, including brownfield redevelopment.

Policy 9.32. Multimodal system and hub. Maintain Portland's role as a multimodal hub for global and regional movement of goods. Enhance Portland's network of multimodal freight corridors.

Policy 9.33. Freight network. Develop, manage, and maintain a safe, efficient, and reliable freight street network to provide freight access to and from intermodal freight facilities, industrial and commercial districts, and the regional transportation system. Invest to accommodate forecasted growth of interregional freight volumes and provide access to truck, marine, rail, and air transportation systems. Ensure designated routes and facilities are adequate for over-dimensional trucks and emergency equipment.

Policy 9.34. Sustainable freight system. Support the efficient delivery of goods and services to businesses and neighborhoods, while also reducing environmental and neighborhood impacts. Encourage the use of energy efficient and clean delivery vehicles, and manage on- and off-street loading spaces to ensure adequate access for deliveries to businesses, while maintaining access to homes and businesses.

Policy 9.35. Freight rail network. Coordinate with stakeholders and regional partners to support continued reinvestment in, and modernization of, the freight rail network.

186.Finding: The policies 9.30 through 9.35 do not apply because the BPCU project affects the requirement of bicycle parking in new development and does not directly address policies or standards related to the freight network.

Policy 9.37. Portland Heliport. Maintain Portland's Heliport functionality in the Central City.

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187.Finding: This policy does not apply because the BPCU project affects the requirement of bicycle parking in new development and does not directly address policies or standards related to the Heliport functionality.

Policy 9.38. Automobile transportation. Maintain acceptable levels of mobility and access for private automobiles while reducing overall vehicle miles traveled (VMT) and negative impacts of private automobiles on the environment and human health.

Policy 9.39. Automobile efficiency. Coordinate land use and transportation plans and programs with other public and private stakeholders to encourage vehicle technology innovation, shifts toward electric and other cleaner, more energy-efficient vehicles and fuels, integration of smart vehicle technology with intelligent transportation systems, and greater use of options such as car-share, carpool, and taxi.

188.Finding: The policies 9.38 and 9.39 do not apply because the BPCU project affects the requirement of bicycle parking in new development and does not directly address standards for automobile transportation.

Policy 9.40. Emergency response. Maintain a network of accessible emergency response streets to facilitate safe and expedient emergency response and evacuation. Ensure that police, fire, ambulance, and other emergency providers can reach their destinations in a timely fashion, without negatively impacting traffic calming and other measures intended to reduce crashes and improve safety.

189.Finding: This policy does not apply because the BPCU project affects the requirement of bicycle parking in new development and does not directly address standards for emergency response.

System management

Policy 9.45. System management. Give preference to transportation improvements that use existing roadway capacity efficiently and that improve the safety of the system for all users.

9.45.a. Support regional equity measures for transportation system evaluation.

190.Finding: This policy does not apply because the BPCU project affects the requirement of bicycle parking in new development and does not directly address standards for transportation system evaluation.

Policy 9.46. Traffic management. Evaluate and encourage traffic speed and volume to be consistent with street classifications and desired land uses to improve safety, preserve and enhance neighborhood livability, and meet system goals of calming vehicle traffic through a combination of enforcement, engineering, and education efforts.

9.46.a. Use traffic calming tools, traffic diversion and other available tools and methods to create and maintain sufficiently low automotive volumes and speeds on neighborhood greenways to ensure comfortable cycling environment on the street.

191.Finding: The policy does not apply because the BPCU project affects the requirement of bicycle parking in new development and does not include standards to address traffic management or automotive volumes and speeds on streets.

Policy 9.47. Connectivity. Establish an interconnected, multimodal transportation system to serve centers and other significant locations. Promote a logical, direct, and connected street system through street spacing guidelines and district-specific street plans found in the Transportation System Plan, and prioritize access to specific places by certain modes in accordance with policies 9.6 and 9.7.

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9.47.a. Develop conceptual master street plans for areas of the City that have significant amounts of vacant or underdeveloped land and where the street network does not meet City and Metro connectivity guidelines.

9.47.b. As areas with adopted Street Plans develop, provide connectivity for all modes by developing the streets and accessways as shown on the Master Street Plan Maps in the Comp Plan.

9.47.c. Continue to provide connectivity in areas with adopted Street Plans for all modes of travel by developing public and private streets as shown on the Master Street Plan Maps in the Comp Plan.

9.47.d. Provide street connections with spacing of no more than 530 feet between connections except where prevented by barriers such as topography, railroads, freeways, or environmental constraints. Where streets must cross over protected water features, provide crossings at an average spacing of 800 to 1000 feet, unless exceptional habitat quality or length of crossing prevents a full street connection.

9.47.e Provide bike and pedestrian connections at approximately 330 feet intervals on public easements or rights-of-way when full street connections are not possible, except where prevented by barriers such as topography, railroads, freeways, or environmental constraints. Bike and pedestrian connections that cross protected water features should have an average spacing of no more than 530 feet, unless exceptional habitat quality or length of connection prevents a connection.

192.Finding: The policies do not apply because the BPCU project affects the requirement of bicycle parking in new development and does not address standards for street connectivity plans.

Policy 9.48 Technology. Encourage the use of emerging vehicle and parking technology to improve real-time management of the transportation network and to manage and allocate parking supply and demand.

193.Finding: This policy does not apply because the BPCU project affects the standards for bicycle parking in new development and does not affect the development or use of emerging vehicle and parking technology.

Policy 9.49 Performance measures. Establish multimodal performance measures and measures of system completeness to evaluate and monitor the adequacy of transportation services based on performance measures in goals 9.A. through 9.I. Use these measures to evaluate overall system performance, inform corridor and area-specific plans and investments, identify project and program needs, evaluate and prioritize investments, and regulate development, institutional campus growth, zone changes, Comprehensive Plan Map amendments, and conditional uses.

9.49.a. Eliminate deaths and serious injuries for all who share Portland streets by 2025.

9.49.b. Maintain or decrease the number of peak period non-freight motor vehicle trips, system-wide and within each mobility corridor to reduce or manage congestion.

9.49.c. By 2035, reduce the number of miles Portlanders travel by car to 11 miles per day or less, on average.

9.49.d. Establish mode split targets in 2040 Growth Concept areas within the City, consistent with Metro's targets for these areas.

9.49.e. By 2035, increase the mode share of daily non-drive alone trips to 70 percent citywide,

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and to the following in the five pattern areas:

Pattern Area	2035 daily target mode share
Central City	85%
Inner Neighborhoods	70%
Western Neighborhoods	65%
Eastern Neighborhoods	65%
Industrial and River	55%

9.49.f. By 2035, 70 percent of commuters walk, bike, take transit, carpool, or work from home at approximately the following rates:

Mode	Mode Share
Walk	7.5%
Bicycle	25%
Transit	25%
Carpool	10%
Single Occupant Vehicle (SOV)	30% or less
Work at home	10% below the line (calculated outside of the modal targets above)

9.49.g. By 2035, reduce Portland's transportation-related carbon emissions to 50% below 1990 levels, at approximately 934,000 metric tons.

9.49.h. By 2025, increase the percentage of new mixed use zone building households not owning an automobile from approximately 13% (2014) to 25%, and reduce the percentage of households owning two automobiles from approximately 24% to 10%.

9.49.i. Develop and use alternatives to the level-of-service measure to improve safety, encourage multimodal transportation, and to evaluate and mitigate maintenance and new trip impacts from new development.

9.49.j. Use level-of-service, consistent with Table 9.1*, as one measure to evaluate the adequacy of transportation facilities in the vicinity of sites subject to land use review.

9.49.k. Maintain acceptable levels of performance on state facilities and the regional arterial and throughway network, consistent with the interim standard in Table 9.2*, in the development and adoption of, and amendments to, the Transportation System Plan and in

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legislative amendments to the Comprehensive Plan Map.

9.49.l. In areas identified by Metro that exceed the level-of-service in Table 9.2* and are planned to, but do not currently meet the alternative performance criteria, establish an action plan that does the following:

- Anticipates growth and future impacts of motor vehicle traffic on multimodal travel in the area
- Establishes strategies for mitigating the future impacts of motor vehicles
- Establishes performance standards for monitoring and implementing the action plan.

*Note: Referenced Tables 9.1 and 9.2 are contained within the Transportation System Plan and should not be confused with tables or figures within the 2035 Comprehensive Plan.

9.49.m. Develop performance measures to track progress in creating and maintaining the transportation system.

194.Finding: The BPCU project meets applicable sub-policies above, including 9.49.b., 9.49.c., 9.49.e., 9.49.f., 9.49.g., and 9.49.h. The BPCU project will increase the supply of bicycle parking, which supports bicycling, a low-carbon and active mode of transportation. Promoting active transportation is one of the key strategies to reduce VMT, carbon emissions, and auto ownership rates from the transportation sector and to meet the goals for bike mode share outlined above.

195. Finding: Sub-policies 9.49.a., 9.49.d, 9.49.i, 9.49.j., 9.49.k., 9.49.l., and 9.49.m. do not apply. The BPCU project is not addressing standards that eliminate death and serious injury on Portland streets; address level of service measures used in land use review or evaluation of transportation facilities; or develop performance measures to track progress in creating and maintaining the transportation system.

Policy 9.50 Regional congestion management. Coordinate with Metro to establish new regional multimodal mobility standards that prioritize transit, freight, and system completeness.

9.50.a. Create a regional congestion management approach, including a market-based system, to price or charge for auto trips and parking, better account for the cost of auto trips, and to more efficiently manage the regional system.

196.Finding: This policy does not apply because the BPCU project affects the standards for bicycle parking in new development and the standards do not address regional multimodal standards or pricing auto trips.

Policy 9.51. Multimodal Mixed-Use Area. Manage Central City Plan amendments in accordance with the designated Central City Multimodal Mixed-Use Area (MMA) in the geography indicated in Figure 9-2. The MMA renders congestion / mobility standards inapplicable to any proposed plan amendments under OAR 660-0012-0060(10).

197.Finding: This policy does not apply because the BPCU project affects the standards for required bicycle parking for new development and does not address standards for the MMA.

Transportation Demand Management

Policy 9.52. Outreach. Create and maintain TDM outreach programs that work with Transportation Management Associations (TMA), residents, employers, and employees that increase the modal share of walking, bicycling, and shared vehicle trips while reducing private vehicle ownership, parking demand, and drive-alone trips, especially during peak periods.

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Policy 9.53. New development. Create and maintain TDM regulations and services that prevent and reduce traffic and parking impacts from new development and redevelopment. Encourage coordinated area-wide delivery of TDM programs. Monitor and improve the performance of private-sector TDM programs.

Policy 9.54. Projects and programs. Integrate TDM information into transportation project and program development and implementation to increase use of new multimodal transportation projects and services.

198.Finding: The policies 9.52 through 9.54 do not apply because the BPCU project affects the standards for required bicycle parking for new development. While bicycle parking can be seen as a TDM tool, the Zoning Code provisions for Bicycle Parking set the required baseline for bicycle parking; any provision for bicycle parking above and beyond the requirement in code could be included as a TDM measure for new development.

Parking management

Policy 9.55. Parking management. Reduce parking demand and manage supply to improve pedestrian, bicycle and transit mode share, neighborhood livability, safety, business district vitality, vehicle miles traveled (VMT) reduction, and air quality. Implement strategies that reduce demand for new parking and private vehicle ownership, and that help maintain optimal parking occupancy and availability.

199.Finding: The BPCU project meets this policy. The BPCU project requires the provision of safe, accessible, convenient bicycle parking in new construction. This supports the use of bicycling, an active and zero-emission mode, for trips, potentially reducing demand for automobile parking and VMT.

As discussed above in Finding 165 (for Policy 9.5), research shows that bicycle parking plays a significant role in mode choice and thus impacts VMT.

Policy 9.56. Curb Zone. Recognize that the Curb Zone is a public space, a physical and spatial asset that has value and cost. Evaluate whether, when, and where parking is the highest and best use of this public space in support of broad City policy goals and local land use context. Establish thresholds to utilize parking management and pricing tools in areas with high parking demand to ensure adequate on-street parking supply during peak periods.

200.Finding: This policy does not apply because the BPCU project affects the standards for bicycle parking in new development and does not set curb zone standards or policies.

Policy 9.57. On-street parking. Manage parking and loading demand, supply, and operations in the public right of way to achieve mode share objectives, and to encourage safety, economic vitality, and livability. Use transportation demand management and pricing of parking in areas with high parking demand.

Policy 9.58. Off-street parking. Limit the development of new parking spaces to achieve land use, transportation, and environmental goals, especially in locations with frequent transit service. Regulate off-street parking to achieve mode share objectives, promote compact and walkable urban form, encourage lower rates of car ownership, and promote the vitality of commercial and employment areas. Use transportation demand management and pricing of parking in areas with high parking demand.

Finding: The BPCU project meets the policies 9.57 and 9.58. The BPCU project requires the provision of safe, accessible, convenient bicycle parking in new construction. This supports the use

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of bicycling, an active and zero-emission mode, for trips, potentially reducing demand for automobile parking both on-street and off-street. As discussed above in Finding 165 (for Policy 9.5), research shows that bicycle parking plays a significant role in mode choice and thus impacts VMT.

Policy 9.59. Share space and resources. Encourage the shared use of parking and vehicles to maximize the efficient use of limited urban space.

201.Finding: This policy does not apply because the BPCU project affects the standards for bicycle parking in new development and does not set standards for shared use vehicle parking.

Policy 9.60. Cost and price. Recognize the high public and private cost of parking by encouraging prices that reflect the cost of providing parking and balance demand and supply. Discourage employee and resident parking subsidies.

202.Finding: This policy does not apply because the BPCU project affects the standards for bicycle parking in new development and does not affect standards for parking subsidies.

Policy 9.61. Bicycle parking. Promote the development of new bicycle parking facilities including dedicated bike parking in the public right-of-way. Provide sufficient bicycle parking at high-capacity transit stations to enhance bicycle connection opportunities. Require provision of adequate off-street bicycle parking for new development and redevelopment. Encourage the provision of parking for different types of bicycles. In establishing the standards for long-term bicycle parking, consider the needs of persons with different levels of ability.

203.Finding: The BPCU project directly meets this policy. The BPCU project requires the provision of safe, accessible, convenient bicycle parking in new development. These requirements include standards for different types of bicycles to accommodate the needs of users with different levels of ability.

Finance, programs, and coordination

Policy 9.62. Coordination. Coordinate with state and federal agencies, local and regional governments, special districts, other City bureaus, and providers of transportation services when planning for, developing, and funding transportation facilities and services.

Policy 9.63. New development impacts. Prevent, reduce, and mitigate the impacts of new development and redevelopment on the transportation system. Utilize strategies including transportation and parking demand management, transportation system analysis, and system and local impact mitigation improvements and fees.

204.Finding: The BPCU project meets this policy. The BPCU project requires the provision of safe, accessible, convenient bicycle parking in new construction. This supports the use of bicycling, an active and zero-emission mode, for trips, potentially reducing the impact of new development on the transportation system.

Policy 9.64. Education and encouragement. Create, maintain, and coordinate educational and encouragement programs that support multimodal transportation and that emphasize safety for all modes of transportation. Ensure that these programs are accessible to historically under-served and under-represented populations.

205.Finding: This policy does not apply because BPCU project affects the standards for bicycle parking in new development and does not affect education and encouragement programs.

Policy 9.65. Telecommuting. Promote telecommuting and the use of communications technology to

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reduce travel demand.

206.Finding: This policy does not apply because the BPCU project affects the standards for bicycle parking in new development and does not affect telecommuting policy.

Policy 9.66. Project and program selection criteria. Establish transportation project and program selection criteria consistent with goals 9A through 9I, to cost-effectively achieve access, placemaking, sustainability, equity, health, prosperity, and safety goals.

207.Finding: This policy does not apply because the BPCU project affects the standards for bicycle parking in new development and does not affect project and program selection criteria.

Policy 9.67. Funding. Encourage the development of a range of stable transportation funding sources that provide adequate resources to build and maintain an equitable and sustainable transportation system.

208.Finding: This policy does not apply because the BPCU project affects the standards for bicycle parking in new development and does not affect standards for transportation system funding.

Connected and Automated Vehicles

Policy 9.68 Connected and Automated Vehicles Priorities and Outcomes. Prioritize connected and automated vehicles that are fleet/shared ownership, fully automated, electric and, for passenger vehicles, shared by multiple passengers (known by the acronym FAVES). Develop and implement strategies for each following topic.

Policy 9.69 Connected and Automated Vehicles Tools. Use a full range of tools to ensure that connected and automated vehicles and private data communications devices installed in the City right of way contribute to achieving Comprehensive Plan and Transportation System Plan goals and policies.

209.Finding: The policies 9.68 and 9.69 do not apply because the BPCU project affects the standards for bicycle parking in new development and does not affect policy or deployment of automated vehicles.

Chapter 10: Land Use Designations and Zoning

Goal 10.A: Land use designations and zoning. Effectively and efficiently carry out the goals and policies of the Comprehensive Plan through the land use designations, Zoning Map, and the Zoning Code.

The Zoning Map and the Zoning Code

Policy 10.4. Amending the Zoning Code. Amendments to the zoning regulations must be done legislatively and should be clear, concise, and applicable to a broad range of development situations faced by a growing city. Amendments should:

10.4.a. Promote good planning:

- Effectively and efficiently implement the Comprehensive Plan.
- Address existing and potential land use problems.
- Balance the benefits of regulations against the costs of implementation and compliance.
- Maintain Portland's competitiveness with other jurisdictions as a location in which to live, invest, and do business.

10.4.b. Ensure good administration of land use regulations:

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- Keep regulations as simple as possible.
- Use clear and objective standards wherever possible.
- Maintain consistent procedures and limit their number.
- Establish specific approval criteria for land use reviews.
- Establish application requirements that are as reasonable as possible, and ensure they are directly tied to approval criteria.
- Emphasize administrative procedures for land use reviews.
- Avoid overlapping reviews.

10.4.c. Strive to improve the code document:

- Use clear language.
- Maintain a clear and logical organization.
- Use a format and layout that enables use of the document by lay people as well as professionals.
- Use tables and drawings to clarify and shorten the document.
- Identify and act on regulatory improvement suggestions.

210.Finding: The BPCU project meets the goals and policies of Chapter 10. The BPCU project includes legislative amendments to the Zoning Code. The amendments have been developed to be as concise as possible to effectively implement the 2035 Comprehensive Plan policies. The amendments were developed in a public process and reviewed by the PSC and the Portland City Council. For all these reasons, the amendments constitute good administration, good planning and improvement to the code document.

Part IV. Comprehensive Plan and Zoning Code Amendment Criteria

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.

211.Finding: The findings in this exhibit demonstrate how the BPCU project is consistent with the 2035 Comprehensive Plan, the Urban Growth Management Functional Plan, and the Statewide Planning Goals.

212.Finding: This criterion requires the BPCU project shows consistency on balance. The City Council has applied all applicable policies and the findings in this exhibit demonstrate how the BPCU amendments to the zoning code are consistent with the 2035 Comprehensive Plan, the Urban Growth Management Functional Plan, and with the Statewide Planning Goals.

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.

213.Finding: This criterion does not apply because the BPCU project does not amend the Comprehensive Plan.

Exhibit A:

Findings of Fact Report As Amended

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Legislative amendments to the Comprehensive Plan goals, policies and map 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 City Council. (33.835.040 and 33.810.050)

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, and plan district where the amendment is proposed, and any plan associated with the regulations. (33.835.040)

Legislative zoning map amendments must be found to comply with the Comprehensive Plan Map with a zone change to a corresponding zone of the Comprehensive Plan Map. The change also must demonstrate that there are adequate public services capable of supporting the uses allowed by the zone. In addition, the school district(s) within which the sites are located must have 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 the David Douglas School District, which has an adopted school facility plan that has been acknowledged by the City of Portland. (33.855.050)

1. **Finding:** The City Council has identified and addressed all relevant and applicable goals and policies in this document.
2. **Finding:** The City Council has considered the public testimony on this matter and has weighed all applicable goals and policies and on balance has found the need to adopt the Better Housing by Design Project amendments (the BHD amendments).

Part I. Statewide Planning Goals

State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with the Statewide Planning Goals.

The Statewide Planning Goals that apply to Portland are:

- Goal 1 Citizen Involvement
- Goal 2 Land Use Planning
- Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces
- Goal 6 Air, Water and Land Resource Quality
- Goal 7 Areas Subject to Natural Hazards
- Goal 8 Recreational Needs
- Goal 9 Economic Development
- Goal 10 Housing
- Goal 11 Public Facilities and Services
- Goal 12 Transportation

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- Goal 13 Energy Conservation
- Goal 14 Urbanization
- Goal 15 Willamette River Greenway

There are approximately 560 acres of land both within Portland's municipal boundaries and beyond the regional urban service boundary that can be classified as rural land. In 1991, as part of Ordinance 164517, the City Council took an exception to Goal 3 and 4, the agriculture and forestry goals. Because of the acknowledged exception, the following goals do not apply:

- Goal 3 Agricultural Lands
- Goal 4 Forest Lands

Other Statewide Planning Goals apply only within Oregon's coastal zone. Since Portland is not within Oregon's coastal zone, the following goals do not apply to this decision:

- Goal 16 Estuarine Resources
- Goal 17 Coastal Shorelands
- Goal 18 Beaches and Dunes
- Goal 19 Ocean Resources

Goal 1. Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

3. **Finding:** The preparation of these amendments has provided numerous opportunities for public involvement, including:

Concept Phase. In 2017, prior to the initiation of the legislative project, BPS conducted a number of different public outreach events to solicit input on potential zoning code changes. A series of five Stakeholder Working Group meetings were held from March through May 2017. These meetings included participants with a range of perspectives and experience, including community group representatives, development professionals, tenant advocates, neighborhood residents, affordable housing providers and age-friendly advocates. These meetings served as a forum for discussing issues and potential solutions, and to help inform project staff develop concepts. In addition, two neighborhood walks were held in the Jade District and Rosewood neighborhood to understand different perspectives on multi-dwelling development in these areas.

Three roundtable discussions were held with affordable housing providers, designers, and builders and developers in January and February 2017. These discussions allowed staff to hear from development professionals about what is working or not working well with Portland's multi-dwelling regulations and how they can be improved.

A public workshop was held in February 2017, to introduce the project to the broader public and provide an initial opportunity to discuss issues related to multi-dwelling development. The event was held at PCC Southeast at SE 82nd and Division to accommodate community members who live in Eastern Portland. In addition, BPS staff met with a range of community groups to introduce the project and identify issue that needed to be addressed.

Public input helped formulate the recommendations in the Better Housing by Design Project Concept Report. Draft code concepts were presented at two public meetings in June 2017 in order to receive initial public input prior to the release of the Concept Report. A public comment period for the Concept Report was open for two months to solicit input on these concepts.

Project Updates: Regular communications about the Better Housing by Design project were made available through the project website, monthly e-mail updates to the project mailing list, Bureau of

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Planning and Sustainability newsletters, social media sites (Facebook, NextDoor and Twitter) and media releases.

Discussion Draft. The public review period for the Better Housing by Design Project *Discussion Draft* was from January 22 to March 19, 2018. During this time the public had opportunities to learn about the proposals at two public open house events. Staff also presented the proposals at various community meetings. In addition, an interactive online Map App was available that showed parcel-specific information about how the proposals would affect specific properties.

By the numbers

- More than 350 people participated in public events
- 76 comments were submitted
- News blogs featured on the Better Housing by Design Project website
- Email updates were sent to the project mailing list to provide project updates and public input opportunities.
- BPS E-newsletter articles
- BPS project staff provided updates to at 20 community groups

Proposed Draft. On May 11, 2018, the Better Housing by Design *Proposed Draft* was published in preparation for the Planning and Sustainability Commission (PSC) review and recommendation. In support of this process, the BPS website had a project page dedicated to this project, a Map App page for submitting testimony, and telephone helpline to learn about the plan effort and numerous ways to comment on the plan. As part of the Proposed Draft publication and legislative process requirements, the following legal notices were also sent:

- Form 1 Notice
Sent to the Department of Land Conservation and Development (DLCD)
- Legislative Notice (~350 notices)
Sent to interested parties, recognized organizations, affected bureaus, TriMet, Metro and ODOT and published in the Daily Journal of Commerce
- Measure 56 Notice (33,630 notices)
Required by Ballot Measure 56, this mailed notice was sent to owners of each lot or parcel of property where there is a proposed change to the base zoning of the property or where there are limits or prohibition of land uses previously allowed in the affected zone.

In addition to these legal requirements, information about the PSC hearings was featured in blog posts on the project website, e-updates to project mailing list, media releases and posts by BPS on NextDoor, Twitter and Facebook.

The PSC held a public hearing on June 12, 2018. Thirty people testified at the hearing and more than 270 written testimonials were received.

The PSC discussed the proposals over seven subsequent work sessions. On April 30, 2019, the PSC deliberated and voted to recommend the *Recommended Draft* to City Council.

All PSC meetings were streamed live and are also available for viewing on the Bureau website

Recommended Draft. On August 1, 2019, the *Better Housing by Design Recommended Draft* was published to present the PSC recommendations to City Council. On August 29, 2019 the Post-Acknowledgement Plan Amendment notice to DLCD was updated with the *Recommended Draft*

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documents and notice of the City Council hearing. On September 5, 2019, a legislative notice of the City Council hearing was sent to interested parties and anyone who testified to the PSC on the proposed draft. City Council held a public hearing on October 2, 2019 and which was continued on November 6, 2019, to receive testimony on the *Recommended Draft*.

Testimony by James Peterson raised concerns that BPS staff acted as a filter between community members and decision-makers. Specifically, that public comment summaries prepared by BPS staff are only concerned with “the body count” and not the substance of the comments. The City Council rejects this concern. The BPS staff summaries are more than participation counts and provide information on the topics of interest and the positions. Furthermore, we find that the testimony reader on-line application makes the written and verbal testimony provided at PSC and City Council hearings accessible to both the community and the decision-makers, which makes for a more robust involvement process. Finally, as evidence that the community is involved in all phases of the planning process, and specifically when decisions are made, the City Council notes the number of amendments that were made by the PSC and City Council as an indicator of the influence that the community has on the process – testimony was received and responded to with changes.

As noted below in these findings, the BHD amendments are consistent with the goals and policies of Chapter 2 (Community Involvement) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. The events and outreach strategies summarized here demonstrate consistency with the requirements of Statewide Planning Goal 1.

Goal 2. Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

4. **Finding:** Goal 2, as it applies to the BHD amendments, requires the City to follow its established procedures for legislative amendments to the Comprehensive Plan policies, the Comprehensive Plan map, the Zoning Code, and the Zoning Map. The amendments support this goal because, as demonstrated by these findings, the BHD amendments were developed consistent with the Statewide Planning Goals, the Metro Urban Growth Management Functional Plan, and 2035 Comprehensive Plan, as detailed in this ordinance.
5. **Finding:** Other government agencies received notice from the 35-day DLCD notice and the City’s legislative notice. The City did not receive any requests from other government agencies to modify the BHD amendments.
6. **Finding:** The City Council’s decision is based on the findings in this document, which are based on the factual evidence presented to the Planning and Sustainability Commission and City Council that are incorporated in the record that provides the adequate factual base for this decision.

Goal 5. Open Space, Scenic and Historic Areas, and Natural Resources. To protect natural resources and conserve scenic and historic areas and open spaces.

7. **Finding:**

Open Spaces. None of the map changes or changes to multi-dwelling zones involve designated open spaces (OS map designations).

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Scenic Resources. The City has designated scenic resources, some of which are included in the applicable multi-dwelling zones. Existing scenic resource protections (Chapter 33.480) are not being amended.

Historic Resources. Historic resources are located throughout the City including locations in multi-dwelling zones. Existing historic resource protections are not being amended (Chapter 33.445). The current RH zoning (and future RM3 and RM4 zoning) in the Alphabet Historic District in Northwest Portland and the King's Hill Historic District, just west of the Central City have locations where the current zoning allows building scale that is substantially larger than historic buildings in some parts of these districts, while disallowing new buildings to be as large as historic buildings in other areas. The Comprehensive Plan policy 4.48 encourages zoning that is responsive to the characteristics of historic districts, while other policies prioritize close-in locations for higher density housing, including affordable housing. The amendments to the Zoning Map and development standards in high-density (RM3 and RM4) multi-dwelling zones in historic districts calibrates development allowances to the scale of historic districts, while providing additional development bonuses for projects that include affordable housing.

Natural Resources. Existing natural resource protections are not being amended (Chapters 33.430 and 33.465). However, not all resources identified in the City's updated Natural Resources Inventory (NRI) are currently included in these protections. The City has initiated a separate legislative process to update the environmental overlay zones based on the adopted NRI.

Generally. As noted below in the findings for the 2035 Comprehensive Plan, the BHD amendments are consistent with the goals and policies of Chapter 4 (Design and Development, including Historic and Cultural Resources) and Chapter 7 (Environment and Watershed Health) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, BHD amendments are consistent with the requirements of Statewide Planning Goal 5.

Goal 6. Air, Water, and Land Resource Quality. To maintain and improve the quality of the air, water and land resources of the state.

8. **Finding:** Goal 6 requires the maintenance and improvement of the quality of air, water, and land resources. The State has not adopted administrative rules for complying with Statewide Planning Goal 6. The City is in compliance with federal and state environmental standards and statutes, including the federal Clean Water Act and Clean Air Act. Existing City regulations including Title 10 (Erosion Control) and the Stormwater Management Manual will remain in effect and are applicable to future development. As noted below in the findings for the 2035 Comprehensive Plan, the BHD amendments are consistent with the goals and policies of Chapter 7 (Environment and Watershed Health) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, BHD amendments are consistent with the requirements of Statewide Planning Goal 6.

Goal 7, Areas Subject to Natural Disasters and Hazards. To protect people and property from natural hazards.

9. **Finding:** The State has not adopted administrative rules for complying with Statewide Planning Goal 7. The Buildable Land Inventory (BLI), which was adopted (Ordinance 187831) and acknowledged by LCDC on April 25, 2017, included a development constraint analysis that identified parts of Portland that are subject to natural hazards.

A constraints analysis was conducted to determine relative risk. The relevant constraints are:

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- 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);
- 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.)
- 1996 Flood Inundation area (A record peak flow in February of 1996 caused the Willamette River and its major tributaries to flood. This map was created to delineate the inundated areas near the mainstem and major tributaries of the Willamette River)
- Potential Rapidly Moving Landslide Hazard Zones (as shown in the DOGAMI IMS-22 publication)
- Deep landslide—High Susceptibility or Landslide Deposit or Scarp as shown in the DOGAMI IMS-57 publication

About 600 acres (12 percent) of the multi-dwelling zoned areas are located in these potential natural hazard areas. Most (530 acres) of this area is in the Landslide Hazard Area. City programs that are deemed in compliance with Metro Title 3 requirements for flood management, and erosion and sediment control (i.e., City Title 10 Erosion Control, and the balanced cut and fill requirements of City Title 24), as well as the environmental overlay zones are unchanged by these amendments and will ensure any new development will be done in a way to protect people and property from hazards.

As noted below in the findings for the 2035 Comprehensive Plan, the BHD amendments are consistent with the goals and policies of Chapter 7 (Environment and Watershed Health) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, BHD amendments are consistent with the requirements of Statewide Planning Goal 7.

Goal 8. Recreational Needs. To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

10. Finding: Goal 8 focuses on the provision of destination resorts. However, it does impose a general obligation on the City to plan for meeting its residents' recreational needs: "(1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements."

Goal 8 provides that "Recreation Needs -- refers to existing and future demand by citizens and visitors for recreations areas, facilities and opportunities." Goal 8 also provides that "Recreation Areas, Facilities and Opportunities -- provide for human development and enrichment, and include but are not limited to: open space and scenic landscapes; recreational lands; history, archaeology and natural science resources; scenic roads and travelers; sports and cultural events; camping, picnicking and recreational lodging; tourist facilities and accommodations; trails; waterway use facilities; hunting; angling; winter sports; mineral resources; active and passive games and activities."

The City of Portland has robust and diverse system of parks, recreation areas and open spaces. The City's Parks 2020 Vision documents the City's long-term plan to provide a wide variety of high-quality park and recreation services and opportunities for all residents. The Parks 2020 Vision identifies a goal that 100% of Portlanders are within ½ mile of a Park or Natural Area. As of 2016,

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81% of the City's households are within ½ mile of a park or natural area, whereas 86 percent of the multi-dwelling zoned areas (4,317 acres out of a total of 5,010 acres) are within ½ mile of a park or natural area. Providing additional opportunities for future households to locate in these areas will continue to contribute towards fulfillment of this goal.

The BHD map amendments do not affect any land designated as open space. In addition, the BHD zoning code amendments include new development standards for outdoor areas and common areas, which can supplement the recreational needs of BHD residents. Currently, most of the multi-dwelling zones require outdoor space (48 square feet per unit). However, the high-density residential zone (RH) requires no outdoor spaces. The BHD amendments require 48 square feet of outdoor area per unit (36 square feet for small sites up to 20,000 square feet) in the RM3 and RM4 (RH) zones. Also, the BHD amendments establish a new requirement for common areas equivalent to 10 percent of the total site area for large sites with more than 20,000 square feet.

As noted below in the findings for the 2035 Comprehensive Plan, the BHD amendments are consistent with the goals and policies of Chapter 8 (Public Facilities and Services) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, BHD amendments are consistent with the requirements of Statewide Planning Goal 8.

Goal 9. Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to health, welfare, and prosperity of Oregon's citizens.

11. Finding: Goal 9 requires cities to consider economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Comprehensive plans for urban areas are required to include, among other things: an analysis of economic patterns, potentialities, strengths, and deficiencies; policies concerning economic development; and land use maps that provide for at least an adequate supply of sites for a variety of industrial and commercial uses.

The *2035 Comprehensive Plan* demonstrates compliance with Goal 9. Land needs for a variety of industrial and commercial uses are identified in the *Economic Opportunities Analysis* (EOA), which was adopted (Ordinance 187831) and acknowledged by LCDC on April 25, 2017.

The City's acknowledged EOA analyzed and demonstrated adequate growth capacity for a diverse range of employment uses, which are organized into different geographies that represent a distinct mix of business sectors and building types. In each of the geographies, the City analyzed the future employment growth and the developable land supply to accommodate that growth.

The BHD map amendments do not affect any land designated for industrial or employment uses. The BHD map amendments do not affect the base development capacity in the commercial mixed use areas. The changes apply the inclusionary housing bonus to historic districts, which is not expected to impact the employment capacity in these areas. Given that the city as a whole has excess capacity of mixed-use commercial development capacity, these changes will not adversely impact the City's employment capacity.

In addition, the BHD zoning code amendments expand the opportunity for small-scale commercial uses. Currently, commercial uses are prohibited in most multi-dwelling zones, and are conditional uses (subject to a discretionary review process) near light rail stations in the RH zone. The BHD amendments will allow ground floor retail or offices uses up to a FAR of .25 to 1 per site in the RM1 and RM2 (R3/R2, R1) zones. This will allow up to 2,500 square feet of commercial use floor area on a 10,000-square foot site. Each commercial use is limited to 1,000 square feet (enough for a small retail space, café, or office). In the RM3 and RM4 (RH) zones, ground floor retail or offices uses up

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to an FAR of .4 to 1 per site is allowed without a conditional use review. This will allow up to 4,000 square feet of floor area on a 10,000-square foot site. Each commercial use is limited to 2,000 square feet. Also, daycare facilities up to 3,000 square feet are allowed in all multi-dwelling zones regardless of location. Allowances for small commercial uses will also provide opportunities for “live-work” arrangements, which can support household prosperity by allowing additional opportunities for home-based businesses.

As noted below in the findings for the 2035 Comprehensive Plan, the BHD amendments are consistent with the goals and policies of Chapter 6 (Economic Development) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, BHD amendments are consistent with the requirements of Statewide Planning Goal 8.

Goal 10. Housing. To provide for the housing needs of citizens of the state.

- 12. Finding:** Goal 10 specifies that each city must plan for and accommodate needed housing types. As used in ORS 197.307 “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, and includes attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

Goal 10 requires each city to inventory its buildable residential lands, forecast future needs, and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Goal 10 and its implementing administrative rules contain the following specific requirements:

1. Identify future housing needs by amount, type, tenure and affordability;
2. Maintain a residential Buildable Lands Inventory (BLI) with sufficient land to meet identified needs;
3. Adopt land use maps, public facility plans and policies to accommodate needed housing (housing capacity, as well as type, tenure and affordability);
4. Meet minimum density and housing mix requirements (including the Metropolitan Housing Rule);
5. Adopt clear and objective standards for needed housing.

The adopted *2035 Comprehensive Plan* conducted city-wide analysis to demonstrate compliance with Goal 10. The City's Housing Needs Analysis, which was adopted (Ordinance 185657) and acknowledged by LCDC on June 11, 2014, consists of five distinct reports that analyzed the state of housing supply, housing affordability issues and the City's ability to meet projected housing demand. The City's Housing Needs Analysis was adopted as part of the *2035 Comprehensive Plan*. The Buildable Land Inventory (BLI), which was adopted (Ordinance 187831) and acknowledged by LCDC on April 25, 2017, identified the supply of land available to provide this needed housing.

A major change in the BHD amendments is a shift in regulating by building scale (floor-to-area ratio - FAR) instead of unit density in the RM1 and RM2 zones (current R1/R2/R3 zones). The RM3 and RM4 zones (current RH) already are regulated by FAR, rather than by unit density. This change will resolve some nonconforming situations where the existing building exceeds the maximum density standard. This change provides more flexibility for a greater diversity of housing types and expands housing options close to services and transit.

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Currently, the Alternative Design Density (a) overlay zone provides opportunities for additional housing density. In the multi-dwelling zones where it applies, the a-overlay zone allows for bonus density in exchange for design review, as well as corner triplexes and flag lots in the R2 zone for projects meeting design standards. The a-overlay zone is proposed to be removed from all multi-dwelling zones because the BHD changes provide the flexibility for additional housing units provided by this overlay zone. Therefore, the removal of the (a) overlay zone will not have an impact on residential development capacity or the range of housing types that could be developed.

Housing Supply and Demand. The City's adopted BLI estimates Portland has the capacity for 201,000 additional housing units, more than the estimated need to accommodate the City's forecasted future growth of 123,000 units. The BHD changes largely involve a crosswalk from the old designations (R3-RH) to the new designations (RM1-4). The changes to shift to a FAR regulatory system is estimated to increase the *capacity* for residential household growth by roughly 14,000 units in the RM1-4 zones.

Housing Affordability. The Housing Affordability Background Report¹ cited recommendations to address declining housing affordability. "Given that public resources to subsidize affordable housing are limited and likely inadequate, the construction of new unsubsidized housing affordable to low and moderate income should be promoted. This could include development of more reasonably-priced rental housing units such as smaller units with no parking...and allowing the creation of more than one accessory rental in large homes in single-family zones." Also recommended: "Provide incentives to the private market to construct affordably priced housing units both rental and owner-occupied."

The BHD changes include four significant incentives for affordable housing: 1) increase the inclusionary housing bonus; 2) provide a deeper affordability bonus; 3) provide a bonus for three-bedroom units; and 4) allow the transfer of unused development capacity in situations where existing affordable housing is preserved. The BHD changes increase the affordable/inclusionary housing bonus from 25 percent to 50 percent, which can make larger (20+ units) projects financially feasible and create affordable units through the inclusionary housing program. In addition, the BHD changes create a new bonus for housing projects that provide at least 50 percent of the units affordable to households earning less than 60 percent of Area Median Income (AMI). The bonus for three-bedroom units is refined to focus on projects where at least 50 percent of the units are affordable to households earning no more than 100 percent AMI. Finally, the BHD changes allow for unused development capacity to be transferred to other sites with multi-dwelling zoning in exchange for preservation of existing affordable housing units. All of these measures will support the provision of regulated affordable housing units in Portland.

Housing Choice. The Comprehensive Plan Update Growth Scenarios Report² found that the preferred growth scenario provided a sufficient mix of three broad housing types – single family residential, neighborhood and corridor apartments, and mid- to high-rise units. However, within these broad classes there was some predicted scarcity within the middle range (attached houses and plexes), while the low end of the spectrum (detached houses) and high end of the spectrum (apartments) would dominate the housing type mix. The report identifies options for improving performance:

- Create a Wide Range of Housing Choices: Producing a diverse supply of housing creates diverse communities with the opportunity for households to remain in their neighborhood

¹ Portland Housing Affordability Background Report <https://www.portlandoregon.gov/bps/article/408246>

² Growth Scenarios Report <https://www.portlandoregon.gov/bps/article/531170>

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as their lifestyles and housing needs change, especially in allowing older adults to remain within their community.

- Support Development of New and Innovative Housing Types: Changing household needs and preferences will create demand for new and different housing types.

The BHD amendments are specifically tailored to broaden the range of allowed housing types, consistent with Comprehensive Plan Policy 5.4, which incorporated the recommendations in the Comprehensive Plan Background Reports. For example, currently on a 5,000 square foot lot in the R2 zone, the maximum density standard typically results in two large townhouse units. Under the RM1 zone, a similarly size building could be developed but could be divided into more, smaller units.

The findings below address Goal 10 requirements that amendments to the *Zoning Map* and zoning code demonstrate that the City continues to accommodate 20-years of forecast growth and provide the opportunity for a variety of housing types and tenures, with a variety of affordability levels.

The Metropolitan Housing Rule (OAR 660-007-0035) states that cities “*must provide for an overall density of ten or more dwelling units per net buildable acre*”. The RM1-4 zones have minimum density standards that range from 17.4 units to 43 units per acre, which will ensure that the City of Portland continues to meet this standard.

ORS 197.307(4) requires that jurisdictions “may apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable lands” ...and these provisions... “may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.” The BHD amendments provide clear and objective standards. As an alternative to the clear and objective track, discretionary review is available for Planned Developments which can seek additional flexibility in site layout and building form, at the property owner’s choosing. Also, the BHD map amendments expand the design (“d”) overlay zone to apply to all RH zoning (new RM3 and RM4 zones). The majority (84 percent) of the RH zone is already within the design overlay or in historic districts (such the Alphabet Historic District in Northwest Portland). The design overlay zone provides projects with options to either go through a discretionary design review process or to use clear and objective design standards.

Testimony by James Peterson raised concerns that the BHD amendments incentivize redevelopment of existing multi-dwelling housing, which is not needed because the Metro UGB has more zoned capacity than is likely to be needed in the coming decades. The City Council rejects this concern because the primary purpose of the BHD amendments, as explained above, is to provide more flexibility for a greater diversity of housing types and expand housing options close to services and transit. A by-product of these changes is a modest 14,000 unit increase in zoned capacity.

As noted below in the findings for the 2035 Comprehensive Plan, the BHD amendments are consistent with the goals and policies of Chapter 5 (Housing) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, BHD amendments are consistent with the requirements of Statewide Planning Goal 10.

Goal 11. Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

- 13. Finding:** Statewide Planning Goal 11, Public Facilities, requires cities to adopt and update public facilities plans. Public facilities plans ensure that urban development is guided and supported by types and levels of water, sewer and transportation facilities appropriate for the needs and

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requirements of the urban areas to be serviced, and that those facilities and services are provided in a timely, orderly and efficient arrangement.

The adopted 2035 Comprehensive Plan includes the Citywide Systems Plan (CSP), which was adopted (Ordinance 185657) and acknowledged by LCDC on April 25, 2017. The CSP includes the Public Facilities Plan with information on current and future transportation, water, sanitary sewer, and stormwater infrastructure needs and projects, consistent with the requirements of Statewide Planning Goal 11.

In addition, the service limitations identified in the CSP have been incorporated into the adopted BLI development constraint analysis that identified parts of Portland that lack needed urban infrastructure. The BLI constraint analysis is the basis of a geographic evaluation of the BHD amendments to ensure that public facilities are planned to support the potential development resulting from these amendments.

The BHD capacity and growth allocation modeling determined that BHD changes would result in a modest shift in the development pattern compared to the 2035 Comp Plan. In general, more development is expected in the inner neighborhoods, where facilities are generally available and there are fewer areas with inadequate infrastructure. Impacts to city systems were evaluated based on the net change of development impact between the 2035 Comprehensive Plan zoning and the BHD changes.

Sanitary Sewer

The Bureau of Environmental Services evaluated the proposed changes in household allocation and found that sanitary flows from multi-dwelling structures represent a minor portion of the flows carried by any given pipe, and sanitary flows from additional dwelling units on those multi-dwelling zoned properties are unlikely to significantly affect the system. The Bureau Environmental Services regularly analyzes sanitary and combined system, in conjunction with planning projections from the Bureau of Planning and Sustainability, to determine priority areas for both capacity and structural upgrades. Over time, these capital projects will address any localized issues.

Moreover, all developments are required to connect to sanitary sewer service and meet current building and sanitation codes. Where local existing infrastructure is not adequate or available to serve proposed development, system extensions and/or upgrades will be required as part of the development review process.

Stormwater

Stormwater is conveyed through the combined sewer system, pipes, ditches, or drainageways to streams and rivers. In some cases, stormwater is managed in detention facilities, other vegetated facilities, or allowed to infiltrate in natural areas. Safe conveyance of stormwater is an issue in some areas, particularly in the hilly areas of west Portland and some parts of outer southeast which lack comprehensive conveyance systems and where infiltration is limited by geology or high groundwater. Since 1999, the Stormwater Management Manual (SWMM) has provided policy and design requirements for stormwater management throughout the City of Portland. The requirements apply to all development, redevelopment, and improvement projects within the City of Portland on private and public property and in the public right-of-way. In some cases, solutions may not be technically or financially feasible. Stormwater impacts are assessed based on the amount of impervious area and building coverage that occurs on a parcel. The BHD changes do not significantly increase either the allowable building coverage or impervious area from existing zoning allowances. Further, reducing minimum on-site parking requirements and limits on surface parking

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areas could result in even less impervious area. Provisions that encourage the preservation of large trees through the transfer of development rights and required deep rear setbacks in East Portland, as well as allowing stormwater facilities to count toward minimum landscaping, provide additional environmental and stormwater benefits.

Water

Water demand forecasts developed by the Water Bureau anticipate that while per capita water demands will continue to decline somewhat over time, the overall demands on the Portland water system will increase due to population growth. The Portland Water Bureau has not experienced any major supply deficiencies in the last 10 years.

The water supply and water distribution system are sized to meet City fire suppression needs which far surpass the day-to-day demand from residential customers. The demand from higher density development in the multi-dwelling residential zones is unlikely to significantly affect the water system. While it is possible that the additional densities allowed through the BHD could exacerbate existing local capacity issues in isolated areas, the Water Bureau does not anticipate the amendments to cause significant problems for either current water users or the overall system.

Similar to sewer system and other infrastructure needs, all developments are required to connect to water service and meet current building and plumbing codes. Where local existing infrastructure is not adequate or available to serve proposed development, system extensions and/or upgrades will be required.

Transportation facilities are addressed under Statewide Planning Goal 12, below.

For areas not excluded from the additional housing allowances provided by the BHD changes, development standards and regulations are in place to ensure sewer, water, and stormwater needs are met and impacts are addressed. Where there are existing constraints on public facilities, proposed development could face increased cost of to provide or mitigate the constrained infrastructure.

As noted below in the findings for the 2035 Comprehensive Plan, the BHD amendments are consistent with the goals and policies of Chapter 8 (Public Facilities and Services) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, BHD amendments are consistent with the requirements of Statewide Planning Goal 11.

Goal 12. Transportation. To provide and encourage a safe, convenient and economic transportation system.

- 14. Finding:** OAR 660-012-0060 (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:
- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated

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within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

The adopted 2035 Comprehensive Plan includes the Transportation Systems Plan (TSP), which was adopted in three phases (Ordinance 187832, 188177, and 188957). Phase 1 and 2 was submitted as part Task Four of Periodic Review; and both were approved by LCDC Order 18 – WKTSK – 001897 on August 8, 2018. Phase 3 of the Transportation System Plan was adopted as a post-acknowledgement plan amendment by Ordinance No. 188957, became effective on June 23, 2018. The TSP includes a congestion performance analysis of the 2035 Comprehensive Plan Map.

The BHD amendments do not change the functional classification of any existing or proposed transportation facility, nor do they change the standards implementing a functional classification system. Therefore, the amendments do not have a significant effect under (a) or (b).

The BHD amendments expand the types of housing allowed, especially in the lower density RM1 and RM2 multi-dwelling zones, which make up 92 percent of the multi-dwelling zoned land in Portland. The change to regulating density by FAR will provide more flexibility for how many units are allowed inside the building, which will allow for a wider range of smaller housing types and sizes. In RM2 zone, which is often located along transit corridors, will allow for a higher density that is similar to adjacent mixed-use commercial zones. After accounting for the BLI constraints, the development capacity in BHD zones increases by about 14,000 units. As required by ORS 195.036, the BLI allocation model uses Metro’s population forecast to determine where new housing units are likely to be allocated. The BHD capacity and growth allocation model shows minor changes to the spatial distribution of housing units across Portland. This data was then evaluated by the Portland Bureau of Transportation (PBOT) (see PBOT memo, dated September 6, 2019).

With regard to (c), the PBOT analysis found that peak PM hour traffic resulting from the BHD amendments is not significant. The added traffic is widely spread across the City. The current and proposed housing types are consistent land uses within the context of the descriptions of the functional classifications of existing or planned transportation facilities. Therefore, the amendments do not have a significant effect under (A).

In the six areas where there is expected to be increased household growth, peak PM hour vehicle traffic is dispersed across the transportation network in these areas. With the exception of several “hot spot” streets of concern described below, this additional traffic is not expected to degrade the performance of existing or planned transportation facilities such that they would not meet the performance standards in the TSP. Therefore, the amendments do not have a significant effect under (B).

As part of the 2035 Comprehensive Plan process, PBOT and ODOT identified a list of streets of concern where future congestion may make it difficult for jurisdictional standards to be met. The modelling shows that the minor impacts are not large in terms of absolute numbers of added

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vehicles during peak PM hour (average 18 trips). These added trips could degrade the performance of these facilities. However, there are mitigating factors and strategies that should reduce the impact of these changes:

1. This is a high-level analysis that does not factor in redistribution of growth (reduction in the number of households in other parts of the system) nor does it reassign traffic that might be diverted to other less congested streets. These refinements to the analysis could result in lower added traffic to these segments;
2. The BHD amendments include mitigating strategies that serve to improve mode split performance and limit traffic impacts which were not able to be incorporated into the analysis model. First, minimum parking requirements are being reduced. BHD further promotes a walkable form through regulations on the amount of building façade that can be occupied with garages and prohibiting off-street parking between the building and the street.

3. Transportation Demand Management Strategies

The Transportation Planning Rule defines Transportation Demand Management as: “actions which are designed to change travel behavior to improve performance of transportation facilities and to reduce need for additional road capacity.” Reducing demand for automobile trips is a key strategy for offsetting potential transportation impacts from BHD.

- Off-street Parking Management. A key tool in transportation demand management, as identified in the Transportation Planning Rule, is parking management. To reduce reliance on automobiles, the Transportation Planning Rule requires local governments within an MPO to achieve a 10 percent reduction in the number of parking spaces per capita over a planning period (660-012-0045). Consistent with this approach to reducing reliance on automobiles and promoting a walkable urban form, the BHD amendments eliminate minimum off-street parking requirements on small sites (up to 10,000 square feet) in the multi-dwelling zones. On larger sites, the minimum required parking ratio is reduced by half -- from one space for each unit to one space for every two units.
- Pedestrian-supportive development. The Transportation Planning Rule encourages pedestrian-friendly development that makes it safe and convenient for trips to be made by walking, and that facilitates less driving to meet daily needs. The BHD amendments include new requirements that will improve the pedestrian environment and encourage more pedestrian trips in multi-dwelling zones. It limits front garages and parking structures to 50 percent of buildings along streets. It also disallows parking from being located between buildings along streets and it requires building entrances to be oriented to streets or a courtyard connected to a street.
- Improved street connectivity in East Portland centers. The Transportation Planning Rule recognizes the importance of street connectivity in making it “more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs,” especially in centers. The BHD amendments facilitate street connections and improve connectivity in East Portland centers by requiring street frontages wide enough to provide space for new street connections and by calculating development allowances prior to street dedication.

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- Financial TDM incentives for larger apartments. Portland City Council adopted an initial package of TDM measures with the 2035 Comprehensive Plan in 2016. These measures mandate certain multimodal financial incentives with new mixed-use buildings with more than 10 dwelling units (Portland City Code Chapter 17.107). The BHD amendments expand these measures to multi-dwelling zones in locations close to frequent transit, projects with buildings with 10 or more units will be required to use strategies that reduce transportation impacts, such as by providing residents with transit passes, bike share or car share memberships, and information on transportation options. This strategy will reduce transportation demand in multi-dwelling zone areas where transportation trips are expected to shift and on the overall transportation network.
- On-street parking management. The Transportation Planning Rule points to the designation of residential on-street parking districts as a tool that local governments within an MPO can use to reduce reliance on automobile trips (660-012-0045). Portland has had an Area Parking Permit Program in effect since 1981. In recent years, this program has expanded to include 17 zones with neighborhoods and businesses collaborating with PBOT to create the rules for their zone. Per City Council ordinance, the Area Parking Permit Program can impose a surcharge on parking permits. The money raised from the surcharge can then be used to fund Transportation Demand Management strategies that reduce automobile trips. This includes a Transportation Wallet program where participants can receive significantly reduced transit, bike share, and other mobility passes in exchange for forgoing an on-street parking permit. PBOT will continue to seek opportunities to work with neighborhoods to expand the Area Parking Permit Program to address areas where traffic and parking congestion are increasing.
- “Smart Trips” education and outreach. Another proven transportation demand management strategy is the provision of transportation options information and encouragement. Portland has been a national leader in this field through its Smart Trips program. Smart Trips incorporates an innovative and highly effective individualized marketing methodology, which hand-delivers packets and personalized emails to residents who wish to learn more about all their transportation options. Key components feature biking and walking maps, robust and sophisticated online, digital and paper resources, and organized activities which get people out in their neighborhoods or places of employment to shop, work, and discover how many trips they can easily, conveniently and safely make without using a car. Evaluations over the past 15 years show that Smart Trips reduces drive alone trips by about 9%. In recent years, Smart Trips has targeted people that are new to Portland and those who are moving within the city to new homes. Research shows that this is often the most effective time to encourage people to try new ways of getting around.
- Safe Routes to Schools program. Like Smart Trips, Portland’s Safe Routes to Schools program reduces automobile trips through information, encouragement, and investments in infrastructure that make it safe for students to walk and bike to school. In 2018, the program reported that citywide 42% of K-5th grade trips and 40% of 6th-8th grade trips utilized active transportation. This program, which is an important tool for reducing auto trips during peak hours, will continue citywide under BHD. PBOT will continue to evaluate targeted Safe Routes to Schools programming in TAZs expected to see increased growth through the BHD amendments.
- Bicycle parking improvements. An additional citywide transportation demand strategy is the provision of bicycle parking (Transportation Planning Rule 660-012-0045 3(a)). Research

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has shown that the lack of a safe and secure place to park a bicycle is a key barrier for bicycling as transportation. Portland's existing bicycle parking code (Portland City Code Chapter 33.266.200) was primarily written in 1996. A Recommended Draft of the Bicycle Parking Code update has advanced to City Council for deliberation this fall. These changes will update the minimum required amount of short- and long-term parking, enhances security standards to help prevent bike theft, and accommodates a greater variety of bicycles. These changes will apply to multi-dwelling zones, and are anticipated to reduce some automobile trips from the transportation network.

4. Planning and infrastructure investments.

Additional transportation planning may also occur in and near the TAZs where the Housing Allocation analysis shows development increases. This planning can identify opportunities for improving multimodal networks, including access to transit. This planning can identify small scale capital projects – less than \$500,000 - that improve safety and comfort for people walking, bicycling, and taking transit. Projects that emerge through this planning can also be included in the future project lists for the citywide programs listed in the TSP.

5. Planned Capital Projects

The impacts of added auto trips from BHD are expected to be on identified hot spots on both PBOT and ODOT managed facilities. Through the process of adopting the 2035 Comprehensive Plan and the 2035 Transportation System Plan, PBOT and ODOT agreed to perform refinement planning in areas identified with potential safety and/or projected capacity issues. See Projected ODOT "Hot Spots" Refinement Plan and Other Agency Common Priority Projects, (TSP Chapter 6, page 281). Major refinement plans are necessary when a transportation need exists, but the mode, function, and general location of a transportation improvement have not been determined, and a range of actions must be considered before identifying a specific project or projects. These refinement plans are still pending, therefore, mitigating the increased traffic from the BHD amendments can be incorporated into that planning process.

Also, the additional auto trips from BHD can be analyzed, and to the extent possible, mitigated during the planning, design, and implementation of future planned capital projects in roadway segments identified as areas of concern (previously identified in the TSP as locations that may fail to meet mobility standards in 2035). The adopted TSP Project List identifies several improvement projects on or near the impacted facilities that could incorporate future measures to mitigate these minor effects.

The modelling shows that the overall impact of BHD on the citywide transportation system is not significant. It does, however, result in localized impacts on road segments that have previously been identified as areas of concern. These impacts are not large in terms of absolute numbers of added vehicles during peak PM hour and can be mitigated through a combination of transportation demand management strategies, planned capital projects, and targeted planning and infrastructure investments. Furthermore, as noted below in the findings for the 2035 Comprehensive Plan, the BHD amendments are consistent with the goals and policies of Chapter 9 (Transportation) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, the BHD amendments are consistent with the requirements of Statewide Planning Goal 12.

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Goal 13. Energy Conservation. To conserve energy.

- 15. Finding:** The State has not adopted specific rules for complying with Statewide Planning Goal 13. Goal 13 generally requires that land use plans contribute to energy conservation.

The BHD amendments do not adopt or amend a local energy policy or implementing provisions.

However, the BHD amendments generally support this goal by encouraging smaller units and more attached units. According to studies conducted by the State DEQ, “Reducing home size is among the best tier of options for reducing waste generation in the Oregon housing sector, while simultaneously achieving a large environmental benefit across many categories of impact...Reduction in home size is a significant leverage point for impact reduction [including non-renewable energy use] and may be a more effective measure than achieving minimum levels of ‘green certification’” [<https://www.oregon.gov/deq/FilterDocs/ADU-ResBldgLCA-Report.pdf>]

Attached housing is also more energy efficient than detached forms of housing. According to the EPA, “fairly substantial differences are seen in detached versus attached homes [approximately 17.5% improved efficiency], but the most striking difference is the variation in energy use between single-family detached homes and multifamily homes [50% improved efficiency], due to the inherent efficiencies from more compact size and shared walls among units.” [https://www.epa.gov/sites/production/files/2014-03/documents/location_efficiency_btu.pdf]

Therefore, the BHD amendments are consistent with the requirements of Statewide Land Use Goal 13 by limiting home size and allowing for increased types of housing that consist of smaller, compact units, and attached housing.

Goal 14. Urbanization. To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

- 16. Finding:** Metro is responsible for Goal 14 compliance on behalf of Portland and other cities within the metropolitan region. Metro has adopted an Urban Growth Management Functional Plan and compliance with this plan by constituent cities assures compliance with Goal 14, which is discussed in Part II of this document and those findings are incorporated by reference.

As discussed above under Goal 10, the BHD amendments will increase the residential development capacity in areas located inside the urban growth boundary, further enabling the City to accommodate its forecasted growth. Therefore, BHD amendments are consistent with the requirements of Statewide Land Use Goal 14.

Goal 15. Willamette River Greenway. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

- 17. Finding:** There are small areas of multi-dwelling zoning that fall inside the Willamette River Greenway (SW Macadam and Sellwood Waterfront). However, these parcels will continue to be subject to development regulations for flood plains or natural resources. Furthermore, no changes to existing protections afforded through the greenway overlay zones are proposed.

Therefore, BHD amendments are consistent with the requirements of Statewide Land Use Goal 15 because they do not change the protections to affected lands within the Willamette River Greenway Overlay Zone.

Part II. Metro Urban Growth Management Functional Plan

Under ORS 268.380 and its Charter, Metro has the authority to adopt regional plans and require city and county comprehensive plans to comply with regional plan. Metro adopted its Urban Growth Management Functional Plan under this authority.

In its June 2011 update to its 2010 compliance report Metro found, “The City of Portland is in compliance with all Urban Growth Management Functional Plan requirements in effect on December 15, 2010, except for Title 13, Nature in Neighborhoods.” On January 16, 2013 the City received a letter from Metro stating that Portland had achieved compliance with Title 13.

Title 1. Housing Capacity. The Regional Framework Plan calls for a compact urban form and a “fair-share” approach to meeting regional housing needs. Title 1 requires each city and county to maintain or increase its housing capacity, especially in centers, corridors, main streets, and station communities, except as provided in section 3.07.120.

18. Finding: The BHD amendments increase the housing capacity in the City because the comprehensive plan and zoning map amendments generally assign the new zoning designation that most closely matches the current designation. According to the BHD capacity and growth allocation model, the change to regulating density by FAR in the RM1 and RM2 zone increases the citywide housing capacity by approximately 14,000 units.

The exception to this increase in housing capacity involves the changes to the RM3 and RM4 zoning designations in the Alphabet Historic District in Northwest Portland and the King’s Hill Historic District, just west of the Central City. The current RH zoning allows building scale that is substantially larger than historic buildings in some parts of these districts, while disallowing new buildings to be as large as historic buildings in other parts of the district. The BHD map amendments calibrate development allowances to the scale of the historic districts, while providing additional development bonuses for projects that include affordable housing. The amendments:

1. Expand the affordable housing bonus in historic districts in both the multi-dwelling and mixed-use zones. Currently, the affordable housing bonus is not provided in mixed use zones in historic districts, even when inclusionary housing is mandatory for larger projects.
2. Change the Comprehensive Plan Map and Zoning Map in the Alphabet and King’s Hill historic districts so that the allowed building scale relates to the scale of larger historic buildings. In some locations the recommended zoning is larger in scale than existing zoning, while in other locations the proposed zoning is smaller in scale. All properties affected by these zone changes currently have RH zoning, but are being assigned the new RM3 and RM4 zones based on the scale of the historic context.
3. Reduce the base FAR (regulating building scale) in the highest density multi-dwelling zone (RM4) when located in historic districts, from a current base FAR of 4 to 1 to instead provide a base FAR of 3 to 1. This is balanced by allowances for buildings that provide affordable housing units to achieve a bonus FAR of 4.5 to 1. This means that larger buildings subject to mandatory inclusionary housing requirements will be able to be as large as currently allowed by the base FAR. Projects in which at least half of units are affordable at 60 percent of median family income can be even larger than allowed by the standard bonus (up to a FAR of 6 to 1), subject to historic review.
4. Provide an incentive for seismic upgrades to historic buildings. Amendments allow additional building scale (0.5 FAR) to be transferred to other projects from sites with

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historic structures in conjunction with seismic upgrades, to help defray the costs of these upgrades.

The impact of change to 3 to 1 base FAR in the RM4 zone in the historic districts on housing capacity is minimal - a reduced capacity of about 200 units out of 12,000 units of capacity in the broader area. This minimal reduction is mitigated or offset by an expected increase in development on large sites (10,000+ square feet) in the RM4 and mixed-use zones that will now be eligible for the inclusionary housing bonus FAR, which can provide additional capacity of about 300 units (more than balancing out the capacity changes in the base FAR). This analysis does not account for the changes that applies the inclusionary housing bonus in the mixed-use zones in historic districts citywide, and in the multi-dwelling zones, which increases the inclusionary housing bonus from a 25 percent increase to a 50 percent increase above base FARs, which are expected to result in additional housing units.

Therefore, the BHD amendments are consistent with the requirements of Title 1.

Title 2. Regional Parking Policy. (repealed in 1997)

Title 3. Water Quality and Flood Management. To protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding.

19. Finding: Title 3 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. Title 3 establishes performance standards for 1) flood management; 2) erosion and sediment control; and 3) water quality. The City has adopted overlay zones and land use regulations, including Title 10 Erosion Control and the balanced cut-and-fill standards in Title 24 Building Regulations, that, in the June 2011 update to its 2010 compliance report, Metro found sufficient to comply with Title 3. This ordinance does not change any of these overlays or regulations.

About 68 acres of multi-dwelling zoned areas are located in the 100-year floodplain. In the Zoning Code, the City of Portland's Title 3 program is implemented primarily through the environmental overlay zones, which are unchanged by these amendments and will ensure any new development will be done in a way to protect people and property and the functions and values of the floodplain.

Title 4. Industrial and Other Employment Areas. The Regional Framework Plan calls for a strong regional economy. To improve the economy, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of "clustering" to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region's transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities. The Metro Council will evaluate the effectiveness of Title 4 in achieving these purposes as part of its periodic analysis of the capacity of the urban growth boundary.

20. Finding: The purpose of Title 4 is to maintain a regional supply of existing industrial and employment land by limiting competing uses for this land. Metro has not adopted a Statewide Planning Goal 9 economic opportunities analysis for the region, so Title 4 is not based on an assessment of the land needed for various employment types, nor do the Title 4 maps necessarily

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depict lands most suitable to accommodate future job growth. Rather, Title 4 seeks to protect the manufacturing, warehousing, and distribution of goods within three types of mapped areas by limiting competing uses. These three areas are Regionally Significant Industrial Areas (RSIAs), Industrial Areas, and Employment Areas.

None of the affected multi-dwelling zones are applied in Metro designated Employment Areas. Therefore, the BHD amendments are consistent with the requirements of Metro Title 4.

Title 5. Neighboring Cities (repealed 1997)

Title 6. Centers, Corridors, Station Communities and Main Streets. The Regional Framework Plan identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high-capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro's approval.

- 21. Finding:** Title 6 establishes eligibility criteria for certain regional investments, and the use of more flexible trip generation assumptions when evaluating transportation impacts. Title 6 also contains aspirational activity level targets for different Metro 2040 place types. This title is incentive-based, so these findings simply serve to document intent. There are no specific mandatory compliance standards in Title 6 that apply to this ordinance.

About 4,300 acres (80 percent) of the multi-dwelling zoning areas are located in Metro 2040 places. The BHD amendments help to achieve Metro 2040 Growth Concept by increasing the development capacity and allowing a greater range of housing types that will contribute to a mix of needed housing types to be vibrant and successful Centers, Corridors, Station Communities and Main Streets as called for in 3.07.640.C.

Title 7. Housing Choice. The Regional Framework Plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments and assistance from local governments on reports on progress towards increasing the supply of affordable housing. It is the intent of Title 7 to implement these policies of the Regional Framework Plan.

- 22. Finding:** Title 7 addresses housing choice. Metro adopted voluntary affordable housing goals for each city and county in the region for the years 2001 to 2006, but never updated them. Title 7 does not apply. Nevertheless, the recently adopted *2035 Comprehensive Plan* includes city-wide affordable housing production goals that greatly exceed those adopted by the outdated Title 7 (Ordinance 178832). The BHD amendments support the production of affordable housing by including four significant incentives for affordable housing: 1) increase the inclusionary housing bonus; 2) provide a deeper affordability bonus; 3) provide a bonus for three-bedroom units; and 4) allow the transfer of unused development capacity in situations where existing affordable housing is preserved.

Title 8. Compliance Procedures. Title 8 addresses compliance procedures and establishes a process for ensuring city or county compliance with requirements of the Urban Growth Management Functional Plan. A city or county proposing an amendment to a comprehensive plan or land use regulation shall submit the proposed amendment to METRO at least 35 days prior to the first evidentiary hearing on the amendment.

- 23. Finding:** This notice was provided to Metro. Title 8 also requires the City to provide findings of compliance with the *Urban Growth Management Functional Plan*. The findings in this ordinance were also provided to Metro. All applicable requirements of Title 8 have been met.

Title 9. Performance Measures. (repealed in 2010)

Title 10. Functional Plan Definitions. Title 10 contains definitions. When 2035 Comprehensive Plan uses a term found in Title 10 either the term has the same meaning found in Title 10, or the difference is explained.

24. **Finding:** The BHD amendments do not change any definitions in the 2035 Comprehensive Plan that are also found in Title 10. All applicable requirements of Title 10 requirements have been met.

Title 11. Planning for New Urban Areas. (not directly applicable)

Title 12. Protection of Residential Neighborhoods. Existing neighborhoods are essential to the success of the 2040 Growth Concept. The intent of Title 12 of the Urban Growth Management Functional Plan is to protect the region's residential neighborhoods. The purpose of Title 12 is to help implement the policy of the Regional Framework Plan to protect existing residential neighborhoods from air and water pollution, noise, and crime and to provide adequate levels of public services.

25. **Finding:** Title 12 addresses protection of residential neighborhoods. This title largely restricts Metro's authority to plan and regulate density in single-family neighborhoods. Further, the 2035 Comprehensive Plan does not employ any of the optional provisions of Title 12. Even though Metro provided a grant to support some of this work, the BHD amendments were originated by the City's legislative process and not at the direction of Metro. Therefore, this title does not apply to this ordinance.

Title 13. Nature in Neighborhoods. The purposes of this program are to (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

26. **Finding:** Title 13 is expressly intended to provide a minimum baseline level of protection for identified Habitat Conservation Areas. Local jurisdictions may achieve substantial compliance with Title 13 using regulatory and/or non-regulatory tools. The City of Portland implements Title 13 through its adopted Natural Resources Inventory (NRI) and subsequent protection measures through the environmental overlay zones, which Metro has found to be in substantial compliance with Title 13.

No changes to the environmental overlay zones are proposed as part of this project. Therefore, BHD amendments are consistent with the requirements of Title 13.

Title 14. Urban Growth Management Plan. Title 14 addresses the regional urban growth boundary. Since this ordinance does not require, nor initiate, a boundary change, Title 14 does not apply.

Summary, Urban Growth Management Functional Plan Findings

27. **Finding:** The Metro Title 10 definition of comply or compliance means "substantial" rather than absolute compliance. "Substantial compliance" means city comprehensive plans and implementing ordinances, on the whole, conform with the purposes of the performance standards in the functional plan and any failure to meet individual performance standard requirements is technical or minor in nature.

For the facts and reasons stated above this ordinance substantially complies with all Urban Growth Management Functional Plan requirements applicable to the BHD amendments.

Part III. Portland's Comprehensive Plan

Portland's 2035 Comprehensive Plan was adopted as part of Task Four of Periodic Review. Task Four was adopted by Ordinance No. 187832 on June 15, 2016. The 2035 Comprehensive Plan was amended as part of Task Five of Periodic Review, which was adopted by Ordinance No. 188177 on December 21, 2016. Both ordinances were made effective on May 24, 2018 by Ordinance No. 188695, and both Tasks Four and Five were approved by LCDC Order 18 – WKTSK – 001897 on August 8, 2018.

28. Finding: The City Council has identified the following guiding principles, goals and policies to be applicable to the BHD amendments.

Guiding Principles

The 2035 Comprehensive Plan adopted five “guiding principles” in addition to the goals and policies typically included in a comprehensive plan. These principles were adopted to reinforce that implementation of the plan needs to be balanced, integrated and multi-disciplinary, and the influence of each principle helps to shape the overall all policy framework of the plan. The BHD amendments further these guiding principles as described below.

Economic Prosperity. Support a low-carbon economy and foster employment growth, competitiveness and equitably distributed household prosperity.

29. Finding: This guiding principle is to support a robust and resilient regional economy, thriving local businesses and growth in living-wage jobs and household prosperity. The BHD amendments support a low-carbon economy by supporting the development of compact housing close to services and transit (86% of multi-dwelling zoning is within ½-mile of transit service), which helps people spend less on transportation and utilities. The changes foster employment growth by expanding opportunities for commercial uses in multi-dwelling zones along corridors and near transit stations. The amendments contribute to more equitably distributed household prosperity with incentives for the creation of affordable housing. Furthermore, the BHD amendments do not reduce or convert any lands zoned for employment. Therefore, the BHD amendments will further the economic prosperity guiding principle.

Human Health. Avoid or minimize negative health impacts and improve opportunities for Portlanders to lead healthy, active lives.

30. Finding: The BHD amendments further the following objectives which are intended to avoid or minimize negative health impacts and improve opportunities for Portlanders to lead healthy active lives. The changes contribute to human health by ensuring new housing includes residential outdoor spaces that support healthy living and social interaction, through limiting large paved areas that contribute to urban heat island impacts, by facilitating active mobility by allowing more people to live close to services, and by supporting the development of a wide range of housing that can meet the diverse needs, abilities, and economic conditions of Portlanders.

Increase access to complete neighborhoods. As described in the 2035 Comprehensive Plan (page I-15), complete neighborhoods are places where people have safe and convenient access to the goods and services needed in daily life. The conveniences of a complete neighborhood make it easier for residents to have active lifestyles and integrate exercise into their daily lives. Roughly 2,800 acres (52 percent) of multi-dwelling zoning are located in areas that are considered to be complete neighborhoods. Allowing for more housing options will help expand housing opportunities in these locations, providing more residents with access to these areas.

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Strengthen consideration of environmental justice. The 2035 Comprehensive Plan describes environmental justice as “the equitable treatment and meaningful involvement of all people in public decision making as it applies to who benefits and who bears the cost of development and growth.” The multi-dwelling zones encompass nearly every neighborhood in the City including vulnerable neighborhoods. “Vulnerable neighborhoods” are defined as census tracts with higher than average shares of people that are vulnerable to economic displacement: renters, communities of color, adults without a four-year college degree and renters. The BHD amendments were informed by input from a diverse range of community members who live in or are affected by multi-dwelling housing and development. The project’s Public Involvement Plan identified groups who have a stake in the future of multi-family housing and included equity considerations in identifying impacted populations, which guided the project’s public outreach approach. Project staff worked closely with the Jade District/APANO and the Rosewood Initiative to seek involvement by a diversity of East Portland residents, given that part of the intent of the project was to address concerns about multi-dwelling development and the lack of street connections in East Portland. Half of the project’s Stakeholder Working Group meetings, during which issues and solutions were discussed with community members, were held in Eastern Portland to facilitate participation by East Portland residents. The PSC public hearing was held at the Portland Community College Southeast campus in the evening to make the meeting more accessible to East Portland residents.

Testimony by Tamara DeRidder raised concerns that the BHD amendments fail to address air quality and other health related impacts. Specifically, the concern is that most of the air pollution is caused by cars and trucks and that most of the multi-dwelling zoning is near streets with heavier traffic volumes and/or designated as freight routes, making the residents of multi-dwelling housing more susceptible to poor health impacts. The proposed solution is to require enhanced air quality filters in multi-dwelling structures. The City Council shares the concern about air quality impacts, but finds that the proposed remedy is beyond the scope of this project. As noted in the testimony, enhanced air quality filters is a State Building Code issue, and not one that regulated through the Zoning Code. Therefore, it is not appropriate to include those types of requirements in the Zoning Code.

Tamara DeRidder’s testimony finds fault that the Key Comprehensive Plan Objectives section of the Recommended Draft Report failed to address the key public health policies, and thus, fails to “satisfy” or comply with the 2035 Comprehensive Plan. The City Council disagrees and finds the Key Comprehensive Plan Objectives section is just a selection of guiding policies. The final determination of how each goal and policy of the 2035 Comprehensive Plan is addressed is this document and the identified policies are addressed below.

Further, Tamara DeRidder’s testimony finds fault with the City’s finding for the Human Health guiding principle because it specifically failed to address the language in Policy 4.33 that states projects should “limit and mitigate public health impacts”. City Council disagrees and interprets the requirement to address the Guiding Principles as a general overview discussion that does not require addressing specific language in specific policies.

Finally, Tamara DeRidder’s testimony claims that changes to the development standards are in conflict with the Human Health Guiding Principle. The City Council disagrees. The testimony calls out the 5 percent decrease in minimum landscaped area in the current R3 zone. The City Council finds that R3 zone is a small share (about 10%) of the total multi-dwelling zoning in Portland, most of which is located in East Portland. The BHD amendments have additional requirements for deeper rear setbacks that will offset this small reduction in required landscaping. Also, the BHD amendments include enhance development capacity transfers for tree preservation to incentivize

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retaining large trees that can improve human health outcomes. The testimony calls out the 10% increase in maximum building coverage for current R1 zoning along civic and neighborhood corridors. The City Council finds that the increase in maximum building coverage is offset by the increase in required minimum front building setback that provides additional area for trees and landscaping that can provide a buffer between the building and the street.

Environmental Health. Weave nature into the city and foster a healthy environment that sustains people, neighborhoods, and fish and wildlife. Recognize the intrinsic value of nature and sustain the ecosystem services of Portland’s air, water and land.

31. Finding: The BHD amendments help implement this principle by providing incentives for tree preservation, requiring outdoors spaces that expand opportunities for trees and other green elements, limiting paved surfaces, supporting the use of eco roofs and other green infrastructure, and by expanding options for the development of energy-efficient compact housing in locations supportive of low-carbon transportation options (such as transit, walking, and bicycling). No changes to the environmental or greenway overlay zones are proposed as part of this project, therefore the natural resource values and functions will be sustained.

Equity. Promote equity and environmental justice by reducing disparities, minimizing burdens, extending community benefits, increasing the amount of affordable housing, affirmatively furthering fair housing, proactively fighting displacement, and improving socio-economic opportunities for under-served and under-represented populations. Intentionally engage under-served and under-represented populations in decisions that affect them. Specifically recognize, address and prevent repetition of the injustices suffered by communities of color throughout Portland’s history.

32. Finding: The City Council determines that this guiding principle provides a framework to ensure Portlanders more equitably share in the benefits and burdens of growth and development. A fundamental purpose of the BHD amendments is to provide greater variety of housing choices and it advances this principle by providing incentives for the creation of new affordable housing and for preserving existing affordable housing. The changes also contribute to equity through development bonuses for “visitable” housing that is physically-accessible to people with a range of abilities, through provisions that address the need for street connections and outdoor spaces in East Portland, and by increasing opportunities for home-based businesses and services along East Portland’s corridors.

The adoption process for the BHD amendments included outreach activities (notices, helpline, advertisements, and meeting locations) to engage under-served and under-represented populations in decision-making process. As noted in the findings for Statewide Planning Goal 1 (Citizen Involvement) and Chapter 2 (Community Involvement) of the 2035 Comprehensive Plan, the findings in response to those goals and policies are incorporated by reference, the BHD amendments are consistent with the principle to create a robust and more inclusive community involvement process.

The displacement impacts of the BHD amendments were analyzed and reported in Appendix F of the Recommended Draft report. The greatest risk of negative impacts from the BHD amendments is displacement due to the redevelopment of existing housing units, especially those units occupied by under-served and under-represented communities. Most of the development capacity in the multi-dwelling zones is through redevelopment of existing development. Only 16 percent of the future development capacity is on vacant land. Most of the additional redevelopment sites are single-family houses in multi-dwelling zones, where about 60 percent are owner-occupied. The greatest risk for displacement would be with the redevelopment of multi-dwelling structures, but

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the BPS displacement risk analysis indicates that very few properties (10 to 24 sites with up to 67 units) have low enough values to be feasible for redevelopment. These impacts are mitigated by four significant incentives for affordable housing that will help to offset any displacement that occurs.

Resilience. Reduce risk and improve the ability of individuals, communities, economic systems, and the natural and built environments to withstand, recover from, and adapt to changes from natural hazards, human-made disasters, climate change, and economic shifts.

33. Finding: The 2035 Comprehensive Plan describes resilience as “reducing the vulnerability of our neighborhoods, businesses, and built and natural infrastructure to withstand challenges – environmental, economic and social – that may result from major hazardous events.” The BHD amendments support this principle by helping to focus growth in and around centers and corridors to avoid sensitive natural areas and hazards, contributing to complete neighborhoods that support neighborhood resilience and a low-carbon economy, supporting a diversity of housing options responsive to changing demographics and household needs, and limiting urban heat islands that will be an increasing threat in a warming climate.

About 600 acres (12 percent) of the multi-dwelling zoned areas are located in these potential natural hazard areas. Most (530 acres) of this area is in the Landslide Hazard Area. City programs that are deemed in compliance with Metro Title 3 requirements for flood management, and erosion and sediment control (i.e., City Title 10 Erosion Control, and the balanced cut and fill requirements of City Title 24), as well as the environmental overlay zones are unchanged by these amendments and will ensure any new development will be done in a way to protect people and property from hazards.

Chapter 1: The Plan

Goal 1.A: Multiple goals. Portland’s Comprehensive Plan provides a framework to guide land use, development, and public facility investments. It is based on a set of Guiding Principles that call for integrated approaches, actions, and outcomes that meet multiple goals to ensure Portland is prosperous, healthy, equitable, and resilient.

34. Finding: The BHD amendments are an amendment to the 2035 Comprehensive Plan. BHD amendments include Comprehensive Plan policy amendments (renamed land use designations), Comprehensive Plan Map amendments, Zoning Code amendments, and Zoning Map amendments. As noted above, BHD amendments are consistent with the guiding principles of the 2035 Comprehensive Plan.

Goal 1.B: Regional partnership. Portland’s Comprehensive Plan acknowledges Portland’s role within the region, and it is coordinated with the policies of governmental partners.

35. Finding: The findings show how the amendments are consistent with Metro’s Urban Growth Management Functional Plan and the Statewide Planning Goals. Metro, TriMet, and other state agencies received notice of the proposed BHD amendments from the 35-day DLCD notice and the City’s legislative notice.

Goal 1.C: A well-functioning plan. Portland’s Comprehensive Plan is effective, its elements are aligned, and it is updated periodically to be current and to address mandates, community needs, and identified problems.

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36. Finding: These findings demonstrate how the BHD amendments are consistent with the 2035 Comprehensive Plan, including advancing multiple goals, and utilizing regulatory implementation tools that promote current and future interests, especially in providing additional housing opportunities across a range of housing types to accommodate future growth.

Goal 1.D: Implementation tools. Portland's Comprehensive Plan is executed through a variety of implementation tools, both regulatory and non-regulatory. Implementation tools comply with the Comprehensive Plan and are carried out in a coordinated and efficient manner. They protect the public's current and future interests and balance the need for providing certainty for future development with the need for flexibility and the opportunity to promote innovation.

37. Finding: The BHD amendments include changes to the Zoning Code and Zoning Map, which are primary implementation tools. The City Council finds that it is in the public interest to provide for increased housing opportunities by increasing the housing capacity in Portland and providing for a wider range of housing types in multi-dwelling zones by providing more flexibility in terms of the number units in a building by focusing regulations on building scale and design. The Zoning Code amendments change development standards, which may create uncertainty for some developers. However, the City Council finds that many of these changes create flexibility, such as making vehicle parking optional in most situations and allowing ground-floor commercial uses along major corridors, and promote innovation, such as allowing ecoroofs to count towards meeting landscaping requirements and allowing indoor common areas to meet recreation space requirements.

Goal 1.E: Administration. Portland's Comprehensive Plan is administered efficiently and effectively and in ways that forward the intent of the Plan. It is administered in accordance with regional plans and state and federal law.

38. Finding: The BHD amendments. As noted above, the findings show how the amendments are consistent with Metro's Urban Growth Management Functional Plan and the Statewide Planning Goals. The findings in this report also show how the BHD amendments effectively forward the intent of the Comprehensive Plan.

The Comprehensive Plan

Policy 1.1. Comprehensive Plan elements. Maintain a Comprehensive Plan that includes these elements:

- **Vision and Guiding Principles.** The Vision is a statement of where the City aspires to be in 2035. The Guiding Principles call for decisions that meet multiple goals to ensure Portland is prosperous, healthy, equitable, and resilient.
- **Goals and policies.** The goals and policies of the Comprehensive Plan, including the Urban Design Framework, provide the long-range planning direction for the development and redevelopment of the city.
- **Comprehensive Plan Map.** The Comprehensive Plan Map is the official long-range planning guide for spatially defining the desired land uses and development in Portland. The Comprehensive Plan Map is a series of maps, which together show the boundaries of municipal incorporation, the Urban Service Boundary, land use designations, and the recognized boundaries of the Central City, Gateway regional center, town centers, and neighborhood centers.

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- **List of Significant Projects.** The List of Significant Projects identifies the public facility projects needed to serve designated land uses through 2035, including expected new housing and jobs. It is based on the framework provided by a supporting Public Facilities Plan (PFP). The Citywide Systems Plan (CSP) is the City's public facilities plan. The Transportation System Plan (TSP) includes the transportation-related list of significant projects. The list element of the TSP is also an element of the Comprehensive Plan.
- **Transportation policies, street classifications, and street plans.** The policies, street classifications, and street plan maps contained in the Transportation System Plan (TSP) are an element of the Comprehensive Plan. Other parts of the TSP function as a supporting document, as described in Policy 1.2.

39. **Finding:** The verb "maintain" is defined in the 2035 Comprehensive Plan as to keep what you have, conserve, continue. The City Council interprets this policy to mean that the City retains all of elements of the comprehensive plan. This ordinance does not change the Vision or Guiding Principles. The BHD amendments include Comprehensive Plan policy amendments (renamed land use designations) and corresponding Comprehensive Plan Map amendments. The map amendments generally assign the new map designation that most closely matches the existing map designation (Multi-Dwelling – 3,000 and Multi-Dwelling – 2,000 to Multi-Dwelling – Neighborhood). The exception are map changes in the Alphabet Historic District in Northwest Portland and the King's Hill Historic District, just west of the Central City. The current designations allow building scale that is substantially larger than historic buildings in some parts of these districts, while disallowing new buildings to be as large as historic buildings in other areas. The BHD map amendments calibrate development allowances to the scale of the historic districts. The City Council finds that the policy and map changes improve the long-range planning direction for the development and redevelopment of the city's multi-dwelling zones.

The BHD amendments do not change the List of Significant Projects, nor do they change policies, street classifications, or street plan maps contained in the Transportation System Plan (TSP).

Supporting Documents

Policy 1.2. Comprehensive Plan supporting documents. Maintain and periodically update the following Comprehensive Plan supporting documents.

1. **Inventories and analyses.** The following inventories and analyses are supporting documents to the Comprehensive Plan:
 - Economic Opportunities Analysis (EOA)
 - Buildable Lands Inventory (BLI)
 - Natural Resource Inventory (NRI)
 - Housing Needs Analysis (HNA)

40. **Finding:** The BHD amendments were developed consistent with the supporting documents of the adopted 2035 Comprehensive Plan. The BHD amendments do not significantly impact the employment development capacity as no designated employment areas are proposed to be rezoned and are not affected by the amendments. The BHD zoning code amendments expand the opportunity for small-scale commercial uses. Currently, commercial uses are prohibited in most multi-dwelling zones, and are conditional uses (subject to a discretionary review process) near light rail stations in the RH zone. The BHD amendments will allow a small amount of ground floor retail or offices uses in all multi-dwelling zones, regardless of location, without a conditional use review.

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The Buildable Lands Inventory was updated to incorporate the BHD amendments. The BHD amendments expand the types of housing allowed, especially in the lower density RM1 and RM2 multi-dwelling zones, which make up 92 percent of the multi-dwelling zoned land in Portland. The change to regulating density by FAR will provide more flexibility for how many units are allowed inside the building, which will allow for a wider range of smaller housing types and sizes. In RM2 zone, which is often located along transit corridors, will allow for a higher density that is similar to adjacent mixed-use commercial zones. After accounting for the BLI constraints, the development capacity in BHD zones increases by about 14,000 units. As required by ORS 195.036, the BLI allocation model uses Metro's population forecast to determine where new housing units are likely to be allocated. The BHD capacity and growth allocation model shows minor changes to the spatial distribution of housing units across Portland.

The BHD amendments do not change the NRI or the implementing environmental overlay zones.

The BHD amendments are consistent with the Housing Needs Analysis by providing for increased capacity for residential development. The changes also provide for increased housing types, especially in three of the current multi-dwelling residential zones (R1/R2/R3), where the regulations shift from calculating density by a units per acre basis to a floor area ratio (FAR) basis. The amendments increase the potential for a variety of housing types that are identified as a needed housing type.

2. Public Facilities Plan. The Public Facilities Plan (PFP) is a coordinated plan for the provision of urban public facilities and services within Portland's Urban Services Boundary. The Citywide Systems Plan (CSP) is the City's public facilities plan.

- 41. Finding:** As demonstrated in the findings for Statewide Planning Goal 11, the BHD amendments do not significantly impact the provision of public services to these zones and are consistent with the adopted Citywide Systems Plan (CSP). The CSP, which was adopted (Ordinance 185657) and acknowledged by LCDC on April 25, 2017, includes the Public Facilities Plan with information on current and future transportation, water, sanitary sewer, and stormwater infrastructure needs and projects, consistent with the requirements of Statewide Planning Goal 11.

In addition, the service limitations identified in the CSP have been incorporated into the adopted BLI development constraint analysis that identified parts of Portland that lack needed urban infrastructure. The BLI analysis is the basis of a geographic evaluation of the units created through the BHD amendments to ensure that public facilities are planned to support any potential development that could result. Generally, the systems are adequate to support the small increase of additional units in specific areas of Portland, but localized issues may require facility upgrades in conjunction with development. This means that in some cases, development could face increased cost to alleviate the constrained infrastructure.

As noted below in the findings for goals and policies of Chapter 8 (Public Facilities and Services), which are incorporated by reference, the BHD amendments are consistent with the CSP.

3. Transportation System Plan (TSP). The TSP is the detailed long-range plan to guide transportation system functions and investments. The TSP ensures that new development and allowed land uses are consistent with the identified function and capacity of, and adopted performance measures for, affected transportation facilities. The TSP includes a financial plan to identify revenue sources for planned transportation facilities included on the List of Significant Projects. The TSP is the transportation element of the Public Facilities Plan. Certain components of the TSP are elements of the Comprehensive Plan. *See Policy 1.1.*

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42. Finding: As demonstrated in the findings for Statewide Planning Goal 12 (Transportation) and the goals and policies of Chapter 9 (Transportation), the BHD amendments do not significantly impact the transportation system. The transportation impact of the BHD amendments was evaluated by the Portland Bureau of Transportation (PBOT) (see PBOT memo, dated September 6, 2019). In the six areas where there is expected to be increased household growth, peak PM hour vehicle traffic is dispersed across the transportation network in these areas. This additional traffic is not expected to degrade the performance of existing or planned transportation facilities such that they would not meet the performance standards in the TSP. As part of the 2035 Comprehensive Plan process, PBOT and ODOT identified a list of streets of concern where future congestion may make it difficult for jurisdictional standards to be met. The modelling shows that the minor impacts are not large in terms of absolute numbers of added vehicles during peak PM hour (average 18 trips). These added trips could degrade the performance of these facilities. However, there are mitigating factors and strategies that should reduce the impact of these changes. These mitigation strategies are described in the findings for Statewide Planning Goal 12, above.

4. School Facility Plans. School facility plans that were developed in consultation with the City, adopted by school districts serving the City, and that meet the requirements of ORS 195 are considered supporting documents to the Comprehensive Plan.

43. Finding: David Douglas School District (DDSD) is the only school district in Portland with an adopted school facility plan. The Buildable Lands Inventory calculates available development capacity and predicts where new households will be allocated over the planning period. Comparing the BHD growth allocation to the current Comprehensive Plan zoning, the net change to households in the David Douglas School District is a reduction of 1,500 units (roughly a 12% decrease from 12,000 units previously forecasted). This shift is primarily due to how the BHD changes affect other parts of the city and reflect recent development trends that have more growth in the Central City and inner neighborhoods and slower growth in East Portland. The David Douglas School District has indicated that it can accommodate these changes into their future forecasting for their facility plan.

Implementation tools

Policy 1.3. Implementation tools subject to the Comprehensive Plan. Maintain Comprehensive Plan implementation tools that are derived from, and comply with, the Comprehensive Plan.

Implementation tools include those identified in policies 1.4 through 1.9.

44. Finding: The City Council interprets this policy to mean that the City retains all of the implementation tools identified in policies 1.4 through 1.9. The BHD amendments change the Zoning Code (1.4) and the Zoning Map (1.5) in a way, as described in these findings, that complies with the 2035 Comprehensive Plan.

Policy 1.4. Zoning Code. Maintain a Zoning Code that establishes the regulations that apply to various zones, districts, uses, and development types.

45. Finding: The BHD amendments include Zoning Code amendments intended to implement the policy framework of the *2035 Comprehensive Plan*. The Zoning Code amendments include the creation of four new multi-dwelling residential zones.

Policy 1.5 Zoning Map. Maintain a Zoning Map that identifies the boundaries of various zones, districts, and other special features.

46. Finding: The BHD amendments include Zoning Map amendments intended to implement the policy framework of the *2035 Comprehensive Plan*. The Zoning Map amendments apply the four new

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multi-dwelling residential zones, consistent with 2035 Comprehensive Plan Map, as amended by this ordinance.

Policy 1.6 Service coordination agreements. Maintain coordination agreements with local governments of adjoining jurisdictions concerning mutual recognition of urban service boundaries; special service districts concerning public facilities and services within Portland's Urban Services Boundary; and public school districts concerning educational facilities within Portland's Urban Services Boundary.

Policy 1.7 Annexations. Provide a process incorporating urban and urbanizable land within the City's Urban Services Boundary through annexation. See policies 8.11-8.19 for service extension requirements for annexations.

Policy 1.8 Urban renewal plans. Coordinate Comprehensive Plan implementation with urban renewal plans and implementation activities. A decision to adopt a new urban renewal district, adopt or amend goals and objectives that will guide investment priorities within a district, or amend the boundaries of an existing district, must comply with the Comprehensive Plan.

Policy 1.9 Development agreements. Consider development agreements entered into by the City of Portland and pursuant to Oregon Revised Statute 94 a Comprehensive Plan implementation tool.

47. **Finding:** The City Council finds that policies 1.6 through 1.9 do not apply because the BHD amendments do not include changes or amendments to service coordination agreements, annexation processes, urban renewal plans, or development agreements.

Administration

Policy 1.10. Compliance with the Comprehensive Plan. Ensure that amendments to the Comprehensive Plan's elements, supporting documents, and implementation tools comply with the Comprehensive Plan. "Comply" means that amendments must be evaluated against the Comprehensive Plan's applicable goals and policies and on balance be equally or more supportive of the Comprehensive Plan than the existing language or designation.

1.10.a Legislative amendments to the Comprehensive Plan's elements and implementation tools must also comply with the Guiding Principles.

1.10.b Legislative amendments to the Comprehensive Plan's elements should be based on the factual basis established in the supporting documents as updated and amended over time.

1.10.c Amendments to the Zoning Map are in compliance with the Comprehensive Plan if they are consistent with the Comprehensive Plan Map.

48. **Finding:** The City Council finds that this is a fundamental policy of the Comprehensive Plan that guides the manner in which the City Council considers amendments to the Plan itself or any implementing regulations, such as the Zoning Code and Zoning Map. The City Council interprets the policy to require the Council to consider whether, after considering all relevant facts, an amendment is equally or more supportive of the Comprehensive Plan. The City Council finds that an amendment is equally supportive when it is on its face directly supported by goals and policies in the Plan. The City Council finds that an amendment is more supportive of the Comprehensive Plan when the amendment will further advance goals and policies, particularly those that are aspirational in nature. The City Council finds that the policy requires consideration as to whether amendments are equally or more supportive of the Plan as a whole. The City Council finds that

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amendments do not need to be equally or more supportive with individual goals and policies, but rather amendments must be equally or more supportive of the entire Comprehensive Plan. Therefore, the City Council finds that there may be instances where specific goals and policies are not supported by the amendments but still the amendment is equally or more supportive of the entire Comprehensive Plan when considered cumulatively. The City Council finds that there is no precise mathematical equation for determining when the Plan as a whole is supported but rather such consideration requires City Council discretion in evaluating the competing interests and objectives of the plan.

The BHD amendments include legislative amendments to the Zoning Code and Zoning Map, which are implementation tools of the 2035 Comprehensive Plan. These findings identify how the BHD amendments comply with the 2035 Comprehensive Plan. That is, the amendments are evaluated against the 2035 Comprehensive Plan's Guiding Principles, goals, and policies, as detailed throughout this set of findings. The City Council finds that these amendments are equally or more supportive of the Comprehensive Plan than the existing Zoning Code and Map regulations because the amendments better promote a broad range of policies objectives, including those related to housing, urban form, and design and development.

The City Council finds that the evaluation to determine if the BHD amendments are on balance equally or more supportive than the existing language or designation must consider all of the goals and policies, as demonstrated by these findings. However, these amendments embody a situation where there are competing directions embodied by different policies. There are some policies where the amendments are equally supportive—not more or less so—but there are other policies where the amendments are more supportive and the code changes better embody the direction in the Comprehensive Plan as a whole.

For the reasons stated in these findings, the City Council concludes that the BHD amendments are on balance more supportive of the goals and policies of the 2035 Comprehensive Plan than the current regulations. The City Council has considered all applicable goals and policies to achieve an optimum outcome. Goals and policies are considered as factors which must be weighed, balanced and met on the whole, not as criteria that must be individually met. The overall purposes of the BHD amendments are to expand the diversity and affordability of housing opportunities in the multi-dwelling zones, promote design that supports livability for residents of multi-dwelling housing, contributes to fostering pedestrian-oriented places, integrates green elements, and contributes to connected communities where more people can live close to services and transit. The City council has weighed and balanced the applicable goals and policies and concludes that, on the whole, adopting the BHD amendments is more supportive of the 2035 Comprehensive Plan than keeping the Zoning Code and Zoning Map as they currently exist.

Policy 1.11. Consistency with Metro Urban Growth Management Functional Plan and Urban Growth Boundary. Ensure that the Comprehensive Plan remains consistent with the Metro Urban Growth Management Functional Plan and supports a tight urban growth boundary for the Portland metropolitan area.

Policy 1.12. Consistency with Statewide Planning Goals. Ensure that the Comprehensive Plan, supporting documents, and implementation tools remain consistent with the Oregon Statewide Planning Goals.

49. Finding: As noted earlier in these findings, the BHD amendments are consistent with and designed to further the applicable elements of the Metro Urban Growth Management Functional Plan and Statewide Planning Goals, consistent with the directives of policies 1.11 and 1.12.

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Policy 1.13. Consistency with state and federal regulations. Ensure that the Comprehensive Plan remains consistent with all applicable state and federal regulations, and that implementation measures for the Comprehensive Plan are well coordinated with other City activities that respond to state and federal regulations.

50. Finding: The BHD amendments were developed to be consistent with applicable state and federal regulations and do not amend any Zoning Code sections that are required by state or federal regulations, including FEMA flood regulations and state building code requirements.

Policy 1.14. Public facility adequacy. Consider impacts on the existing and future availability and capacity of urban public facilities and services when amending Comprehensive Plan elements and implementation tools. Urban public facilities and services include those provided by the City, neighboring jurisdictions, and partners within Portland’s urban services boundaries, as established by Policies 8.2 and 8.6.

51. Finding: As demonstrated in the findings for Statewide Planning Goal 11 and Chapter 8 (Public Facilities and Services) of the 2035 Comprehensive Plan, the BHD amendments do not significantly impact the provision of public services to these sites.

Policy 1.15. Intergovernmental coordination. Strive to administer the Comprehensive Plan elements and implementation tools in a manner that supports the efforts and fiscal health of the City, county and regional governments, and partner agencies such as school districts and transit agencies.

52. Finding: As demonstrated in the findings for Statewide Planning Goal 2, the City filed the required 35-day notice with Oregon Department of Land Conservation and Development to notify other government agencies of the proposed BHD amendments. In addition, the City sent a separate legislative notice to Multnomah County, adjacent cities, Metro and TriMet. The City also coordinated with the David Douglas School District to consider how these amendments may address school enrollment. No government agencies raised issues or concerns with the BHD amendments.

Policy 1.16. Planning and Sustainability Commission review. Ensure the Planning and Sustainability Commission (PSC) reviews and makes recommendations to the City Council on all proposed legislative amendments to Comprehensive Plan elements, supporting documents, and implementation tools. The PSC advises City Council on the City’s long-range goals, policies, and programs for land use, planning, and sustainability. The membership and powers and duties of the PSC are described in the Zoning Code.

53. Finding: The PSC reviewed and recommended the BHD amendments according to the following schedule:

May 22, 2018 – PSC briefing on BHD proposals
June 12, 2018 – Public hearings and testimony
September 11, 2018 – PSC work session on topics and schedule
September 25, 2018 – PSC work session on development scale and bonuses
October 9, 2018 – PSC work session on East Portland, street connections, and parking
November 13, 2018 – PSC work session on historic districts and visitability
November 27, 2018 – PSC work session on building design and setbacks
December 11, 2018 – PSC work session on front garages and parking location

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April 9, 2019 – PSC work session on Revised Proposed Draft and historic district zoning

April 30, 2019 – PSC recommendation vote to City Council

Policy 1.17. Community Involvement Committee. Establish a Community Involvement Committee to oversee the Community Involvement Program as recognized by Oregon Statewide Planning Goal 1 – Community Involvement and policies 2.15-2.18 of this Comprehensive Plan.

54. Finding: The Citizen Involvement Committee was appointed in June 2018 and reviews and advises the way City staff engage with the public in land use and transportation planning. The Better Housing By Design project started in October 2016, prior to the creation of the CIC, so was unable to consult with the CIC on the community involvement program that informed these proposals and recommendations. However, the City Council determines that the BHD project was undertaken in compliance with community involvement goals and policies, as indicated in the Comprehensive Plan Chapter 2 (Community Involvement) findings.

Policy 1.18. Quasi-judicial amendments to the Comprehensive Plan Map. Applicants for quasi-judicial amendments to the Comprehensive Plan Map must show that the requested change adheres to Policies 1.10 through 1.15 and:

- Is compatible with the land use pattern established by the Comprehensive Plan Map.
- Is not in conflict with applicable adopted area-specific plans as described in Policy 1.19, or the applicable hearings body determines that the identified conflict represents a circumstance where the area specific plan is in conflict with the Comprehensive Plan and the proposed amendment is consistent with the Comprehensive Plan.

The Hearings Officer must review and make recommendations to the City Council on all quasi-judicial amendments to the Comprehensive Plan Map using procedures outlined in the Zoning Code.

55. Finding: This policy concerns quasi-judicial amendments to the Comprehensive Plan Map and is not applicable to this project, which is a legislative project.

Policy 1.19. Area-specific plans. Use area-specific plans to provide additional detail or refinements applicable at a smaller geographic scale, such as for centers and corridors, within the policy framework provided by the overall Comprehensive Plan.

1.19.a Area-specific plans that are adopted after May 24, 2018, should clearly identify which components amend Comprehensive Plan elements, supporting documents, or implementation tools. Such amendments should be appropriate to the scope of the Comprehensive Plan; be intended to guide land use decisions; and provide geographically-specific detail. Such amendments could include policies specific to the plan area, land use designation changes, zoning map changes, zoning code changes, and public facility projects necessary to serve designated land uses.

1.19.b Area-specific plan components intended as context, general guidance, or directives for future community-driven efforts should not amend the Comprehensive Plan elements or implementation tools but be adopted by resolution as intent. These components include vision statements, historical context, existing conditions, action plans, design preferences, and other background information.

1.19.c Community, area, neighborhood, and other area-specific plans that were adopted by ordinance prior to January 1, 2018 are still in effect. However, the elements of this Comprehensive

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Plan supersede any goals or policies of a community, area, or neighborhood plan that are inconsistent with this Plan.

56. Finding: The BHD amendments do not amend any of the area specific plans. Policy 1.19 directs that existing area-specific plans be used to provide additional detail or refinements at a smaller geographic scale, like centers or corridors. The BHD amendments are applicable at a citywide geography, with the changes affecting all zones equally across the city. At the citywide scale, the findings included herein demonstrate that the amendments are consistent with the 2035 Comprehensive Plan. The additional detail or refinements applicable at a smaller geographic scale in the area plans is maintained by applying a consistent crosswalk between the previous land use and zoning designations with new designations created by these amendments. Area specific plans with relevant housing policies are addressed below. To the degree that a particular policy from an area specific plan adopted prior to May 24, 2018 may conflict, per Policy 1.19.c. this inconsistency is superseded by the more recently adopted comprehensive plan policies.

Chapter 2: Community Involvement

Goal 2.A: Community involvement as a partnership. The City of Portland works together as a genuine partner with all Portland communities and interests. The City promotes, builds, and maintains relationships, and communicates with individuals, communities, neighborhoods, businesses, organizations, institutions, and other governments to ensure meaningful community involvement in planning and investment decisions.

Goal 2.B: Social justice and equity. The City of Portland seeks social justice by expanding choice and opportunity for all community members, recognizing a special responsibility to identify and engage, as genuine partners, under-served and under-represented communities in planning, investment, implementation, and enforcement processes, particularly those with potential to be adversely affected by the results of decisions. The City actively works to improve its planning and investment-related decisions to achieve equitable distribution of burdens and benefits and address past injustices.

Goal 2.C: Value community wisdom and participation. Portland values and encourages community and civic participation. The City seeks and considers community wisdom and diverse cultural perspectives, and integrates them with technical analysis, to strengthen land use decisions.

Goal 2.D: Transparency and accountability. City planning and investment decision-making processes are clear, open, and documented. Through these processes a diverse range of community interests are heard and balanced. The City makes it clear to the community who is responsible for making decisions and how community input is considered. Accountability includes monitoring and reporting outcomes.

Goal 2.E: Meaningful participation. Community members have meaningful opportunities to participate in and influence all stages of planning and decision making. Public processes engage the full diversity of affected community members, including under-served and under-represented individuals and communities. The City will seek and facilitate the involvement of those potentially affected by planning and decision making.

Goal 2.F: Accessible and effective participation. City planning and investment decision-making processes are designed to be culturally accessible and effective. The City draws from acknowledged best practices and uses a wide variety of tools, including those developed and recommended by under-served and under-represented communities, to promote inclusive, collaborative, culturally-specific, and robust community involvement.

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Goal 2.G: Strong civic infrastructure. Civic institutions, organizations, and processes encourage active and meaningful community involvement and strengthen the capacity of individuals and communities to participate in planning processes and civic life.

57. Finding: The City Council interprets the Chapter 2 goals and policies as calling for a broad range of meaningful community engagement approaches that complement the legally required public notices and meetings. The public engagement process provided opportunities for all interested parties to comment on and influence the early development of the BHD amendments, the PSC's Recommended Draft and the final decision before City Council.

The initial stages of the proposal were shaped by a series of Stakeholder Working Group meetings, half of which were held in East Portland and involved the Rosewood Initiative and the Jade District to ensure that the project's proposals were informed by East Portland's needs and characteristics.

The BHD amendments were also informed by previous projects that involved community partnerships with focused outreach to multi-family housing residents, including low-income and immigrant communities. These projects included the Healthy Active Communities for Portland's Affordable Housing Families Initiative, the Promoting Health Through Multi-Family Housing Project, and the East Portland Action Plan. This helped ensure that the amendments were informed by the perspectives of residents of multi-family housing.

In conjunction with publishing the Proposed Draft, the legally required Measure 56 notices were sent to all affected multi-dwelling zone property owners. In advance of the City Council public hearing, Measure 56 notices were also sent to a small number of property owners with properties that had recently been rezoned to multi-dwelling zoning and had not previously received notices.

To support these notices, the BPS website had a project page with the available documents; a Map App page with a testimony function; project summary sheets in English and in Spanish; BPS staff created a dedicated help phone line in conjunction with the release of the Proposed Draft; and BPS staff attended a series of community meetings to explain and answer questions regarding the Proposed Draft.

The public was provided opportunities to comment and suggest amendments in front of both the PSC and City Council.

Testimony by James Peterson raised concerns that BPS staff acted as a filter between community members and decision-makers. Specifically, that public comment summaries prepared by BPS staff are only concerned with "the body count" and not the substance of the comments. The City Council rejects this concern. The BPS staff summaries are more than participation counts and provide information on the topics of interest and the positions. Furthermore, we find that the testimony reader on-line application makes the written and verbal testimony provided at PSC and City Council hearings accessible to both the community and the decision-makers, which makes for a more robust involvement process. Finally, as evidence that the community is involved in all phases of the planning process, and specifically when decisions are made, the City Council notes the number of amendments that were made by the PSC and City Council as an indicator of the influence that the community has on the process – testimony was received and responded to with changes.

Partners in decision making

Policy 2.1. Partnerships and coordination. Maintain partnerships and coordinate land use engagement with:

2.1.a Individual community members.

2.1.b Communities of color, low-income populations, Limited English Proficient (LEP) communities, Native American communities, and other under-served and under-represented communities.

2.1.c District coalitions, neighborhood associations, and business district associations as local experts and communication channels for place-based projects.

2.1.d Businesses, unions, employees, and related organizations that reflect Portland's diversity as the center of regional economic and cultural activity.

2.1.e Community-based, faith-based, artistic and cultural, and interest-based non-profits, organizations, and groups.

2.1.f Institutions, governments, and Sovereign tribes.

Policy 2.2. Broaden partnerships. Work with district coalitions, neighborhood associations, and business district associations to increase participation and to help them reflect the diversity of the people and institutions they serve. Facilitate greater communication and collaboration among district coalitions, neighborhood associations, business district associations, culturally-specific organizations, and community-based organizations.

58. Finding: Policies 2.1 and 2.2 provide direction for a broad range of meaningful community engagement and partnership approaches that complement legally required public notices and meetings. In addition to meetings with district coalitions and neighborhood associations, the BHD amendments were informed by a broad range of individuals and groups. A series of Stakeholder Working Group meetings were held that involved participants with a broad range of perspectives and experience, including community group representatives, development professionals, tenant advocates, neighborhood residents, affordable housing providers and age-friendly advocates. All these meetings were open to the public and included opportunities for public comment. The amendments were also informed by roundtable discussions with development professionals, including affordable housing providers, designers, and developers and designers. Meetings that informed the development of the BHD amendments included meetings with neighborhood associations and district coalitions, Jade District/APANO, the Rosewood Initiative, Anti-displacement PDX, the Urban League, historic preservation advocates, and the East Portland Action Plan Housing Subcommittee.

Environmental justice

Policy 2.3. Extend benefits. Ensure plans and investments promote environmental justice by extending the community benefits associated with environmental assets, land use, and public investments to communities of color, low-income populations, and other under-served or under-represented groups impacted by the decision. Maximize economic, cultural, political, and environmental benefits through ongoing partnerships.

Policy 2.4. Eliminate burdens. Ensure plans and investments eliminate associated disproportionate burdens (e.g. adverse environmental, economic, or community impacts) for communities of color, low-income populations, and other under-served or under-represented groups impacted by the

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decision.

2.4.a, Minimize or mitigate disproportionate burdens in cases where they cannot be eliminated.

2.4.b, Use plans and investments to address disproportionate burdens of previous decisions.

59. Finding: For policies 2.3 and 2.4, the 2035 Comprehensive Plan defines “ensure” to mean “to make sure that something will happen or be available”. The BHD amendments address a number of issues that had been identified as particular burdens for low-income populations and communities of color, including housing affordability, the lack of outdoor space in multi-family housing, and inadequate pedestrian connections in East Portland. As described in the Recommended Draft Report, larger proportions of people of color and low-income households live in multi-family housing than the city as a whole, with half of African-American and Hispanic families with children living in multi-family housing. The amendments address these issues through new or expanded development bonuses for projects that include affordable housing, and expanded requirements for outdoor spaces, including requirements for common areas on large sites to provide opportunities for play areas, gathering, and growing food that had been identified as important by residents. BPS used a vulnerability analysis to identify neighborhoods (Census tracts) with higher than average shares of people that are vulnerable to economic displacement: renters, communities of color, adults without a four-year college degree and renters. Appendix F of the Recommended Draft summarizes an analysis of displacement risk in areas with multi-dwelling zone, which reinforced the need to address housing affordability. The amendments also include provisions intended to facilitate the creation of new street or pedestrian connections in East Portland, which has large numbers of vulnerable communities, to make it easier for residents to access local destination and transit.

Invest in education and training

Policy 2.5. Community capacity building. Enhance the ability of community members, particularly those in under-served and/or under-represented groups, to develop the relationships, knowledge, and skills to effectively participate in plan and investment processes.

Policy 2.6. Land use literacy. Provide training and educational opportunities to build the public’s understanding of land use, transportation, housing, and related topics, and increase capacity for meaningful participation in planning and investment processes.

Policy 2.7. Agency capacity building. Increase City staff’s capacity, tools, and skills to design and implement processes that engage a broad diversity of affected and interested communities, including under-served and under-represented communities, in meaningful and appropriate ways.

60. Finding: Policies 2.5 through 2.7 concern broad programs to educating community members and City staff about planning and engagement processes, and are not applicable to this project.

Community assessment

Policy 2.8. Channels of communication. Maintain channels of communication among City Council, the Planning and Sustainability Commission (PSC), project advisory committees, City staff, and community members.

61. Finding: In support of the BHD amendments, the project team conducted briefings with the PSC, the Portland Housing Advisory Commission (PHAC), the Historic Landmarks Commission, the Urban Forestry Commission, neighborhood associations, and community groups throughout the process as described in the Recommended Draft report.

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Testimony by James Peterson raised concerns that BPS staff acted as a filter between community members and decision-makers. Specifically, that public comment summaries prepared by BPS staff are only concerned with “the body count” and not the substance of the comments. The City Council rejects this concern. The BPS staff summaries are more than participation counts and provide information on the topics of interest and the positions. Furthermore, we find that the testimony reader on-line application makes the written and verbal testimony provided at PSC and City Council hearings accessible to both the community and the decision-makers, which makes for a more robust involvement process. Finally, as evidence that the community is involved in all phases of the planning process, and specifically when decisions are made, the City Council notes the number of amendments that were made by the PSC and City Council as an indicator of the influence that the community has on the process – testimony was received and responded to with changes.

Policy 2.9. Community analysis. Collect and evaluate data, including community-validated population data and information, to understand the needs, priorities, and trends and historical context affecting different communities in Portland.

62. Finding: In support of the BHD amendments, the project team analyzed the demographics and development trends in areas with concentrations of multi-dwelling zoning, as documented in the Better Housing by Design Assessment Report. Development of the amendments was informed by a range of previous projects that involved a diversity of community members, including the Healthy Active Communities for Portland’s Affordable Housing Families Initiative, the Promoting Health Through Multi-Family Housing Project, the East Portland Action Plan, the Southeast 122nd Avenue Study, and the Division-Midway Neighborhood Street Plan. All background information was posted online, allowing community feedback.

Policy 2.10. Community participation in data collection. Provide meaningful opportunities for individuals and communities to be involved in inventories, mapping, data analysis, and the development of alternatives.

63. Finding: In support of the BHD amendments, the project team was informed by a range of previous projects that involved a diversity of community member participation, including the Healthy Active Communities for Portland’s Affordable Housing Families Initiative, the Promoting Health Through Multi-Family Housing Project, the East Portland Action Plan, the Southeast 122nd Avenue Study, and the Division-Midway Neighborhood Street Plan. All background information was posted online, allowing community feedback. Community feedback obtained during community walks in the Jade District and Rosewood neighborhood centers also informed identification of issues.

Policy 2.11. Open Data. Ensure planning and investment decisions are a collaboration among stakeholders, including those listed in Policy 2.1. Where appropriate, encourage publication, accessibility, and wide-spread sharing of data collected and generated by the City.

64. Finding: To provide accessibility and the sharing of data, the BHD amendment documents were posted to a project specific website, including a Map App (online interactive web-based map application) that allowed for site-specific information and commenting for all map amendments.

Transparency and accountability

Policy 2.12. Roles and responsibilities. Establish clear roles, rights, and responsibilities for participants and decision makers in planning and investment processes. Address roles of City bureaus, elected officials, and participants, including community and neighborhood leadership, business, organizations, and individuals.

Policy 2.13. Project scope. Establish clear expectations about land use project sponsorship, purpose,

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design, and how decision makers will use the process results.

Policy 2.14. Community influence. At each stage of the process, identify which elements of a planning and investment process can be influenced or changed through community involvement. Clarify the extent to which those elements can be influenced or changed.

Policy 2.15. Documentation and feedback. Provide clear documentation for the rationale supporting decisions in planning and investment processes. Communicate to participants about the issues raised in the community involvement process, how public input affected outcomes, and the rationale used to make decisions.

65. Finding: Policies 2.12 through 2.15 provide direction regarding roles, responsibilities, feedback opportunities, and documentation for participants and decision makers. As described in the findings for Statewide Planning Goal 1 (Citizen Involvement), the legislative process was clearly outlined in notices, documents and on the project website as to how to testify to influence the Proposed Draft at the PSC, which amended the proposal. Then the Recommended Draft was published with the opportunity to testify to the City Council at the October 2, 2019 public hearing. Throughout this process, BPS staff contacted, met with, and coordinated with stakeholders to inform them how to engage in the decision-making process, how the process was structured, and additional opportunities to participate when such opportunities existed.

Community involvement program

Policy 2.16. Community Involvement Program. Maintain a Community Involvement Program that supports community involvement as an integral and meaningful part of the planning and investment decision-making process.

Policy 2.17. Community engagement manual. Create, maintain, and actively implement a community engagement manual that details how to conduct community involvement for planning and investment projects and decisions.

Policy 2.18. Best practices engagement methods. Utilize community engagement methods, tools, and technologies that are recognized as best practices.

Policy 2.19. Community Involvement Committee. The Community Involvement Committee (CIC), an independent advisory body, will evaluate and provide feedback to City staff on community involvement processes for individual planning and associated investment projects, before, during, and at the conclusion of these processes.

Policy 2.20. Review bodies. Maintain review bodies, such as the Planning and Sustainability Commission (PSC), Design Commission, Historic Landmarks Commission, and Adjustment Committee, to provide an opportunity for community involvement and provide leadership and expertise for specialized topic areas.

Policy 2.21. Program evaluation. Periodically evaluate the effectiveness of the Community Involvement Program and recommend and advocate for program and policy improvements. The Community Involvement Committee (CIC) will advise City staff regarding this evaluation.

Policy 2.22. Shared engagement methods. Coordinate and share methods, tools, and technologies that lead to successful engagement practices with both government and community partners and solicit engagement methods from the community.

Policy 2.23. Adequate funding and human resources. Provide a level of funding and human resources allocated to the Community Involvement Program sufficient to make community involvement an

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integral part of the planning, policy, investment and development process.

66. Finding: The City Council interprets policies 2.16 through 2.23 to concern the City's Community Involvement Program, including the Community Involvement Committee, and are not applicable because the BHD amendments do not change this program.

Process design and evaluation

Policy 2.24. Representation. Facilitate participation of a cross-section of the full diversity of affected Portlanders during planning and investment processes. This diversity includes individuals, stakeholders, and communities represented by race, color, national origin, English proficiency, gender, age, disability, religion, sexual orientation, gender identity, and source of income.

Policy 2.25. Early involvement. Improve opportunities for interested and affected community members to participate early in planning and investment processes, including identifying and prioritizing issues, needs, and opportunities; participating in process design; and recommending and prioritizing projects and/or other types of implementation.

67. Finding: The 2035 Comprehensive Plan defines the verb "facilitate" to mean to make something easier and the verb "improve" to mean increase, enhance; expand services, facilities, or resources to become better in terms of quality, condition, effectiveness, or functionality. With respect to policies 2.24 and 2.25, the City Council interprets these policies to require a project specific community involvement program to engage a broad range of stakeholders. The community engagement opportunities in support of the BHD amendments included people who live in multi-family housing and those involved in the development of housing. The project's Public Involvement Plan identified groups who have a stake in the future of multi-family housing and included equity considerations in identifying impacted populations, which guided the projects public outreach approach. A series of Stakeholder Working Group meetings were held that involved participants with a broad range of perspectives and experience, including community group representatives, development professionals, tenant advocates, neighborhood residents, affordable housing providers and age-friendly advocates. The amendments were also informed early in the process by roundtable discussions with development professionals, including affordable housing providers, designers, and developers and designers. The initial phases of project involved community members in identify issues that needed to be addressed. Project staff worked closely with the Jade District/APANO and the Rosewood Initiative to seek involvement by a diversity of East Portland residents. Accommodations were made available for people with disabilities and those that were non-English speaking stakeholders to participate in events and access materials.

Policy 2.26. Verifying data. Use data, including community-validated population data, to guide planning and investment processes and priority setting and to shape community involvement and decision-making efforts.

Policy 2.27. Demographics. Identify the demographics of potentially affected communities when initiating a planning or investment project.

Policy 2.28. Historical understanding. To better understand concerns and conditions when initiating a project, research the history, culture, past plans, and other needs of the affected community, particularly under-represented and under-served groups, and persons with limited English proficiency (LEP). Review preliminary findings with members of the community who have institutional and historical knowledge.

68. Finding: The City Council interprets policies 2.26 through 2.28 to require a community engagement program that includes an analysis of potentially affected communities and specific engagement

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activities with those communities to understand the context, concerns and conditions that will be affected by the amendments. The BHD amendments were informed by an analysis of demographics and development trends in areas with concentrations of multi-dwelling zoning, as documented in the Better Housing by Design Assessment Report. Development of the amendments was informed by a range of previous projects that involved a diversity of community members, including the Healthy Active Communities for Portland's Affordable Housing Families Initiative, the Promoting Health Through Multi-Family Housing Project, the East Portland Action Plan, the Southeast 122nd Avenue Study, and the Division-Midway Neighborhood Street Plan. All background information was posted online, allowing community feedback. Community feedback obtained during community walks in the Jade District and Rosewood neighborhood centers also informed identification of issues.

Policy 2.29. Project-specific needs. Customize community involvement processes to meet the needs of those potentially affected by the planning or investment project. Use community involvement techniques that fit the scope, character, and potential impact of the planning or investment decision under consideration.

Policy 2.30. Culturally-appropriate processes. Consult with communities to design culturally-appropriate processes to meet the needs of those affected by a planning or investment project. Evaluate, use, and document creative and culturally-appropriate methods, tools, technologies, and spaces to inform and engage people from under-served and under-represented groups about planning or investment projects.

Policy 2.31. Innovative engagement methods. Develop and document innovative methods, tools, and technologies for community involvement processes for plan and investment projects.

Policy 2.32. Inclusive participation beyond Portland residents. Design public processes for planning and investment projects to engage affected and interested people who may not live in Portland such as property owners, employees, employers, and students, among others, as practicable.

Policy 2.33. Inclusive participation in Central City planning. Design public processes for the Central City that recognize its unique role as the region's center. Engage a wide range of stakeholders from the Central City and throughout the region including employees, employers, social service providers, students, and visitors, as well as regional tourism, institutional, recreation, transportation, and local/regional government representatives, as appropriate.

Policy 2.34. Accessibility. Ensure that community involvement processes for planning and investment projects are broadly accessible in terms of location, time, and language, and that they support the engagement of individuals with a variety of abilities and limitations on participation.

69. Finding: The City Council interprets policies 2.29 through 2.34 to require projects to require community engagement activities that create an inclusive process that engages the affected communities. The community involvement process was designed to involve a variety of individuals and groups who live in, develop, or are affected by multi-dwelling housing. The project's Public Involvement Plan identified groups who have a stake in the future of multi-family housing and included equity considerations in identifying impacted populations, which guided the project's public outreach approach. BPS hired consultants with expertise in engaging diverse communities, MultiCultural Collaborative, to help design the outreach approach, identify ways of engaging community members not familiar with planning processes, and identify potential participants. Project staff worked closely with the Jade District/APANO and the Rosewood Initiative to seek involvement by a diversity of East Portland residents, given that part of the intent of the project was to address concerns about multi-dwelling development and the lack of street connections in

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East Portland. With the release of the Proposed Draft, the City deployed innovative engagement methods, including a Map App (online interactive web-based map application) page with a testimony function; and a dedicated help phone line to learn about the BHD amendments and offer numerous ways to comment. The Planning and Sustainability Commission public hearing, along with half of the Stakeholder Working Group meetings, were held in Eastern Portland to facilitate participation by East Portland residents. Meeting locations were chosen that were physically accessible, convenient to transit, and in a variety of locations across the city.

Policy 2.35. Participation monitoring. Evaluate and document participant demographics throughout planning and investment processes to assess whether participation reflects the demographics of affected communities. Adapt involvement practices and activities accordingly to increase effectiveness at reaching targeted audiences.

Policy 2.36. Adaptability. Adapt community involvement processes for planning and investment projects as appropriate to flexibly respond to changes in the scope and priority of the issues, needs, and other factors that may affect the process.

Policy 2.37. Process evaluation. Evaluate each community involvement process for planning or investment projects from both the City staff and participants' perspectives, and consider feedback and lessons learned to enhance future involvement efforts.

70. Finding: The City Council interprets policies 2.35 through 2.37 to require evaluation and adjustment to community engagement activities to increase the participation of affected communities as the project proceeds. Project staff monitored participation in project events and public feedback to assess representation issues and identify needs for changes in approach. This resulted in an East Portland Residential Outdoor Spaces workshop to seek additional perspectives and more in-depth discussion among East Portland residents than was possible in other meetings with a more citywide focus. The use in this project of a Stakeholder Working Group, open to interested community members and whose participants shifted based on the geographic focus and topics of each meeting, differed from the more usual approach of appointed advisory groups. This approach was discussed by staff to provide lessons for future projects.

Information design and development

Policy 2.38. Accommodation. Ensure accommodations to let individuals with disabilities participate in administrative, quasi-judicial, and legislative land use decisions, consistent with federal regulations.

71. Finding: All of the BHD public hearing were held in physically-accessible locations and notices publicized the availability of accommodations, modifications, translation, interpretation and other services to provide meaningful public access. The PSC public hearing on June 12, 2018 was held in the evening at the Portland Community College Southeast Campus to make the meeting more convenient to reach for community members in East Portland and other eastside neighborhoods. The City Council hearings on October 2 and November 6, 2019 were held at City Hall, an accessible location.

Policy 2.39. Notification. Notify affected and interested community members and recognized organizations about administrative, quasi-judicial, and legislative land use decisions with enough lead time to enable effective participation. Consider notification to both property owners and renters.

72. Finding: For the publication of the Proposed Draft and the PSC hearing, the City sent the required Measure 56 notice to all owners of multi-dwelling zone properties affected by the BHD amendments. The City sent a legislative notice to interested parties, including neighborhood

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associations, business associations, and other affected jurisdictions, that have requested notice of proposed land use changes. Two sets of courtesy notices were sent to property owners in the Alphabet and King's Hill historic districts, first to inform them of opportunities to provide input on Zoning Code and Zoning Map changes that were being considered for these historic districts, and second to inform them that the Recommended Draft included changes to the zoning designations for their properties that differed from what had been indicated in the Measure 56 notices. The City also sent a legislative notice to interested parties and people who testified to the PSC to inform them of the opportunity to testify at the October 2, 2019, City Council public hearing.

Policy 2.40. Tools for effective participation. Provide clear and easy access to information about administrative, quasi-judicial, and legislative land use decisions in multiple formats and through technological advancements and other ways.

73. Finding: Regular communications about the BHD project and opportunities to participate and provide input were made available through the project website, monthly e-mail updates to the project mailing list, Bureau of Planning and Sustainability newsletters, social media sites (Facebook, NextDoor and Twitter) and media releases.

Policy 2.41. Limited English Proficiency (LEP). Ensure that limited English proficient (LEP) individuals are provided meaningful access to information about administrative, quasi-judicial, and legislative land use decisions, consistent with federal regulations.

74. Finding: The BHD project outreach materials publicized the availability of translation services for limited English proficient individuals. The Proposed Draft Project Summary was translated into Spanish and made available online and at community meetings. The telephone helpline had translation services available, as well as the PSC and City Council public hearings.

Chapter 3: Urban Form

GOAL 3.A: A city designed for people. Portland's built environment is designed to serve the needs and aspirations of all Portlanders, promoting prosperity, health, equity, and resiliency. New development, redevelopment, and public investments reduce disparities and encourage social interaction to create a healthy connected city.

75. Finding: The BHD amendments expand the range of housing choices available to Portlanders, especially in terms of incentivizing affordable options and more accessible units through development bonuses. The BHD changes include significant incentives for affordable housing that will help to reduce disparities. The changes also provide new options for a broader range and number of housing units by moving to regulating by building scale, with more flexibility for the numbers of units within this scale. New visitability standards will help increase the number of units that can meet the needs of Portland's aging and disabled communities.

The BHD amendments foster and promote health and social interaction through new development standards that increase requirements for outdoor space, including requirements for large sites to include common areas to support opportunities for recreation, social interaction, and growing food.

GOAL 3.B: A climate and hazard resilient urban form. Portland's compact urban form, sustainable building development practices, green infrastructure, and active transportation system reduce carbon emissions, reduce natural hazard risks and impacts, and improve resilience to the effects of climate change.

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76. Finding: The BHD amendments promote a compact urban form by allowing more units, especially in the RM1 and RM2 zones. Facilitating compact development in the multi-dwelling zones will help to focus growth in and around centers and corridors, avoiding sensitive natural areas and hazards and contributing to complete neighborhoods that support neighborhood resilience and a low-carbon economy. This also enables established neighborhoods to continue expanding and diversifying their populations while reducing pressure for development in harder to serve and longer to commute to places. The amendments reduce minimum off-street parking requirements which helps to encourage use of alternate transportation modes like transit and active transportation. In addition, newer buildings are designed with greater energy efficiency and can better withstand earthquake and other natural disasters. Other amendments limit large surface parking lots and asphalt in order to reduce urban heat islands that will be an increasing threat in a warming climate.

GOAL 3.C: Focused growth. Household and employment growth is focused in the Central City and other centers, corridors, and transit station areas, creating compact urban development in areas with a high level of service and amenities, while allowing the relative stability of lower-density single-family residential areas.

77. Finding: The household allocation from the Buildable Lands Inventory continues to project the vast majority (80%) of units will be developed in the Central City and Portland's mixed-use, higher-density centers and corridors. 80 percent of multi-dwelling zoning is located in Portland's focus growth areas, including in and around centers, along corridors and transit stations, and in locations close to the Central City. The BHD amendments will encourage more housing opportunities in these areas by regulating by floor area ratio and increasing the affordable housing bonuses. The BHD development standards include building scale transitions to single-dwelling zones that will contribute to the stability of single-family residential areas.

GOAL 3.D: A system of centers and corridors. Portland's interconnected system of centers and corridors provides diverse housing options and employment opportunities, robust multimodal transportation connections, access to local services and amenities, and supports low-carbon complete, healthy, and equitable communities.

78. Finding: The centers and corridors envisioned by the Urban Design framework are supported by the BHD amendments. These areas will continue to serve as the focus for employment and higher density housing. The BHD amendments will encourage more housing opportunities in these areas by regulating by floor area ratio, providing more flexibility for greater numbers of units, and increasing the affordable housing bonuses. In addition, the BHD amendments provide new options for ground-floor commercial uses in multi-dwelling zones along civic and neighborhood corridors, reinforcing the roles of these corridors as places for a diverse range of housing opportunities and commercial services.

GOAL 3.E: Connected public realm and open spaces. A network of parks, streets, City Greenways, and other public spaces supports community interaction; connects neighborhoods, districts, and destinations; and improves air, water, land quality, and environmental health.

79. Finding: The BHD amendments include provisions intended to facilitate new street and pedestrian connections where they are needed, such as through requirements for sites in Eastern Portland centers to be large enough to accommodate street connections (as well as to support better site design) and by allowing development allowances to be calculated prior to street dedications to reduce barriers to including new connections as part of development. Also, requirements for front setbacks will provide more opportunities for integrating green elements into the street

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environment. Reduced on-site parking requirements and limits on garages and front parking are intended to improve the pedestrian relationship between the buildings and the public realm and to help reduce conflicts between pedestrians on sidewalks and vehicles using driveways.

GOAL 3.F: Employment districts. Portland supports job growth in a variety of employment districts to maintain a diverse economy.

80. Finding: The BHD amendments do not affect employment districts.

GOAL 3.G: Nature in the city. A system of habitat corridors weaves nature into the city, enhances habitat connectivity, and preserves natural resources and the ecosystem services they provide.

81. Finding: The BHD amendments include new requirements for outdoor spaces, shared common areas, limits on surface parking lots, front setback standards, and rear setback standards that will create opportunities for more landscaping and trees that will support this goal. The amendments also promote preserving existing large trees by allowing development rights to be transferred to other sites in exchange for tree preservation.

Citywide design and development

Policy 3.1. Urban Design Framework. Use the Urban Design Framework (UDF) as a guide to create inclusive and enduring places, while providing flexibility for implementation at the local scale to meet the needs of local communities.

82. Finding: The BHD amendments are consistent with this policy and the Urban Design Framework (UDF). BHD amendments apply development standards specific to the Civic Corridors and Neighborhood Corridors identified in the UDF, including allowances for ground-floor commercial uses, higher allowed building coverage and allowances for no side setbacks intended to reinforce the intended roles of these corridors as urban-scale places with concentrations of services and housing. BHD amendments include provisions specific to the pattern areas identified in the UDF, including development standards specific to the Eastern and Inner neighborhood pattern areas. The BHD amendments are also consistent with centers identified on the UDF. The majority of multi-dwelling zoning (59 percent) is located in or within a quarter mile of centers. The BHD amendments shift from regulating development from unit density to regulating by building scale (FAR) providing flexibility to develop more units than the current regulations, which will support the role of centers by expanding housing capacity in multi-dwelling zones located in centers. Allowing more units in the multi-dwelling zones will reinforce the role of centers as places with concentrations of housing, which will in turn provide additional population to support commercial services in centers.

Policy 3.2. Growth and stability. Direct the majority of growth and change to centers, corridors, and transit station areas, allowing the continuation of the scale and characteristics of Portland's residential neighborhoods.

83. Finding: Most of the multi-dwelling zoning is located in centers and corridors and will continue to be supported by the BHD amendments. The BHD amendments will encourage more housing opportunities in these areas by regulating by floor area ratio, allowing flexibility for greater numbers of units, and increasing the affordable housing bonuses. The RM1 zone, which is the multi-dwelling zone that is the most common outside the centers and corridors, has a 35-foot maximum building height, which is similar to the 30-foot maximum building height in R5 and R2.5 single-dwelling zones that cover most of the residential neighborhoods, helping to continue the scale of residential neighborhoods. In addition, for the other multi-dwelling zones, there are building height transition requirements that limit building height to 35-feet within 25 feet of single-

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dwelling zones. These provisions will allow the continuation of the scale and characteristics of Portland's residential neighborhoods.

Policy 3.3. Equitable development. Guide development, growth, and public facility investment to reduce disparities; encourage equitable access to opportunities, mitigate the impacts of development on income disparity, displacement and housing affordability; and produce positive outcomes for all Portlanders.

84. Finding: One of the ways to reduce disparities and produce positive outcomes for all Portlanders is to increase housing stability by creating more opportunities for affordable housing. The BHD changes include four significant incentives for affordable housing: 1) increase the inclusionary affordable housing bonus; 2) provide a deeper affordability bonus; 3) provide a bonus for three-bedroom units; and 4) allow the transfer of unused development capacity in situations where existing affordable housing is preserved, which also helps limit displacement by providing an incentive for preserving existing housing kept affordable to households earning no more than 60% of area median income. In so doing, the BHD amendments provide more housing attainable to a broader segment of the population, reducing the wide disparity of housing available between income strata and can contribute to mitigating residential displacement. The changes also contribute to equity through development bonuses for "visitable" housing that is physically-accessible to people with a range of abilities, through provisions that address the need for street connections and outdoor spaces in East Portland, and by increasing opportunities for home-based businesses and services along East Portland's corridors and other corridor locations.

3.3.a. Anticipate, avoid, reduce, and mitigate negative public facility and development impacts, especially where those impacts inequitably burden communities of color, under-served and under-represented communities, and other vulnerable populations.

85. Finding: The displacement impacts of the BHD amendments were analyzed and reported in Appendix F of the Recommended Draft report. The greatest risk of negative impacts from the BHD amendments is displacement due to the redevelopment of existing housing units, especially those units occupied by under-served and under-represented communities. Most of the development capacity in the multi-dwelling zones is through redevelopment of existing development. Only 16 percent of the future development capacity is on vacant land. Most of the additional redevelopment sites are single-family houses in multi-dwelling zones, where about 60 percent are owner-occupied. The greatest risk for displacement would be with the redevelopment of multi-dwelling structures, but the BPS displacement risk analysis indicates that very few properties (10 to 24 sites with up to 67 units) have low enough values to be feasible for redevelopment. These impacts are mitigated by four significant incentives for affordable housing that will help to offset any displacement that occurs.

Testimony by James Peterson raised concerns that the BHD amendments would result in redevelopment of existing multi-dwelling housing, which will lead to the displacement and gentrification of existing affordable rental units. The City Council acknowledges this concern but finds that, based on the displacement analysis described above, the risk of redevelopment of existing multi-family units is low and that those risks and potential loss of more affordable units is mitigated by the development bonuses that incentivize the production of affordable housing units.

3.3.b. Make needed investments in areas that are deficient in public facilities to reduce disparities and increase equity. Accompany these investments with proactive measures to avoid displacement and increase affordable housing.

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86. Finding: The BHD amendments do not change public facility investment plans, but do include proactive measures in the form of four significant incentives (development bonuses) for affordable housing that can mitigate displacement and increase the supply of regulated affordable housing.

3.3.c. Encourage use of plans, agreements, incentives, and other tools to promote equitable outcomes from development projects that benefit from public financial assistance.

87. Finding: The City Council finds that the use of various tools to promote equitable outcomes specifically for projects that benefit from public financial assistance is a programmatic response, and not a regulatory response to be included in the Zoning Code. The BHD amendments address displacement and housing affordability in a different way through affordable housing development bonuses.

3.3.d. Incorporate requirements into the Zoning Code to provide public and community benefits as a condition for development projects to receive increased development allowances

88. Finding: All of the BHD development bonuses link receiving additional development scale to the provision of community benefits, specifically affordable housing and physically-accessible units. The City Council interprets community benefits to include outcomes that provide affordable housing and physically-accessible units, both of which outcomes meet important community needs identified in the Comprehensive Plan. The BHD development bonuses include: 1) expanded inclusionary housing bonus for projects providing affordable units; 2) a new deeper housing affordability bonus for projects in which at least half of units are affordable at 60% of area median income; 3) a bonus for moderate-income three-bedroom units; and 4) a bonus for projects that include visitable or accessible units to expand housing options for community members with mobility limitations. The BHD amendments also include an allowance for FAR to be transferred to other sites from sites where existing affordable housing is being preserved as affordable housing.

3.3.e. When private property value is increased by public plans and investments, require development to address or mitigate displacement impacts and impacts on housing affordability, in ways that are related and roughly proportional to these impacts.

89. Finding: The BHD financial feasibility analysis (Appendix C) showed that the base zone changes do not result in a significant increase in value compared to the development allowances in the current multi-dwelling base zones. The only development scenario in this analysis that showed an increase in value beyond the maximum achievable by current regulations was a development configuration that used the inclusionary housing bonus in the RM2 zone that included units affordable at 60% of area median income, in exchange for receiving additional FAR. The City Council interprets the provision of affordable housing units through inclusionary housing and other affordable housing bonuses to serve as appropriate mitigation for the value provided by the additional development scale allowed by the bonuses. In addition, the City has other existing mechanisms, such as the construction excise tax dedicated to affordable housing, that helps to mitigate displacement impacts.

3.3.f. Coordinate housing, economic development, and public facility plans and investments to create an integrated community development approach to restore communities impacted by past decisions.

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90. Finding: The BHD amendments are part of the Housing Opportunity Initiative that is designed to increase housing opportunity and address displacement across Portland, providing a greater range of housing choices and more incentives for affordable housing.

3.3.g. Encourage developers to engage directly with a broad range of impacted communities to identify potential impacts of private development projects, develop mitigation measures, and provide community benefits to address adverse impacts.

91. Finding: The verb “encourage”, which is defined in the 2035 Comprehensive Plan, means to promote or foster using some combination of voluntary approaches, regulations, or incentives. The Neighborhood contact requirements encourage dialogue between developers and impacted communities, which can include discussion of impacts, mitigation and community benefits.

Policy 3.4. All ages and abilities. Strive for a built environment that provides a safe, healthful, and attractive environment for people of all ages and abilities.

92. Finding: The BHD amendments provide a density FAR bonus for projects in which at least 25 percent of the units are physically accessible or “visitable” dwelling units. These units will provide a barrier free entry, with living space and a bathroom on the ground floor. While not considered fully “accessible” under ADA building code requirements, visitable units will expand the amount of housing that can be access by residents and visitors with mobility limitations by providing a barrier-free level of living space in housing types, such as houses and duplexes, not subject to Fair Housing Act requirements. Also, the visitable units bonus provides an incentive for commercial code buildings to include more highly-accessible Type A units, when at least 25 percent of units are built to this accessibility standard, which will expand options for people using wheelchairs or other wheeled mobility devices.

The BHD amendments also support healthy, active living through new development standards that increase requirements for outdoor space, including requirements for large sites to include common areas to support opportunities for recreation, social interaction, and growing food.

Policy 3.5. Energy and resource efficiency. Support energy-efficient, resource-efficient, and sustainable development and transportation patterns through land use and transportation planning.

93. Findings: The BHD amendments encourage compact housing forms, and improve land resource conservation by increasing housing capacity within areas with existing infrastructure capacity. 80 percent of the multi-dwelling zoning is located in or within a quarter mile of Portland’s centers, corridors, and transit stations, or near the Central City, which will enable more households to be located closer to transit, jobs, and centers of commerce, recreation and education. This well help reduce commute distances and lessen congestion through the region. Encouraging more compact multi-dwelling building forms will be more energy efficient than current zoning allowances, according to studies by the Oregon DEQ³ and EPA⁴.

Policy 3.6. Land efficiency. Provide strategic investments and incentives to leverage infill, redevelopment, and promote intensification of scarce urban land while protecting environmental quality.

³ https://www.oregon.gov/lcd/UP/Documents/Space_Efficient_Housing_NoApp.pdf

⁴ https://www.epa.gov/sites/production/files/2014-03/documents/location_efficiency_btu.pdf

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94. Findings: The BHD amendments shift to regulating density by a floor area ratio will create more flexibility in the allowed number of housing units on sites and promote intensification of urban land. The BLI shows that the BHD amendments increase Portland's residential development capacity by 14,000 units.

Policy 3.7. Integrate nature. Integrate nature and use green infrastructure throughout Portland.

95. Findings: The City integrates nature and green infrastructure through environmental overlay zones, stormwater requirements, and tree code requirements, which are not changed by this ordinance. The BHD amendments include new requirements for outdoor spaces, shared common areas, limits on surface parking lots, front setback standards, and rear setback standards that will create opportunities for more landscaping and trees that will support integrating vegetation and green elements into new development projects. The amendments include provisions that will allow green infrastructure, such as ecoroofs and stormwater planters, to contribute to meeting landscaping requirements. The amendments also promote preserving existing large trees by allowing development rights to be transferred to other sites in exchange for tree preservation.

Policy 3.8. Leadership and innovation in design. Encourage high-performance design and development that demonstrates Portland's leadership in the design of the built environment, commitment to a more equitable city, and ability to experiment and generate innovative design solutions.

96. Finding: The BHD amendments include design-related amendments that promote Portland's role in leadership in design, such as innovative provisions intended to limit urban heat island impacts, people-centered design standards for outdoor spaces that focus on design supportive of human health and active living, and options for urban green options such as ecoroofs to serve as alternatives to conventional landscaping.

Policy 3.9. Growth and development. Evaluate the potential impacts of planning and investment decisions, significant new infrastructure, and significant new development on the physical characteristics of neighborhoods and their residents, particularly under-served and under-represented communities, with attention to displacement and affordability impacts. Identify and implement strategies to mitigate the anticipated impacts.

97. Finding: The City of Portland is planning for growth and development, especially in centers and corridors. The BHD amendments shift to regulating density by a floor area ratio (FAR) method, but this change is expected to result in development that is similar to the physical characteristics allowed by the current multi-dwelling zoning because there are not significant changes to the maximum building height, setbacks, and lot coverage standards that determine the physical characteristics of development.

The BHD amendments will have an impact on residents. BHD amendments provide allowances for ground-floor commercial uses along major corridors and also allow for daycare facilities broadly in the multi-dwelling zones, which can benefit area residents by increasing access to services, especially in areas such as East Portland that lack convenient access to local services. BHD allowances for additional housing units can benefit area residents by expanding housing options, providing additional housing opportunities for residents or their families. The greatest risk of negative impact is displacement due to the redevelopment of existing housing units, especially those units occupied by under-served and under-represented communities. Most of the development capacity in the multi-dwelling zones is through redevelopment of existing development. Only 16 percent of the future development capacity is on vacant land. Most of the

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potential multi-dwelling redevelopment sites are single-family houses in multi-dwelling zones, where about 40 percent are renter-occupied. Another risk for displacement is the redevelopment of multi-dwelling structures. However, the BPS displacement risk analysis indicates that very few (~160) households are at risk with property values that are low enough to be feasible for redevelopment. These impacts are mitigated by four significant incentives for affordable housing that will help to offset any displacement that occurs.

Policy 3.10. Rural, urbanizable, and urban land. Preserve the rural character of rural land outside the Regional Urban Growth Boundary. Limit urban development of urbanizable land beyond the City Limits until it is annexed and full urban services are extended.

98. Findings: The BHD amendments do not affect rural land outside the Regional Urban Growth Boundary or land outside the City limits that do not already have urban services.

Policy 3.11. Significant places. Enhance and celebrate significant places throughout Portland with symbolic features or iconic structures that reinforce local identity, histories, and cultures and contribute to way-finding throughout the city. Consider these especially at:

- High-visibility intersections
- Attractions
- Schools, libraries, parks, and other civic places
- Bridges
- Rivers
- Viewpoints and view corridor locations
- Historically or culturally significant places
- Connections to volcanic buttes and other geologic and natural landscape features
- Neighborhood boundaries and transitions

99. Finding: The BHD amendments do not impact symbolic features or iconic structures. No changes to historic resource protections are made with these amendments. For these resources, conversions that add units can be proposed that will either be reviewed against historic resource criteria or required to meet design standards.

Centers

Policy 3.12. Role of centers. Enhance centers as anchors of complete neighborhoods that include concentrations of commercial and public services, housing, employment, gathering places, and green spaces.

Policy 3.13. Variety of centers. Plan for a range of centers across the city to enhance local, equitable access to services, and expand housing opportunities.

Policy 3.14. Housing in centers. Provide housing capacity for enough population to support a broad range of commercial services, focusing higher-density housing within a half-mile of the center core.

Policy 3.15. Investments in centers. Encourage public and private investment in infrastructure, economic development, and community services in centers to ensure that all centers will support the populations they serve.

Policy 3.16. Government services. Encourage the placement of services in centers, including schools

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and colleges, health services, community centers, daycare, parks and plazas, library services, and justice services.

Policy 3.17. Arts and culture. Ensure that land use plans and infrastructure investments allow for and incorporate arts, culture, and performance arts as central components of centers.

Policy 3.18. Accessibility. Design centers to be compact, safe, attractive, and accessible places, where the street environment makes access by transit, walking, biking, and mobility devices such as wheelchairs, safe and attractive for people of all ages and abilities.

Policy 3.19. Center connections. Connect centers to each other and to other key local and regional destinations, such as schools, parks, and employment areas, by frequent and convenient transit, bicycle sharing, bicycle routes, pedestrian trails and sidewalks, and electric vehicle charging stations.

Policy 3.20. Green infrastructure in centers. Integrate nature and green infrastructure into centers and enhance public views and connections to the surrounding natural features.

100.Finding: Policies 3.12 through 3.20 provide direction on the desired characteristics and functions of centers. The BHD amendments do not change the center designations on the Urban Design Framework. The majority of multi-dwelling zoning (59 percent) is located in or within a quarter mile of centers. The BHD amendments shift from regulating development from unit density to regulating by building scale (FAR), providing flexibility to develop more units than the current regulations, which will support these center policies by expanding housing capacity in multi-dwelling zones located in centers. Allowing more units in the multi-dwelling zones will reinforce the role of centers as places with concentrations of housing, which will in turn provide additional population to support commercial services in centers. Development bonuses for accessible housing supports Policy 3.18 by expanding accessible housing options in centers. Policy 3.19 is supported by BHD amendments intended to facilitate new street and pedestrian connections where they are needed, such as through requirements for sites in Eastern Portland centers to be large enough to accommodate street connections (as well as to support better site design) and by allowing development allowances to be calculated prior to street dedications to reduce barriers to including new connections as part of development. Amendments that promote green infrastructure, such as ecoroofs and stormwater planters, will support Policy 3.20 by expanding opportunities for green infrastructure in centers.

Central City

Policy 3.21. Role of the Central City. Encourage continued growth and investment in the Central City, and recognize its unique role as the region's premier center for jobs, services, and civic and cultural institutions that support the entire city and region.

Policy 3.22. Model Urban Center. Promote the Central City as a living laboratory that demonstrates how the design and function of a dense urban center can concurrently provide equitable benefits to human health, the natural environment, and the local economy.

Policy 3.23. Central City employment. Encourage the growth of the Central City's regional share of employment and continue its growth as the region's unique center for innovation and exchange through commerce, employment, arts, culture, entertainment, tourism, education, and government.

Policy 3.24. Central City housing. Encourage the growth of the Central City as Portland's and the region's largest center with the highest concentrations of housing and with a diversity of housing options and services.

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Policy 3.25. Transportation hub. Enhance the Central City as the region's multimodal transportation hub and optimize regional access as well as the movement of people and goods among key destinations.

Policy 3.26. Public places. Promote public places and the Willamette River waterfront in the Central City as places of business and social activity and gathering for the people of its districts and the broader region.

101.Finding: Policies 3.21 through 3.26 provide direction on the desired characteristics and functions of the Central City. The BHD amendments do not change the Central City boundary on the Urban Design Framework. The BHD amendments primarily concern residential development in the multi-dwelling zones that are applied outside of the Central City, and, therefore, do not impact most of the Central City policies. The BHD amendments are in alignment with Policy 3.24 by facilitating housing development in the multi-dwelling zones. The primary multi-dwelling zones located in the Central City are RX (69 acres) and RH (28 acres – to become the RM3 and RM4 zones). Development scale in these zones is not significantly impacted by the BHD amendments. 11 acres of land in the Central City will have the new RM1 and RM2 zones (instead of the current R2 and R1 zones). The BHD amendments for these zones shift from regulating development from unit density to regulating by building scale, which will provide flexibility for more units, supporting the role of the Central City as the location for concentrations of housing.

Gateway Regional Center

Policy 3.27 Role of Gateway. Encourage growth and investment in Gateway to enhance its role as East Portland's center of employment, commercial, and public services.

Policy 3.28 Housing. Encourage housing in Gateway, to create East Portland's largest concentration of high-density housing.

Policy 3.29 Transportation. Enhance Gateway's role as a regional high-capacity transit hub that serves as an anchor for East Portland's multimodal transportation system.

Policy 3.30 Public places. Enhance the public realm and public places in Gateway to provide a vibrant and attractive setting for business and social activity that serves East Portland residents and the region.

102.Finding: Policies 3.27 through 3.30 provide direction on the desired characteristics and functions of the Gateway Regional Center. The BHD amendments do not change the regional center boundary on the Urban Design Framework. There are 130 acres of land with multi-dwelling zoning located in the Gateway Regional Center. This acreage includes the new RM1 and RM2 zones (current R2 and R1), for which the BHD amendments shift from regulating development from unit density to regulating by building scale, providing flexibility for more units. This increased housing capacity supports the role of Gateway as the location of East Portland's largest concentration of high-density housing. Allowing more units in the multi-dwelling zones will also allow for additional population to support commercial services in Gateway.

Town Centers

Policy 3.31 Role of Town Centers. Enhance Town Centers as successful places that serve the needs of surrounding neighborhoods as well as a wider area, and contain higher concentrations of employment, institutions, commercial and community services, and a wide range of housing options.

Policy 3.32 Housing. Provide for a wide range of housing types in Town Centers, which are intended to

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generally be larger in scale than the surrounding residential areas. There should be sufficient zoning capacity within a half-mile walking distance of a Town Center to accommodate 7,000 households.

Policy 3.33 Transportation. Improve Town Centers as multimodal transportation hubs that optimize access from the broad area of the city they serve and are linked to the region's high-capacity transit system.

Policy 3.34 Public places. Provide parks or public squares within or near Town Centers to support their roles as places of focused business and social activity.

103.Finding: Policies 3.31 through 3.34 provide direction on the desired characteristics and functions of the town centers. The BHD amendments do not change the boundary any of the Town Centers on the Urban Design Framework. All of Portland's designated Town Centers include substantial amounts of multi-dwelling zoning. The BHD amendments shift from regulating development from unit density to regulating by building scale (FAR) creates the flexibility to develop more units than the current regulations, will therefore support these center policies by expanding housing capacity in multi-dwelling zones in town centers. Allowing more units in the multi-dwelling zones will reinforce the role of Town Centers as places with concentrations of housing, which will also allow for additional population to support commercial services in Town Centers. The BHD amendments also support Policy 3.32 by allowing for a broader of housing types than current density-based regulations.

Neighborhood Centers

Policy 3.35 Role of Neighborhood Centers. Enhance Neighborhood Centers as successful places that serve the needs of surrounding neighborhoods. In Neighborhood Centers, provide for higher concentrations of development, employment, commercial and community services, and a wider range of housing options than the surrounding neighborhoods.

Policy 3.36 Housing. Provide for a wide range of housing types in Neighborhood Centers, which are intended to generally be larger in scale than the surrounding residential areas, but smaller than Town Centers. There should be sufficient zoning capacity within a half-mile walking distance of a Neighborhood Center to accommodate 3,500 households.

Policy 3.37 Transportation. Design Neighborhood Centers as multimodal transportation hubs that are served by frequent-service transit and optimize pedestrian and bicycle access from adjacent neighborhoods.

Policy 3.38 Public places. Provide small parks or plazas within or near Neighborhood Centers to support their roles as places of local activity and gathering.

104.Finding: Policies 3.35 through 3.38 provide direction on the desired characteristics and functions of neighborhood centers. The BHD amendments do not change the neighborhood center boundaries on the Urban Design Framework. Many of Portland's Neighborhood Centers include the new RM1 and RM2 zones (current R2 and R1). The BHD amendments shift from regulating development from unit density to regulating by building scale (FAR) creates the flexibility to develop more units than the current regulations, will therefore support these center policies by expanding housing capacity in multi-dwelling zones in neighborhood centers. Allowing more units in the multi-dwelling zones will reinforce the role of Neighborhood Centers as places with concentrations of housing, which will also allow for additional population to support commercial services in Neighborhood Centers. The BHD amendments also support Policy 3.32 by allowing for a broader of housing types than current density-based regulations. Some Neighborhood Centers include the new RM1 zone, whose scale

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(maximum 35-foot height and 50 percent lot coverage) is smaller than the higher-density zones in larger centers, and provides greater continuity with the scale of residential neighborhoods. Policy 3.37 is support by BHD amendments intended to facilitate new street and pedestrian connections in the Jade District, Rosewood-Glenfair, and 122nd-Hazelwood neighborhood centers, through requirements for sites to be large enough to accommodate street connections (as well as to support better site design) and by allowing development allowances to be calculated prior to street dedications to reduce barriers to including new connections as part of development.

Inner Ring Districts

Policy 3.39 Growth. Expand the range of housing and employment opportunities in the Inner Ring Districts. Emphasize growth that replaces gaps in the historic urban fabric, such as redevelopment of surface parking lots and 20th century auto-oriented development.

Policy 3.40 Corridors. Guide growth in corridors to transition to mid-rise scale close to the Central City, especially along Civic Corridors.

Policy 3.41 Distinct identities. Maintain and enhance the distinct identities of the Inner Ring Districts and their corridors. Use and expand existing historic preservation and design review tools to accommodate growth in ways that identify and preserve historic resources and enhance the distinctive characteristics of the Inner Ring Districts, especially in areas experiencing significant development.

Policy 3.42 Diverse residential areas. Provide a diversity of housing opportunities in the Inner Ring Districts' residential areas. Encourage approaches that preserve or are compatible with existing historic properties in these areas. Acknowledge that these areas are historic assets and should retain their established characteristics and development patterns, even as Inner Ring centers and corridors grow. Apply base zones in a manner that takes historic character and adopted design guidelines into account.

Policy 3.43 Active transportation. Enhance the role of the Inner Ring Districts' extensive transit, bicycle, and pedestrian networks in conjunction with land uses that optimize the ability for more people to utilize this network. Improve the safety of pedestrian and bike connections to the Central City. Strengthen transit connections between the Inner Ring Districts and to the Central City.

105.Finding: Policies 3.39 through 3.43 provide direction on the desired characteristics and functions of the Inner Ring Districts. The BHD amendments support these policies by expand the range of previously allowed housing opportunities in multi-dwelling zones. The BHD amendments shift from regulating development from unit density to regulating by building scale (FAR) creates the flexibility to develop more units than the current regulations, will therefore support these Inner Ring Districts policies by expanding housing capacity in multi-dwelling zones located in the Inner Ring Districts. The changes will expand allowances for housing types that were historically common in the Inner Ring Districts, such as fourplexes, small apartments buildings, and courtyard apartments, which often are not allowed under current R2 and R1 density-based regulations. Along Inner Ring District corridors, the BHD code amendments for the new RM2 zone will allow for new corridor apartments similar to existing multi-dwelling buildings built before World War 2, but which have densities that exceed current allowances. These amendments will therefore allow for new development that continues the diverse housing types that characterize the Inner Ring Districts. Zoning Map and Zoning Code amendments in the Alhambra and King's Hill historic districts are intended to match development allowances to the scale of larger historic building in these districts, which will help retain these historic districts' characteristics. The BHD code amendments also help

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promote the preservation of historic buildings in the Inner Ring Districts by expanding allowances for FAR transfers from sites with historic resources and by providing greater allowances for FAR transfers in conjunction with seismic upgrades. Amendments that allow greater flexibility for the numbers of housing units on sites in the multi-dwelling zones will also expand options for more people to use the Inner Ring Districts' extensive transit, bicycle, and pedestrian networks.

Corridors

Policy 3.44. Growth and mobility. Coordinate transportation and land use strategies along corridors to accommodate growth and mobility needs for people of all ages and abilities.

Policy 3.45. Connections. Improve corridors as multimodal connections providing transit, pedestrian, bicycle, and motor vehicle access and that serve the freight needs of centers and neighborhood business districts.

Policy 3.46. Design. Encourage street design that balances the important transportation functions of corridors with their roles as the setting for commercial activity and residential living.

Policy 3.47. Green infrastructure in corridors. Enhance corridors with distinctive green infrastructure, including landscaped stormwater facilities, extensive tree plantings, and other landscaping that both provide environmental function and contribute to a quality pedestrian environment.

106.Finding: Policies 3.44 through 3.47 provide direction on the desired characteristics and functions of corridors. The BHD amendments do not change the boundary of corridors on the Urban Design Framework. Over 80 percent of multi-dwelling zoning is located along corridors. Multi-dwelling zones therefore play an important role in meeting policy objectives for accommodating housing growth along corridors. The BHD amendments shift from regulating development from unit density to regulating by building scale (FAR) creates the flexibility to develop more units than the current regulations, will therefore support these center policies by expanding housing capacity in multi-dwelling zones located in centers. The additional housing opportunities along corridors will also allow more people to be close to transit, enhancing corridors' roles as key places for transit and other multi-modal connections. BHD amendments also require deeper building setbacks for multi-dwelling buildings along streets, providing more opportunities for plantings and other green features along corridor frontages.

Civic Corridors

Policy 3.48. Integrated land use and mobility. Enhance Civic Corridors as distinctive places that are models of ecological urban design, with transit-supportive densities of housing and employment, prominent street trees and other green features, and high-quality transit service and pedestrian and bicycle facilities.

Policy 3.49. Design great places. Improve public streets and sidewalks along Civic Corridors to support the vitality of business districts, create distinctive places, provide a safe, healthy, and attractive pedestrian environment, and contribute to quality living environments for residents.

Policy 3.50. Mobility corridors. Improve Civic Corridors as key mobility corridors of citywide importance that accommodate all modes of transportation within their right-of-way or on nearby parallel routes.

Policy 3.51. Freight. Maintain freight mobility and access on Civic Corridors that are also Major or Priority Truck Streets.

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107.Finding: Policies 3.48 through 3.51 provide direction on the desired characteristics and functions of civic corridors. The BHD amendments do not change the boundary of civic corridors on the Urban Design Framework. The predominant multi-dwelling zone along Civic Corridors is RM2 (current R1). The BHD amendments shift to regulating by building scale, instead of number of units per site area, will allow more units on RM2-zoned properties along Civic Corridors. This, along with development bonuses for affordable housing and other options, will allow RM2 zoning along Civic Corridors to be fully built to a four-story scale. This will contribute to making Civic Corridors places with transit-supportive densities of housing, increasing transit usage by allowing more people to live close to transit. BHD code amendments for both multi-dwelling and mixed use zones allow for no side setbacks between buildings along Civic Corridors in the Inner Pattern Area. The development standard changes will allow for a continuous frontage of buildings along these corridors, creating distinctly urban street edges that support their roles as key urban places well served by transit. The BHD amendments also have the option for deeper building setbacks along corridors, providing opportunities for plantings and other green features along corridor frontages, contributing to better living environments for residents, a greener pedestrian environment, and reducing urban heat impacts. Other BHD amendments allow ground-floor commercial uses in multi-dwelling zones along Civic Corridors, further reinforcing the role of these corridors as places for commercial services and contributing to active uses along these important corridors.

Neighborhood Corridors

Policy 3.52. Neighborhood Corridors. Enhance Neighborhood Corridors as important places that support vibrant neighborhood business districts with quality multi-family housing, while providing transportation connections that link neighborhoods.

108.Finding: The BHD amendments do not change the boundary of neighborhood corridors on the Urban Design Framework. The predominant multi-dwelling zoning along Neighborhood Corridors is RM2 (current R1), and to a lesser extent RM1 (current R2). The shift to regulating by building scale will allow more units on multi-dwelling zoned properties along Neighborhood Corridors. This shift, along with development bonuses for affordable housing and other options, will expand multi-family housing opportunities along Neighborhood Corridors. Other BHD amendments allow ground-floor commercial uses in multi-dwelling zones along Neighborhood Corridors, further reinforcing the role of these corridors as places for commercial services and contributing to active uses along these important corridors.

Transit Station Areas

Policy 3.53. Transit-oriented development. Encourage transit-oriented development and transit-supportive concentrations of housing and jobs, and multimodal connections at and adjacent to high-capacity transit stations.

Policy 3.54. Community connections. Integrate transit stations into surrounding communities and enhance pedestrian and bicycle facilities (including bike sharing) to provide safe and accessible connections to key destinations beyond the station area.

Policy 3.55. Transit station area safety. Design transit areas to improve pedestrian, bicycle, and personal safety.

Policy 3.56. Center stations. Encourage transit stations in centers to provide high density concentrations of housing and commercial uses that maximize the ability of residents to live close to both high-quality transit and commercial services.

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Policy 3.57. Employment stations. Encourage concentrations of jobs and employment-focused land uses in and around stations in employment-zoned areas.

Policy 3.58. Transit neighborhood stations. Encourage concentrations of mixed-income residential development and supportive commercial services close to transit neighborhood stations. Transit neighborhood stations serve mixed-use areas that are not in major centers.

Policy 3.59. Destination stations. Enhance connections between major destinations and transit facilities and strengthen the role of these station areas as places of focused activity.

109.Finding: Policies 3.53 through 3.59 provide direction on the desired characteristics and functions of transit station areas. The BHD amendments do not change the boundary of civic corridors on the Urban Design Framework. Multi-dwelling zoning located in Transit Station Areas plays an important role in providing opportunities for transit-supportive concentrations of housing. The BHD amendments shift from regulating development from unit density to regulating by building scale (FAR) creates the flexibility to develop more units than the current regulations, will therefore support these center policies by expanding housing capacity in multi-dwelling zones near transit centers. Allowing more units in the multi-dwelling zones in these areas will allow more people to benefit from living close to transit stations. Amendments that provide additional development bonuses for projects that include affordable units will support Policy 3.58 by encouraging mixed-income residential development. Policy direction for connections within Transit Station Areas is supported by BHD amendments intended to facilitate new pedestrian and multi-modal connections in such areas in the Jade District, Rosewood-Glenfair, and 122nd-Hazelwood neighborhood centers, through requirements for sites to be large enough to accommodate new connections (as well as to support better site design) and by allowing development allowances to be calculated prior to street dedications to reduce barriers to including new connections as part of development.

City Greenways

Policy 3.60. Connections. Create a network of distinctive and attractive City Greenways that link centers, parks, schools, rivers, natural areas, and other key community destinations.

Policy 3.61. Integrated system. Create an integrated City Greenways system that includes regional trails through natural areas and along Portland's rivers, connected to neighborhood greenways, and heritage parkways.

Policy 3.62. Multiple benefits. Design City Greenways that provide multiple benefits that contribute to Portland's pedestrian, bicycle, green infrastructure, and parks and open space systems.

Policy 3.63. Design. Use design options such as distinctive street design, motor vehicle diversion, landscaping, tree plantings, scenic views, and other appropriate design options, to create City Greenways that extend the experience of open spaces and nature into neighborhoods, while improving stormwater management and calming traffic.

110.Finding: Policies 3.60 through 3.63 provide direction on the desired characteristics and functions of city greenways. The BHD amendments do not change the city greenway designations on the Urban Design Framework. The BHD amendments support the creation of a network of City Greenways by enhancing pedestrian orientation by requiring front setbacks that reflect neighborhood patterns; requiring large building facades to be divided into smaller components; requiring building entrances oriented to streets; and limiting front garages and parking along street frontages. Also, BHD amendments that facilitate new pedestrian and multi-modal connections as part of development could create new opportunities for City Greenway connections.

Urban habitat corridors

Policy 3.64. Urban habitat corridors. Establish a system of connected, well-functioning, and diverse habitat corridors that link habitats in Portland and the region, facilitate safe fish and wildlife access and movement through and between habitat areas, enhance the quality and connectivity of existing habitat corridors, and establish new habitat corridors in developed areas.

Policy 3.65. Habitat connection tools. Improve habitat corridors using a mix of tools including natural resource protection, property acquisition, natural resource restoration, tree planting and landscaping with native plants, and ecological design integrated with new development.

Policy 3.66. Connect habitat corridors. Ensure that planned connections between habitat corridors, greenways, and trails are located and designed to support the functions of each element, and create positive interrelationships between the elements, while also protecting habitat functions, fish, and wildlife.

111.Finding: Policies 3.64 through 3.66 provide direction on the desired characteristics and functions of urban habitat corridors. The BHD amendments do not change the urban habitat corridor designations on the Urban Design Framework. The BHD amendments support the urban habitat corridor policies by facilitating tree preservation by allowing FAR to be transferred from sites where large trees are being preserved. Other BHD amendments that require common outdoor areas for large sites will provide more space for tree canopy and other green elements, as will limits on the size of parking lots. Eastern Portland standards for deep rear setbacks are intended to keep the centers of East Portland's large blocks, where Douglas Fir groves are sometime located, greener and less built up, providing more opportunities for tree preservation. This will contribute to the continuation of East Portland's urban forest canopy, where long-established Douglas Fir groves play an important role.

Employment areas

Policy 3.67. Employment area geographies. Consider the land development and transportation needs of Portland's employment geographies when creating and amending land use plans and making infrastructure investments.

112.Finding: Comprehensive Plan Figure 3-7 identifies four employment area geographies – Central City, industrial/employment, commercial, and institutional. The multi-dwelling zones are generally located in or adjacent to the commercial area geography. The BHD amendments shift from regulating development from unit density to regulating by building scale (FAR) creates the flexibility to develop more units than the current regulations, will therefore support these center policies by expanding housing capacity in multi-dwelling zones near commercial areas. The BHD amendments also allow ground-floor commercial uses in multi-dwelling zones along Civic and Neighborhood Corridors, which run through and are a part of the commercial geography. This allowance further reinforces the role of these corridors as places for commercial services and contributing to active uses along these important corridors.

Policy 3.68. Regional Truck Corridors. Enhance designated streets to accommodate forecast freight growth and support intensified industrial use in nearby freight districts. *See Figure 3-7 — Employment Areas.* Designated regional truckways and priority truck streets (Transportation System Plan classifications are shown to illustrate this network).

113.Finding: Regional truckways and priority truck streets are major freight routes, such as the interstate highways. The multi-dwelling zoning is located adjacent to these corridors and typically

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does not have direct access to these freight routes, except for segments in St. Johns and along NE Lombard Street. A transportation analysis was conducted (see PBOT memo dated September 6, 2019) that identified very minor levels of additional traffic on the City and ODOT identified “hot spot” streets, including several regional truck corridors. Measures to address and mitigate for this added traffic have been identified.

Rivers Pattern Area

Policy 3.69. Historic and multi-cultural significance. Recognize, restore, and protect the historic and multi-cultural significance of the Willamette and Columbia Rivers, including current activities such as subsistence fishing of legally-permitted fish species.

Policy 3.70. River transportation. Recognize and enhance the roles of the Willamette and Columbia rivers as part of Portland’s historic, current, and future transportation infrastructure, including for freight, commerce, commuting, and other public and private transportation functions.

Policy 3.71. Recreation. Improve conditions along and within the Willamette and Columbia rivers to accommodate a diverse mix of recreational users and activities. Designate and invest in strategically-located sites along the length of Portland’s riverfronts for passive or active recreation activities that are compatible with nearby land uses, historically and culturally important sites, significant habitat areas, restoration sites, and native fish and wildlife usage.

Policy 3.72 Industry and port facilities. Enhance the regionally significant economic infrastructure that includes Oregon’s largest seaport and largest airport, unique multimodal freight, rail, and harbor access; the region’s critical energy hub; and proximity to anchor manufacturing and distribution facilities.

Policy 3.73. Habitat. Enhance the roles of the Willamette and Columbia rivers and their confluence as an ecological hub that provides locally and regionally significant habitat for fish and wildlife and habitat restoration opportunities.

Policy 3.74. Commercial activities. Enhance the roles of the Willamette and Columbia rivers in supporting local and regional business and commerce, including commercial fishing, tourism, recreation, and leisure.

Policy 3.75. River neighborhoods. Enhance the strong river orientation of residential areas that are located along the Willamette and Columbia Rivers.

Policy 3.76. River access. Enhance and complete Portland’s system of river access points and riverside trails, including the Willamette Greenway Trail, and strengthen active transportation connections between neighborhoods and the rivers.

Policy 3.77. River management and coordination. Coordinate with federal, state, regional, special districts, and other agencies to address issues of mutual interest and concern, including economic development, recreation, water transportation, flood and floodplain management and protection, regulatory compliance, permitting, emergency management, endangered species recovery, climate change preparation, Portland Harbor Superfund, brownfield cleanup, and habitat restoration.

Policy 3.78 Columbia River. Enhance the role of the Columbia River for river dependent industry, fish and wildlife habitat, subsistence and commercial fisheries, floating- and land-based neighborhoods, recreational uses, and water transportation.

Policy 3.79 Willamette River North Reach. Enhance the role of the Willamette River North Reach for

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river dependent industry, fish and wildlife habitat, and as an amenity for riverfront neighborhoods and recreational users.

Policy 3.80. Willamette River Central Reach. Enhance the role of the Willamette River Central Reach as the Central City and region's primary riverfront destination for recreation, history and culture, emergency response, water transportation, and as habitat for fish and wildlife.

Policy 3.81 Willamette River South Reach. Enhance the role of the Willamette River South Reach as fish and wildlife habitat, a place to recreate, and as an amenity for riverfront neighborhoods and others.

Policy 3.82. Willamette River Greenway. Maintain multi-objective plans and regulations to guide development, infrastructure investments, and natural resource protection and enhancement within and along the Willamette Greenway.

114.Finding: Policies 3.69 through 3.82 provide direction on the desired characteristics and functions of the Rivers Pattern Area. The multi-dwelling zones are largely located outside the Rivers Pattern Area, which includes areas along the Willamette and Columbia Rivers, with a few exceptions. These include areas of multi-dwelling zoning along the Willamette River near the east end of the Sellwood Bridge and areas around the Macadam Neighborhood Center. Portions of Hayden Island on the Columbia River also have multi-dwelling zoning. Existing rules for Willamette River Greenway and Macadam Plan District are not affected by these amendments. Similarly, the Hayden Island Plan District is not significantly affected.

Central City Pattern Area

Policy 3.83. Central City districts. Enhance the distinct identities of the Central City's districts.

Policy 3.84. Central City river orientation. Enhance and strengthen access and orientation to the Willamette River in the Central City and increase river-focused activities.

Policy 3.85. Central City pedestrian system. Maintain and expand the Central City's highly interconnected pedestrian system.

Policy 3.86. Central City bicycle system. Expand and improve the Central City's bicycle system.

115.Finding: Policies 3.83 through 3.86 provide direction on the desired characteristics and functions of the Central City Pattern Area. The BHD amendments primarily affect multi-dwelling zones outside the Central City and do not relate to these policies. These policies are not applicable.

Inner Neighborhoods Pattern Area

Policy 3.87 Inner Neighborhoods main streets. Maintain and enhance the Streetcar Era pattern of street-oriented buildings along Civic and Neighborhood corridors.

Policy 3.88 Inner Neighborhoods street patterns. Preserve the area's urban fabric of compact blocks and its highly interconnected grid of streets.

Policy 3.89 Inner Neighborhoods infill. Fill gaps in the urban fabric through infill development on vacant and underutilized sites and in the reuse of historic buildings on adopted inventories.

Policy 3.90 Inner Neighborhoods active transportation. Use the extensive street, sidewalk, and bikeway system and multiple connections to the Central City as a key part of Portland's active transportation system

Policy 3.91 Inner Neighborhoods residential areas. Continue the patterns of small, connected blocks,

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regular lot patterns, and streets lined by planting strips and street trees in Inner Neighborhood residential areas.

116.Finding: Policies 3.87 through 3.91 provide direction on the desired characteristics and functions of the Inner Neighborhoods Pattern Area. The BHD amendments support these policies by facilitating infill development in the multi-dwelling zones that continue established patterns in the Inner Neighborhood Pattern Area. Amendments that shift from regulating development by unit density to regulating by building scale, with flexibility for more units, will expand allowances for compact housing types that were historically common in the Inner Neighborhood Pattern Area, such as fourplexes, small apartments buildings, and courtyard apartments, which often are not allowed under current R2 and R1 density-based regulations. Along corridors in the Inner Neighborhood Pattern Area, the BHD code amendments for the RM2 zone will allow for new corridor apartments similar to existing multi-dwelling buildings built before World War 2, but which have densities that exceed current allowances. These amendments will therefore allow for new development that continues the diverse housing types that characterize the Inner Ring Districts. Zoning Map and Zoning Code amendments in the Alphabet and King's Hill historic districts are intended to match development allowances to the scale of larger historic building in these districts, which will help retain these historic districts' characteristics while accommodating new development on underutilized sites such as parking lots. The BHD code amendments also help promote the preservation of historic buildings in the Inner Neighborhood Pattern Area by expanding allowances for FAR transfers from sites with historic resources and by providing greater allowances for FAR transfers in conjunction with seismic upgrades. BHD amendments support Policy 3.87 by requiring buildings to be oriented to the street or to courtyards connected to streets. Policy 3.91 is supported by amendments that limit front garages and driveways, which will help preserve the area's pattern of planting strips and street trees. Amendments requiring front setbacks will continue the area's patterns of green street edges lined by front yards and gardens.

Eastern Neighborhoods Pattern Area

Policy 3.92 Eastern Neighborhoods street, block, and lot pattern. Guide the evolving street and block system in the Eastern Neighborhoods in ways that build on positive aspects of the area's large blocks, such as opportunities to continue mid-block open space patterns and create new connections through blocks that make it easier to access community destinations.

Policy 3.93 Eastern Neighborhoods site development. Require that land be aggregated into larger sites before land divisions and other redevelopment occurs. Require site plans which advance design and street connectivity goals.

Policy 3.94 Eastern Neighborhoods trees and natural features. Encourage development and right-of-way design that preserves and incorporates Douglas fir trees and groves, and that protects the area's streams, forests, wetlands, steep slopes, and buttes.

Policy 3.95 Eastern Neighborhoods buttes. Enhance public views of the area's skyline of buttes and stands of tall Douglas fir trees.

Policy 3.96 Eastern Neighborhoods corridor landscaping. Encourage landscaped building setbacks along residential corridors on major streets.

Policy 3.97 Eastern Neighborhoods active transportation. Enhance access to centers, employment areas, and other community destinations in Eastern Neighborhoods by ensuring that corridors have safe and accessible pedestrian and bicycle facilities and creating additional secondary connections that provide low-stress pedestrian and bicycle access.

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117.Finding: Policies 3.92 through 3.97 provide direction on the desired characteristics and functions of the Eastern Neighborhoods Pattern Area. The BHD amendments include provisions specific to East Portland that are consistent with these policies. Amendments requiring deep rear setbacks in the Eastern Portland Pattern Area will help keep the centers of the area's large blocks greener and less built up, providing opportunities for preservation of the Douglas fir trees that are sometimes located on these large blocks. In conjunction with the Bureau of Transportation's Connected Centers Street Plan, the BHD amendments will help facilitate creating additional connections through requirements for sites in specified East Portland centers to be large enough to accommodate new connections and outdoor spaces, and by allowing development allowances to be calculated prior to street dedications to reduce barriers to including new connections as part of development. BHD requirements for minimum site frontages will also implement Policy 3.93 by requiring smaller sites to be aggregated before development can occur. BHD amendments requiring deeper front setbacks in the RM2 and RM3 zone will help implement Policy 3.97's directive for landscaped building setbacks, including along major streets.

Western Neighborhoods Pattern Area

Policy 3.98 Western Neighborhoods village character. Enhance the village character of the Western Neighborhoods' small commercial districts and increase opportunities for more people to live within walking distance of these neighborhood anchors.

Policy 3.99 Western Neighborhoods active transportation. Provide safe and accessible pedestrian and bicycle connections, as well as off-street trail connections, to and from residential neighborhoods.

Policy 3.100 Western Neighborhoods development. Encourage new development and infrastructure to be designed to minimize impacts on the area's streams, ravines, and forested slopes.

Policy 3.101 Western Neighborhoods habitat corridors. Preserve, enhance, and connect the area's network of habitat areas and corridors, streams, parks, and tree canopy.

Policy 3.102 Western Neighborhoods trails. Develop pedestrian-oriented connections and enhance the Western Neighborhoods' distinctive system of trails to increase safety, expand mobility, access to nature, and active living opportunities in the area.

118.Finding: Policies 3.98 through 3.102 provide direction on the desired characteristics and functions of the Western Neighborhoods Pattern Area. The centers in the Western Neighborhoods Pattern Area, Hillsdale, Multnomah Village, and West Portland, include multi-dwelling zoning that provide options for compact housing close to these center's services. BHD amendments that shift from regulating development by unit density to regulating by building scale, with flexibility for more units, will support these policies by expanding housing capacity in and around these centers. Allowing more units in the multi-dwelling zones in these areas will allow more people to benefit from living close to services. Amendments requiring large sites to include common areas, such as courtyards, will encourage the inclusion of larger areas of green that will reflect the pattern area's extensive system of natural features, as will requirements for landscaped front setbacks in the RM2 and RM3 zones. BHD amendments support continuing this pattern area's system of habitat corridors and tree canopy by facilitating tree preservation through allowances for FAR to be transferred from sites where large trees are being preserved. In conjunction with options for narrower types of connections included in the Bureau of Transportation's Connected Centers Street Plan, the BHD amendments will help facilitate creating additional pedestrian and multi-modal connections by allowing development allowances to be calculated prior to street dedications to reduce barriers to including new connections as part of development.

Chapter 4: Design and Development

Goal 4.A: Context-sensitive design and development. New development is designed to respond to and enhance the distinctive physical, historic, and cultural qualities of its location, while accommodating growth and change.

119.Finding: The BHD amendments include a range of provisions intended to guide development in the multi-dwelling zones to respond the characteristics of Portland’s residential areas. This includes Eastern Portland rear setback standards intended to keep the centers of the area’s large blocks greener and less built up, new approaches to regulating development that will facilitate a revival of the diverse mix of multi-dwelling housing types – such as fourplexes and courtyard apartments – once common in inner neighborhoods, expanded requirements for outdoor spaces, and requirements for landscaped front setbacks that will integrate higher-density development with the characteristics of Portland’s residential neighborhoods. Limitations on street facing garages and location of vehicle areas are also established to provide greater consistency with historic development patterns. Amendments to development standards and the mapping of high-density multi-dwelling zones in historic districts are calibrated to the scale of historic buildings, while also accommodating growth on underutilized sites such as parking lots.

Goal 4.B: Historic and cultural resources. Historic and cultural resources are integral parts of an urban environment that continue to evolve and are preserved.

120.Finding: The BHD amendments include provisions specifically intended to promote preservation of historic and cultural resources. These include expanded options for transferring FAR from sites preserving historic resources, allowing additional amounts of FAR to be transferred in conjunction with seismic upgrades to historic structures, and amendments to the Zoning Map and development standards in the Alphabet and King’s Hill historic districts to guide development to relate to the scale historic buildings, while continuing to accommodate growth.

Goal 4.C: Human and environmental health. Neighborhoods and development are efficiently designed and built to enhance human and environmental health: they protect safety and livability; support local access to healthy food; limit negative impacts on water, hydrology, and air quality; reduce carbon emissions; encourage active and sustainable design; protect wildlife; address urban heat islands; and integrate nature and the built environment.

121.Finding: BHD amendments promote human and environmental health through a broad range of provisions, including expanded requirements for outdoor spaces; requirements for large sites to include common areas to provide residents’ with access to recreation, socialization, and opportunities to grow food; allowances that promote green infrastructure such as ecoroofs and stormwater planters as part of development; FAR transfer allowances in exchange for preserving large trees, by allowing more housing options close to services and transit; and through limitations on large surface parking lots to reduce urban heat islands.

Goal 4.D: Urban resilience. Buildings, streets, and open spaces are designed to ensure long-term resilience and to adjust to changing demographics, climate, and economy, and withstand and recover from natural disasters.

122.Finding: The BHD amendments help implement this goal by allowing a broader range of housing types that can be more responsive to changing demographics, through incentives for visitable or accessible housing that can accommodate people of all ages and abilities, through limitations on large parking lots to reduce urban heat islands in the context of rising temperatures, and through

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expanding housing capacity in areas close to services where the multi-dwelling zones are mapped, helping to direct growth away from habitat and natural hazard areas.

Context

Policy 4.1. Pattern areas. Encourage building and site designs that respect the unique built, natural, historic, and cultural characteristics of Portland's five pattern areas described in Chapter 3: Urban Form.

Policy 4.2. Community identity. Encourage the development of character-giving design features that are responsive to place and the cultures of communities.

Policy 4.3. Site and context. Encourage development that responds to and enhances the positive qualities of site and context — the neighborhood, the block, the public realm, and natural features.

123.Finding: The BHD amendments include a range of provisions intended to encourage development to better respond to context, including characteristics of Portland's pattern areas, communities, and typical residential contexts. This includes Eastern Portland rear setback standards intended to keep the centers of the area's large blocks greener and less built up, new approaches to regulating development that will facilitate a revival of the diverse mix of multi-dwelling housing types — such as fourplexes and courtyard apartments — once common in inner neighborhoods, expanded requirements for outdoor spaces, and requirements for landscaped front setbacks that will integrate higher-density development with the characteristics of Portland's residential neighborhoods; and new incentives for preserving large trees. Limitations on street facing garages and location of vehicle areas are also established to provide greater consistency with the characteristics of Portland's residential neighborhoods and to ensure that new development enhances the public realm of streets. Amendments to development standards and the mapping of high-density multi-dwelling zones in historic districts are calibrated to the scale of historic buildings to better integrate new development with the characteristics of historic districts.

Policy 4.4. Natural features and green infrastructure. Integrate natural and green infrastructure such as trees, green spaces, ecoroofs, gardens, green walls, and vegetated stormwater management systems, into the urban environment. Encourage stormwater facilities that are designed to be a functional and attractive element of public spaces, especially in centers and corridors.

124.Finding: The BHD amendments help implement this policy through provisions that promote the inclusion of green infrastructure such as ecoroof and stormwater planters as part of developments, FAR transfer provisions to provide an incentive for preserving large trees, expanded requirements for outdoor spaces, requirements for large sites to include common areas, and requirements in East Portland for deep rear setbacks that will help keep the centers of the area's large blocks greener and less built up. Limitations on large surface parking lots and reduced minimum parking requirements will provide more opportunities for more site area to be used for landscaping, trees, and other green features. Requirements for landscaped front setbacks will help foster a green street environment, while providing more space for street tree canopy and helping to reduce urban heat island impacts. The changes encourage alternatives to conventional landscaping by allowing ecoroofs and stormwater planters to meet up to 50 percent of required landscaping.

Policy 4.5. Pedestrian-oriented design. Enhance the pedestrian experience throughout Portland through public and private development that creates accessible, safe, and attractive places for all those who walk and/or use wheelchairs or other mobility devices.

125.Finding: The BHD amendments reduce on-site parking, driveways and garages to improve the relationship between buildings and the public realm of streets and contribute to creating

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pedestrian-friendly street environments, while reducing conflicts between pedestrians on sidewalks and vehicles using driveways. Allowances for greater housing density in the multi-dwelling zones will also allow for more people to live within walking distance of services and transit. Development bonuses for visitable or accessible housing units will help create communities where people of all abilities can live and get around.

Policy 4.6. Street orientation. Promote building and site designs that enhance the pedestrian experience with windows, entrances, pathways, and other features that provide connections to the street environment.

126.Finding: The BHD amendments help implement this policy by including requirements for street-oriented entrances, expanding requirements for pathways that connect buildings to streets, limiting front garages and front parking to enhance the orientation of buildings to streets and foster a pedestrian-friendly street environment, and requirements for ground-floor windows when commercial uses are included as part of multi-dwelling buildings along corridors.

Policy 4.7. Development and public spaces. Guide development to help create high-quality public places and street environments while considering the role of adjacent development in framing, shaping, and activating the public space of streets and urban parks.

127.Finding: The BHD amendments help implement this policy by regulations that limit front parking and garages, ensuring that buildings are oriented to streets. Allowances along Civic and Neighborhood Corridors for ground-floor commercial uses will help activate these streets, as will requirements for ground-floor windows. Along these same important corridors, amendments will allow a continuous street wall of buildings in both multi-dwelling and mixed use zones, which will foster the creation of a more urban street edge that frames and helps define the street space. Other amendments will cultivate an engaging street environment by encouraging courtyards open to the street, enhancing the pedestrian experience of streets.

Policy 4.8. Alleys. Encourage the continued use of alleys for parking access, while preserving pedestrian access. Expand the number of alley-facing accessory dwelling units.

128.Finding: The BHD amendments address this policy by requiring that multi-dwelling development on small sites (up to 10,000 square feet), when adjacent to an existing alley, provide parking access from the alley when off-street parking is provided. Other amendments promote the continued use of alleys for parking access by providing more flexibility for vehicles to back out into alleys from parking spaces. Specifically, current requirements for parking areas with more than four spaces to have vehicles enter an alley in a forward motion are removed because they reduce the utility of a rear alley for larger projects.

Policy 4.9. Transitional urbanism. Encourage temporary activities and structures in places that are transitioning to urban areas to promote job creation, entrepreneurship, active streets, and human interaction.

129.Finding: This policy relates to temporary commercial activities and public gathering places, rather than residential uses that are the focus of the multi-dwelling zones. This policy is therefore not applicable.

Health and safety

Policy 4.10. Design for active living. Encourage development and building and site design that promotes a healthy level of physical activity in daily life.

Policy 4.11. Access to light and air. Provide for public access to light and air by managing and shaping

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the height and mass of buildings while accommodating urban-scale development.

Policy 4.12. Privacy and solar access. Encourage building and site designs that consider privacy and solar access for residents and neighbors while accommodating urban-scale development.

Policy 4.13. Crime-preventive design. Encourage building, site, and public infrastructure design approaches that help prevent crime.

Policy 4.14. Fire prevention and safety. Encourage building and site design that improves fire prevention, safety, and reduces seismic risks.

130.Finding: Policies 4.10 through 4.714 provide direction regarding the promotion of health and safety in development. The BHD amendments help implement these policies through a range of provisions. Amendments promote site design supportive of physical activity by expanding requirements for outdoor spaces, through new requirements that large sites include common areas to provide opportunities for recreation, and expanded requirements for buildings to provide pedestrian connections to streets and meet pedestrian connectivity requirements. BHD regulations address access to light and air by including requirements for building setbacks, requirements for minimum five-foot setbacks for windows adjacent to property lines when units have no other windows, and through applying maximum heights and requiring building height to step down adjacent to single-dwelling zoning. Requirements for deeper front setbacks are intended to limit privacy impacts to residents of ground-level units. The requirements for outdoor spaces and common areas will also expand access to light and air. Limiting front garages and requiring entrances and windows to be oriented to streets will also support passive surveillance by facilitating “eyes on the street.” New construction and remodels will be required to meet modern building codes to ensure fire prevention and reduce seismic risks. A BHD provision providing additional FAR transfer allowances for historic properties in conjunction with seismic upgrades is intended to help address the need to reduce seismic risks to historic buildings and their residents.

Residential areas

Policy 4.15. Residential area continuity and adaptability. Encourage more housing choices to accommodate a wider diversity of family sizes, incomes, and ages, and the changing needs of households over time. Allow adaptive reuse of existing buildings, the creation of accessory dwelling units, and other arrangements that bring housing diversity that is compatible with the general scale and patterns of residential areas.

131.Finding: The BHD amendments help implement this policy by shifting from regulating development by unit density to instead regulate primarily by building scale, with flexibility for the number and types of units within this scale. In the RM1 zone, for example, the base scale of development is kept to 35-feet tall covering up to half of a site, which is similar to the scale allowed in single-dwelling zones. Within this allowed scale, a wide variety of housing types are allowed, from duplexes, townhouses, and fourplexes, to courtyard apartments and other low-rise multi-dwelling housing types; allowing for a wide range of housing needs to be met. This is a change from regulations in the current R2 zone, where only two units, typically in the form of two-story townhouse-type units or a pair of narrow detached houses, are allowed on a typical 5,000 square foot lot. Regulating by building scale instead of unit density also supports adaptive reuse of existing buildings by allowing flexible for the number of units within the structure. The BHD amendments foster household diversity by providing development bonuses for affordable units, family-sized three-bedroom units affordable to moderate-income households, and through a bonus for visitable or accessible units to expand barrier-free housing options for people of all abilities.

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Policy 4.16. Scale and patterns. Encourage design and development that complements the general scale, character, and natural landscape features of neighborhoods. Consider building forms, scale, street frontage relationships, setbacks, open space patterns, and landscaping. Allow for a range of architectural styles and expression.

132.Finding: The BHD amendments include a range of provisions intended to guide development to better respond to the context of Portland’s residential neighborhoods. This includes Eastern Portland rear setback standards intended to keep the centers of the area’s large blocks greener and less built up, new approaches to regulating development that will facilitate a revival of the diverse mix of multi-dwelling housing types – such as fourplexes and courtyard apartments – once common in inner neighborhoods, expanded requirements for outdoor spaces, and requirements for landscaped front setbacks that will integrate higher-density development with the characteristics of residential neighborhoods; and new incentives for preserving large trees. Limitations on street facing garages and location of vehicle areas are also established to provide greater consistency with the characteristics of Portland’s residential neighborhoods and to ensure that new development enhances the public realm of streets. The lowest-scale new multi-dwelling zone, RM1, includes development standards intended to provide continuity with the characteristics of single-dwelling neighborhoods, including a maximum height of 35 feet that is a reduction from the current R2 zone height allowance of 40 feet (which could accommodate four stories, instead of the two- to three-story scale that is intended for the zone and is accommodated by the new maximum height). Other development standards that bring continuity with the characteristics of residential neighborhoods are building coverage limits, landscaping requirements, and new allowances for small accessory structures to be located in side and rear setbacks, allowing continuation of a common development pattern.

Policy 4.17. Demolitions. Encourage alternatives to the demolition of sound housing, such as rehabilitation and adaptive reuse, especially affordable housing, and when new development would provide no additional housing opportunities beyond replacement.

133.Finding: The BHD amendments support this policy with provisions intended to promote preservation of historic structures. These include expanded options for transferring FAR from sites preserving historic resources and allowing additional amounts of FAR to be transferred in conjunction with seismic upgrades to historic structures. The amendments also support this policy by providing flexibility when units are being added within an existing structure to not have to come all the way into conformance with minimum density requirements, as well as providing flexibility for greater numbers of units to be added within a structure than current regulations.

Policy 4.18. Compact single-family options. Encourage development and preservation of small resource-efficient and affordable single-family homes in all areas of the city.

134.Finding: The BHD amendments provide broad flexibility for the numbers and types of units on multi-dwelling zone sites. Clusters of small detached houses are among the housing types allowed by right in the multi-dwelling zones, and the elimination of maximum density requirement provides more flexibility for the numbers of such houses allowed on a site.

Policy 4.19. Resource efficient and healthy residential design and development. Support resource efficient and healthy residential design and development.

135.Finding: The BDS amendments support this policy by facilitating the development of compact, multi-dwelling development, which is inherently more resource efficient than lower-density housing types. In particular, the amendments help implement this policy by shifting from regulating development by unit density to instead regulate primarily by building scale, with flexibility for the

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number and types of units within this scale. Other amendments support this policy by expanding requirements for residential outdoor space and common areas, which addresses residents' health by increasing opportunities for recreation, access to nature, and providing options for growing food.

Design and development of centers and corridors

Policy 4.20. Walkable scale. Focus services and higher-density housing in the core of centers to support a critical mass of demand for commercial services and more walkable access for customers.

Policy 4.21. Street environment. Encourage development in centers and corridors to include amenities that create a pedestrian-oriented environment and provide places for people to sit, spend time, and gather.

Policy 4.22. Relationship between building height and street size. Encourage development in centers and corridors that is responsive to street space width, thus allowing taller buildings on wider streets.

Policy 4.23. Design for pedestrian and bicycle access. Provide accessible sidewalks, high-quality bicycle access, and frequent street connections and crossings in centers and corridors.

Policy 4.24. Drive-through facilities. Prohibit drive through facilities in the Central City, and limit new development of new ones in the Inner Ring Districts and centers to support a pedestrian-oriented environment.

Policy 4.25. Residential uses on busy streets. Improve the livability of places and streets with high motor vehicle volumes. Encourage landscaped front setbacks, street trees, and other design approaches to buffer residents from street traffic.

Policy 4.26. Active gathering places. Locate public squares, plazas, and other gathering places in centers and corridors to provide places for community activity and social connections. Encourage location of businesses, services, and arts adjacent to these spaces that relate to and promote the use of the space.

Policy 4.27. Protect defining features. Protect and enhance defining places and features of centers and corridors, including landmarks, natural features, and historic and cultural resources.

Policy 4.28. Historic buildings in centers and corridors. Protect and encourage the restoration and improvement of historic resources in centers and corridors.

Policy 4.29. Public art. Encourage new development and public places to include design elements and public art that contribute to the distinct identities of centers and corridors, and that highlight the history and diverse cultures of neighborhoods.

136.Finding: Policies 4.20 through 4.29 provide direction regarding design and development in centers and corridors. The majority of these policies relate to the mixed-use cores of centers and corridors, which are intended to serve as hubs for services and community activity. Most of these policies do not apply directly to the multi-dwelling zones, although these zones play an important role in supporting the role of centers as places with concentrations of services and housing. The majority of multi-dwelling zoning (59 percent) is located in or within a quarter mile of centers. BHD amendments that shift from regulating development from unit density to regulating by building scale, with flexibility for more units, will help support policies by expanding housing capacity in multi-dwelling zones located in centers. Allowing more units in the multi-dwelling zones will allow for additional population to support commercial services in centers. Policy 4.23 is supported by BHD amendments intended to facilitate new street and pedestrian connections where they are needed,

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such as through requirements for sites in Eastern Portland centers to be large enough to accommodate street connections (as well as to support better site design) and by allowing development allowances to be calculated prior to street dedications to reduce barriers to including new connections as part of development. Amendments to the Zoning Map and developments standards applicable to the Alphabet Historic District, located in the Northwest District Town Center, are intended to protect historic resources while guiding new development to relate to the scale of historic buildings. Other amendments are intended to encourage the preservation of historic resources by expanding allowances for transfers of FAR from sites with historic resources and through related FAR transfer incentives linked to seismic upgrades.

Transitions

Policy 4.30. Scale transitions. Create transitions in building scale in locations where higher-density and higher-intensity development is adjacent to smaller-scale single-dwelling zoning. Ensure that new high-density and large-scale infill development adjacent to single dwelling zones incorporates design elements that soften transitions in scale and limit light and privacy impacts on adjacent residents.

Policy 4.31. Land use transitions. Improve the interface between non-residential uses and residential uses in areas where commercial or employment uses are adjacent to residentially-zoned land.

Policy 4.32. Industrial edge. Protect non-industrially zoned parcels from the adverse impacts of facilities and uses on industrially zoned parcels using a variety of tools, including but not limited to vegetation, physical separation, land acquisition, and insulation to establish buffers between industrial sanctuaries and adjacent residential or mixed-use areas to protect both the viability of long-term industrial operations and the livability of adjacent areas.

137.Finding: Policies 4.30 through 4.32 provide direction regarding transitions between different types of land uses. The BHD amendments address these policies in a number of ways. Amendments will require large buildings in multi-dwelling zones to step-down in height when adjacent to single-dwelling zoning to provide a scale transition. Zones that are often located in areas that provide a transition between the mixed-use cores of centers and single-dwelling areas, such as the RM1 and RM2 zones, included requirements for design features that will help aid in providing a transition to the characteristics of single-dwelling residential areas, such as requirements for landscaped front setbacks, lower-scale building heights, and limitation on the size of facades. New allowances for limited amounts of ground-floor commercial uses in multi-dwelling zones along major corridors limit these uses to corridor frontages, and require screening for outdoor seating located adjacent to properties with residential zoning. Requirements for building setbacks and landscaping in the multi-dwelling zones will allow for screening vegetation when adjacent to industrial areas.

Off-site impacts

Policy 4.33. Off-site impacts. Limit and mitigate public health impacts, such as odor, noise, glare, light pollution, air pollutants, and vibration that public facilities, land uses, or development may have on adjacent residential or institutional uses, and on significant fish and wildlife habitat areas. Pay attention to limiting and mitigating impacts to under-served and under-represented communities.

138.Finding: The 2035 Comprehensive Plan defines the verb “limit” to mean to minimize or reduce something or the effects of something relative to the current situation or to a potential future situation. The verb “mitigate”, which is not defined in the 2035 Comprehensive Plan, means to make less severe. The City Council interprets this policy to apply to non-residential uses, such as those allowed in commercial and employment zones, that can have negative public health impacts on adjacent residential and institutional uses. This policy is primarily implemented through the

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requirements of Zoning Code Chapter 33.262, which is designed to protect uses from off-site impacts associated with nonresidential uses and by requirements for the Commercial/Mixed Use zones in Chapter 33.130 that require landscaped setbacks and screening adjacent to residential zones. As an added benefit, the BHD amendments include requirements for front building setbacks along street frontages that provide opportunities for trees and landscaping that help limit impacts when adjacent to non-residential uses. New allowances for limited amounts of ground-floor commercial uses in multi-dwelling zones along major corridors limit these uses to corridor frontages, and require screening for outdoor seating located adjacent to properties with residential zoning.

Testimony by Tamara DeRidder raised concerns that the BHD amendments fail to address air quality and other health related impacts. Specifically, the concern is air pollution caused by cars and trucks and that most of the multi-dwelling zoning is near streets with heavier traffic volumes and/or designated as freight routes, making the residents of multi-dwelling housing more susceptible to negative health impacts. The proposed solution is to require enhanced air quality filters in multi-dwelling structures. The City Council shares the concern about air quality impacts, but interprets this policy to apply to regulating nonresidential uses to limit and mitigate negative impacts, rather than regulating residential uses to reduce off-site impacts. Further, the City Council finds that the proposed remedy, enhanced air quality filters, is beyond the scope of this project. As noted in the testimony, enhanced air quality filters is a State Building Code issue, and not one that regulated through the Zoning Code. Therefore, it is not appropriate to include those types of requirements in the Zoning Code.

Policy 4.34. Auto-oriented facilities, uses, and exterior displays. Minimize the adverse impacts of highways, auto-oriented uses, vehicle areas, drive-through areas, signage, and exterior display and storage areas on adjacent residential uses.

139.Finding: The City Council interprets this policy to apply to non-residential auto-oriented uses and associated uses that can have negative impacts on adjacent residential uses. The BHD amendments do not change any of the development standards that regulate these types of auto-oriented uses, therefore this policy does not apply.

Policy 4.35. Noise impacts. Encourage building and landscape design and land use patterns that limit and/or mitigate negative noise impacts to building users and residents, particularly in areas near freeways, regional truckways, major city traffic streets, and other sources of noise.

Policy 4.36. Air quality impacts. Encourage building and landscape design and land use patterns that limit and/or mitigate negative air quality impacts to building users and residents, particularly in areas near freeways, regional truckways, high traffic streets, and other sources of air pollution.

140.Finding: Policies 4.35 and 4.36 address a similar issue and situation – noise and air quality impacts on uses located near freeways, truckways and major traffic streets. The verb “encourage”, which is defined in the 2035 Comprehensive Plan, means to promote or foster using some combination of voluntary approaches, regulations, or incentives. The BHD amendments include requirements for front building setbacks along street frontages that provide opportunities for trees and landscaping that help limit noise and air quality impacts when adjacent to freeways, truckways and major traffic streets. New allowances for limited amounts of ground-floor commercial uses in multi-dwelling zones along major corridors limit these uses to corridor frontages, and require screening for outdoor seating located adjacent to properties with residential zoning.

The policy requires a consideration of land use patterns to limit noise and air quality impacts. As part of the adoption of the 2035 Comprehensive Plan, the City Council considered the existing land

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use pattern including multi-dwelling housing near freeways, truckways and major traffic streets. The City Council stands by that decision to not make major changes to the land use patterns because the land use pattern reflects existing development and providing increased housing options near transit and other needed shops and services reduces reliance on automobiles and is supportive of an active healthy lifestyle that can outweigh the negative noise and air quality impacts.

Testimony by Tamara DeRidder raised concerns that the BHD amendments fail to address noise, air quality and other health related impacts. Specifically, the concern is air pollution caused by cars and trucks and that most of the multi-dwelling zoning is near streets with heavier traffic volumes and/or designated as freight routes, making the residents of multi-dwelling housing more susceptible to negative health impacts. The proposed solution is to require enhanced air quality filters in multi-dwelling structures. The City Council shares the concern about noise and air quality impacts, but finds that the proposed remedy, enhanced air quality filters, is beyond the scope of this project. As noted in the testimony, enhanced air quality filters is a State Building Code issue, and not one that regulated through the Zoning Code. Therefore, it is not appropriate to include those types of requirements in the Zoning Code.

Policy 4.37. Diesel emissions. Encourage best practices to reduce diesel emissions and related impacts when considering land use and public facilities that will increase truck or train traffic.

141.Finding: The verb “encourage”, which is defined in the 2035 Comprehensive Plan, means to promote or foster using some combination of voluntary approaches, regulations, or incentives. The City Council interprets this policy to apply to non-residential uses that will increase truck and train traffic that can have negative impacts on adjacent residential uses. The BHD amendments do not change any of the development standards that regulate these types of nonresidential uses, therefore this policy does not apply.

Further, the BHD amendments include requirements for increased front building setbacks along street frontages that provide opportunities for trees and landscaping that help limit noise and air quality impacts when adjacent to freeways, truckways and rail lines.

Testimony by Tamara DeRidder raised concerns that the BHD amendments fail to address noise, air quality and other health related impacts. Specifically, the concern is air pollution is caused by cars and trucks (and trains) and that most of the multi-dwelling zoning is near streets with heavier traffic volumes and/or designated as freight routes, making the residents of multi-dwelling housing more susceptible to negative health impacts. The proposed solution is to require enhanced air quality filters in multi-dwelling structures. The City Council shares the concern about noise and air quality impacts, but finds that the proposed remedy, enhanced air quality filters, is beyond the scope of this project. As noted in the testimony, enhanced air quality filters is a State Building Code issue, and not one that regulated through the Zoning Code. Therefore, it is not appropriate to include those types of requirements in the Zoning Code.

Policy 4.38. Light pollution. Encourage lighting design and practices that reduce the negative impacts of light pollution, including sky glow, glare, energy waste, impacts to public health and safety, disruption of ecosystems, and hazards to wildlife.

142.Finding: The verb “encourage”, which is defined in the 2035 Comprehensive Plan, means to promote or foster using some combination of voluntary approaches, regulations, or incentives. This policy is primarily implemented through the requirements of Zoning Code Chapter 33.262, which includes standards to protect uses from glare. As an added benefit, the BHD amendments include requirements for increased building setbacks along street frontages that provide opportunities for

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trees and landscaping that help limit light pollution impacts.

Policy 4.39. Airport noise. Partner with the Port of Portland to require compatible land use designations and development within the noise-affected area of Portland International Airport, while providing disclosure of the level of aircraft noise and mitigating the potential impact of noise within the affected area.

143.Finding: The City Council interprets this policy to provide direction on coordinating with the Port of Portland when planning for changes to land use designations within the noise-affected area of Portland International Airport. The BHD amendments do not make changes to where multi-dwelling zoning land use designations are mapped within the noise-affected area of Portland International Airport. This policy does not apply.

Policy 4.40. Telecommunication facility impacts. Mitigate the visual impact of telecommunications and broadcast facilities near residentially-zoned areas through physical design solutions.

144.Finding: The BHD amendments do not affect existing regulations for telecommunication or radio frequency transmission facilities.

Scenic resources

Policy 4.41. Scenic resources. Enhance and celebrate Portland’s scenic resources to reinforce local identity, histories, and cultures and contribute toward way-finding throughout the city. Consider views of mountains, hills, buttes, rivers, streams, wetlands, parks, bridges, the Central City skyline, buildings, roads, art, landmarks, or other elements valued for their aesthetic appearance or symbolism.

Policy 4.42. Scenic resource protection. Protect and manage designated significant scenic resources by maintaining scenic resource inventories, protection plans, regulations, and other tools.

Policy 4.43. Vegetation management. Maintain regulations and other tools for managing vegetation in a manner that preserves or enhances designated significant scenic resources.

Policy 4.44. Building placement, height, and massing. Maintain regulations and other tools related to building placement, height, and massing to preserve designated significant scenic resources.

Policy 4.45. Future development. Encourage new public and private development to create new public viewpoints providing views of Portland’s rivers, bridges, surrounding mountains, hills and buttes, the Central City skyline, and other landmark features.

145.Finding: Policies 4.30 through 4.32 provide direction regarding Portland’s designated scenic resources. The BHD amendments do not affect management of designated scenic resources. Amendments do not change existing height limits in most cases and do not impact designated scenic resources. The limited instances where substantially greater building height is provided in the RM4 zone (up to 100 feet) are in locations that will not impact designated scenic resources or views.

Historic and cultural resources

Policy 4.46. Historic and cultural resource protection. Protect and encourage the restoration of historic buildings, places, and districts that contribute to the distinctive character and history of Portland’s evolving urban environment.

146.Finding: This policy calls for protecting and encouraging the restoration of historic resources that contribute to the “distinctive character and history of Portland’s evolving urban environment.” City Council interprets “distinctive character” to refer to the physical environment of Portland, of which

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historic resources such as buildings and districts are distinctive components, while their contribution to “history” refers to the role of historic resources as being more than physical objects, but reminders of the city’s past, including its social and cultural legacies. This policy’s reference to “Portland’s evolving urban environment” places historic resources in the context of being part of a city that continues to grow and change. City Council interprets this to mean that this and other historic and cultural resource policies are part of a balancing act of protecting distinctive historic and cultural resources, while continuing to accommodate a changing urban environment that meets new needs and uses for buildings.

“Protect” is defined in the Comprehensive Plan as “to defend or guard against loss, injury, or destructions,” which can be accomplished through a variety of regulatory and non-regulatory approaches. This component of this policy is supported by BHD amendments that limit the use of development bonuses or FAR transfers from being used on sites where a historic building has been demolished. This demolition limitation is especially oriented to discouraging demolitions of locally-designated historic resources, as it prevents these allowances from being used on sites where there have been demolitions of historic resources in Conservation Districts or locally-designated historic landmarks, for which there are currently no demolition review procedures and are thus more vulnerable to redevelopment pressures.

“Encourage” is defined in the Comprehensive Plan as “promote or foster using some combination of voluntary approaches, regulations, or incentives.” The BHD amendments support this component of this policy by promoting the preservation of historic resources through amendments that expand options for transferring FAR from sites preserving historic resources and that allow additional amounts of FAR to be transferred in conjunction with seismic upgrades to historic structures. These FAR transfer allowances help the economic viability of historic preservation by providing an additional means to gain value for the preservation of historic buildings.

The BHD map amendments to the historic Anna Mann House at 1021 NE 33rd Avenue also support the historic preservation objective of this policy. Changing the zoning of this property to RM1 (Multi-Dwelling – Neighborhood Comprehensive Plan Map designation) from current R5 zoning, will provide flexibility for expansions of the multi-dwelling uses of this historic property (listed on the National Register of Historic Places) to be more in keeping with the original historic use and character of this property as a large multi-unit residence and will help accommodate its preservation through adaptive reuse of the historic structure. The BHD map amendments to rezone the rear portion of a property at 5631 SE Belmont Street from R5 to RM1 (Multi-Dwelling – Neighborhood Comprehensive Plan Map designation) will also support the preservation and adaptive reuse of this historic structure. This zoning line shift will remove a split zone situation in which the zoning line runs through the 1903 house, which currently divides the structure between the multi-dwelling R2 and single-dwelling R5 zones and prevents adaptive reuse options that are available in multi-dwelling zones, but not single-dwelling zones. This zoning line shift will support the viability of the historic preservation and adaptive reuse of this structure by allowing flexibility for commercial uses of the structure that the split zoning otherwise prevented.

Policy 4.47. State and federal historic resource support. Advocate for state and federal policies, programs, and legislation that would enable stronger historic resource designations, protections, and rehabilitation programs.

147.Finding: The BHD amendments do not affect the City’s advocacy for state and federal policies, programs or legislation. This policy does not apply.

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Policy 4.48. Continuity with established patterns. Encourage development that fills in vacant and underutilized gaps within the established urban fabric, while preserving and complementing historic resources.

148.Finding: “Encourage” is defined in the Comprehensive Plan as “promote or foster using some combination of voluntary approaches, regulations, or incentives.” This policy refers to the “established urban fabric,” which was documented in the Portland Plan Urban Form Background Report as predominant urban development patterns, such storefront buildings located side-by-side along commercial main streets in the Inner Neighborhood Pattern Area; while vacant land and parking lots represent “gaps” in this urban fabric. City Council interprets this policy to call for a balancing act of continuing to accommodate development, including within historic districts, while at the same time preserving historic resources and encouraging new development to be designed to complement the characteristics of nearby historic resources. The BHD amendments support Policy 4.48 by fostering compact infill development that can fill in gaps in the established urban fabric, such as by reducing requirements for setbacks and off-street parking, as well as providing flexibility for the numbers of units within the defined building scale.

This policy also calls for encouraging development that complements historic resources, which is supported by BHD map and zoning code amendments that change the allowed scale of development to be similar to the scale of larger historic buildings in the Alphabet and King’s Hill historic districts (which was informed by an analysis of historic buildings in these areas). The finding to Policy 4.49 indicates how the BHD map amendments in these historic districts are intended to help guide new development to complement the historic context of these districts by being similar in scale to historic buildings in these districts. The BHD amendments only regulate the allowed scale and basic characteristics of development. Other regulatory tools, particularly Historic Resource Review, address the design details of development in historic districts to ensure they are compatible with their specific context.

Policy 4.49. Resolution of conflicts. Adopt and periodically update design guidelines for unique historic districts. Refine base zoning in historic districts to consider the character of the historic resources in the district.

149.Finding: The first part of Policy 4.49 provides direction on adopting and updating design guidelines for historic districts, which are not part of the scope of the BHD project. The City creates and updates such guidelines through projects with a specific focus on historic district guidelines. Policy 4.49 also calls for refining base zoning in historic districts to consider the character of historic resources, which is supported by BHD amendments to the Zoning Map and development standards in the Alphabet and King’s Hill historic districts. These map and development standard amendments change the allowed scale of development to be similar to the scale of larger historic buildings in these historic districts. The BHD amendments for these historic districts focus on base zone allowances for building scale, not more detailed aspects of design, as Historic Resource Review is required for new development to ensure that the design details of new development is compatible with the characteristics of historic districts.

In the portion of the Alphabet Historic District north of NW Glisan Street and east of NW 21st Avenue, which currently has RH zoning with a 4:1 base FAR, City Council decided to assign the RM3 zone (with a 2:1 base FAR and 3:1 bonus FAR) to correspond to the scale of historic buildings in this area, where 90 percent of the historic properties in the RH zone in this area have existing FARs of 2:1 FAR or less, with smaller numbers of historic buildings with FARs up to around an FAR of 3:1 (this is documented in a map [Map 2: Existing Building Floor Area Ratios] that is included in material

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from the Planning and Sustainability Commission work session on April 9, 2019). In the portion of the Alphabet Historic District generally south of NW Glisan Street between NW 21st and NW 23rd avenues that currently has RH zoning with a 2:1 base FAR, City Council decided to assign the RM4 zone (with a 3:1 base FAR and a 4.5:1 bonus FAR in historic districts) to correspond to the larger scale of historic buildings in this area, which has a concentration of historic buildings with FARs ranging from more than 2:1 to around 4:1. The FAR map analysis found that larger historic buildings in the current RH zone are clustered in areas of the Alphabet Historic District south of NW Glisan Street, with smaller buildings more predominant in the RH zone north of this street. City Council decided to assign the larger scale RM4 zone and smaller scale RM3 zone to correspond to these historic development patterns. The assignment of RM4 and RM3 zones also provides other development standards that complement the characteristics of the areas where they are being applied. The RM3 zone requires buildings to have small front setbacks or courtyards, which is consistent with the characteristics of the majority of the historic district north of NW Glisan Street, which includes a mix of small apartment buildings and houses, typically with small landscaped front setbacks or courtyards. The RM4 zone allows for more intensely urban development with little or no front setbacks, which corresponds to the characteristics of the larger buildings in the historic district south of NW Glisan Street. These characteristics are documented in project material that mapped building footprints and site configurations in the historic district.

For properties at the southern edge of the King's Hill Historic District, which currently have RH zoning with a 4:1 base FAR, City Council decided to assign the RM3 zone (with a 2:1 base FAR) to correspond to the scale of historic buildings on these properties, all of which have existing FARs of less than a 2:1 FAR (this is documented in a map [Map 2: Existing Building Floor Area Ratios] that is included in material from the Planning and Sustainability Commission work session on April 9, 2019). Applying the RM3 zone in this area also provides development standards requiring landscaped front setbacks that is consistent with the characteristics of this part of the historic district, which consists primarily of houses or small apartment buildings with landscaped front setbacks. In other portions of the King's Hill Historic District, where there is a diverse range of historic buildings with differing sizes and characteristics, City Council decided to apply the RM4 zone (with a 3:1 base FAR and a 4.5:1 bonus FAR in historic districts) to correspond the scale of larger historic building in the historic district, which have FARs that range from 3:1 to 4.5:1.

BHD amendments are also consistent with this policy by setting base and bonus FARs in the RM4 zone in historic and conservation districts at 3:1 and 4.5:1, respectively, instead of the base and bonus FARs of 4:1 and 6:1 that will apply in the RM4 zone outside these districts. These historic district base and bonus FARs will allow new development similar to the scale of larger historic building in the historic districts proposed for the RM4 zone (primarily the Alphabet and King's Hill historic districts). The bonus FAR of 4.5:1, achievable through the inclusionary housing bonus that is mandatory for buildings with 20 or more units, will allow development that is a little larger than the base 4:1 FAR that currently applies in the larger-scale current RH zone.

Policy 4.50. Demolition. Protect historic resources from demolition. Provide opportunities for public comment, and encourage pursuit of alternatives to demolition or other actions that mitigate for the loss.

150.Finding: "Protect" is defined in the Comprehensive Plan as "to defend or guard against loss, injury, or destructions," which can be accomplished through a variety of regulatory and non-regulatory approaches. The BHD amendments support this policy by limiting the use of development bonuses or FAR transfers from being used on sites where a historic building has been demolished. This demolition limitation is especially oriented to discouraging demolitions of locally-designated

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historic resources, as it prevents these allowances from being used on sites where there have been demolitions of historic resources in Conservation Districts or locally-designated historic landmarks, for which there are currently no demolition review procedures and are thus more vulnerable to redevelopment pressures.

Policy 4.51. City-owned historic resources. Maintain City-owned historic resources with necessary upkeep and repair.

151.Finding: The BHD amendments do not affect maintenance of City-owned historic resources. This policy does not apply.

Policy 4.52. Historic Resources Inventory. Maintain and periodically update Portland’s Historic Resources Inventory to inform historic and cultural resource preservation strategies.

152.Finding: The BHD amendments do not affect the maintenance or updating of Portland’s Historic Resources Inventory. This policy does not apply.

Policy 4.53. Preservation equity. Expand historic preservation inventories, regulations, and programs to encourage historic preservation in areas and in communities that have not benefited from past historic preservation efforts, especially in areas with high concentrations of under-served and/or under-represented people.

Policy 4.54. Cultural diversity. Work with Portland’s diverse communities to identify and preserve places of historic and cultural significance.

Policy 4.55. Cultural and social significance. Encourage awareness and appreciation of cultural diversity and the social significance of historic places and their roles in enhancing community identity and sense of place.

153.Finding: Policies 4.53, 4.54 and 4.55 address implementation approaches related to expanding historic preservation efforts involving diverse communities and areas. Because the BHD amendments do not affect such efforts, this policy does not apply.

Policy 4.56. Community structures. Encourage the adaptive reuse of historic community structures, such as former schools, meeting halls, and places of worship, for arts, cultural, and community uses that continue their role as anchors for community and culture.

154.Finding: “Encourage” is defined in the Comprehensive Plan as “promote or foster using some combination of voluntary approaches, regulations, or incentives.” The BHD amendments support this policy by promoting or facilitating the preservation of historic resources, including community structures, through amendments that expand options for transferring FAR from sites preserving historic resources and that allow additional amounts of FAR to be transferred in conjunction with seismic upgrades to historic structures. These FAR transfer allowances help the economic viability of preserving community structures by providing an additional means to gain value for the preservation of historic buildings. The viability of FAR transfers from sites preserving historic community structures is also supported and promoted by amendments that allow FAR to be transferred between sites in the multi-dwelling and mixed-use zones citywide, which increases opportunities for finding sites to receive these FAR transfers.

Policy 4.57. Economic viability. Provide options for financial and regulatory incentives to allow for the productive, reasonable, and adaptive reuse of historic resources.

155.Finding: The BHD amendments support this policy by facilitating FAR transfers from sites in exchange for the preservation of historic resources, which can help the economic viability of

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historic preservation by providing an additional means to gain value for the preservation of historic buildings. The amendments expand FAR transfer opportunities for sites preserving historic resources by allowing additional amounts of FAR to be transferred in conjunction with seismic upgrades to historic structures, which can help defray the costs of seismic upgrades. The viability of FAR transfers from sites preserving historic structures is also supported by amendments that allow FAR to be transferred between sites in the multi-dwelling and mixed-use zones citywide, which increases opportunities for finding sites to receive these FAR transfers.

Policy 4.58. Archaeological resources. Protect and preserve archaeological resources, especially those sites and objects associated with Native American cultures. Work in partnership with Sovereign tribes, Native American communities, and the state to protect against disturbance to Native American archaeological resources.

156.Finding: The BHD amendments do not affect archaeological resources or the City's work with partners on protecting against disturbances to Native American archaeological resources. This policy does not apply .

Public art

Policy 4.59. Public art and development. Create incentives for public art as part of public and private development projects.

157.Finding: This policy is not applicable, as the BHD code amendments do not address public art incentives.

Resource-efficient design and development

Policy 4.60. Rehabilitation and adaptive reuse. Encourage rehabilitation and adaptive reuse of buildings, especially those of historic or cultural significance, to conserve natural resources, reduce waste, and demonstrate stewardship of the built environment.

Policy 4.61. Compact housing. Promote the development of compact, space- and energy-efficient housing types that minimize use of resources such as smaller detached homes or accessory dwellings and attached homes.

Policy 4.62. Seismic and energy retrofits. Promote seismic and energy-efficiency retrofits of historic buildings and other existing structures to reduce carbon emissions, save money, and improve public safety.

Policy 4.63. Life cycle efficiency. Encourage use of technologies, techniques, and materials in building design, construction, and removal that result in the least environmental impact over the life cycle of the structure.

Policy 4.64. Deconstruction. Encourage salvage and reuse of building elements when demolition is necessary or appropriate.

Policy 4.65. Materials and practices. Encourage use of natural, resource-efficient, recycled, recycled content, and non-toxic building materials and energy-efficient building practices.

Policy 4.66. Water use efficiency. Encourage site and building designs that use water efficiently and manage stormwater as a resource.

Policy 4.67. Optimizing benefits. Provide mechanisms to evaluate and optimize the range of benefits from solar and renewable resources, tree canopy, ecoroofs, and building design.

Policy 4.68. Energy efficiency. Encourage and promote energy efficiency significantly beyond the

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Statewide Building Code and the use of solar and other renewable resources in individual buildings and at a district scale.

Policy 4.69. Reduce carbon emissions. Encourage a development pattern that minimizes carbon emissions from building and transportation energy use.

Policy 4.70. District energy systems. Encourage and remove barriers to the development and expansion of low-carbon heating and cooling systems that serve multiple buildings or a broader district.

Policy 4.71. Ecodistricts. Encourage ecodistricts, where multiple partners work together to achieve sustainability and resource efficiency goals at a district scale.

Policy 4.72. Energy-producing development. Encourage and promote development that uses renewable resources, such as solar, wind, and water to generate power on-site and to contribute to the energy grid.

158.Finding: Policies 4.60 through 4.72 provide direction regarding resource-efficient design and development. The BHD amendments are consistent with these policies and support several of the specific policies. Amendments support Policy 4.60 by encouraging preservation of historic buildings through expanded options for transferring FAR from sites preserving historic resources and allowing additional amounts of FAR to be transferred in conjunction with seismic upgrades to historic structures. The amendments also support adaptive reuse by providing flexibility in adding units to existing structures and through an FAR transfer allowance linked to preservation of existing affordable housing. The amendments support Policy 4.61 by facilitating the development of compact, multi-dwelling development, which is more resource efficient than lower-density housing types. In particular, the amendments help implement this policy by shifting from regulating development by unit density to instead regulate primarily by building scale, with flexibility for the number and types of units within this scale. These amendments' flexible approach to density and housing types also allow a broad range of options for clusters of small detached homes, accessory dwelling units, and attached homes. Amendments support Policy 4.62 by allowing for an additional amount of FAR to be transferred from sites in conjunction with seismic upgrades to historic buildings, helping to defray the costs of such upgrades. Amendments support Policy 4.66 by allowing a broader range of green features, such as stormwater planters, to contribute to meeting landscaping requirements and by expanding requirements for outdoor spaces, which could facilitate site design that provides space for managing stormwater as a resource. Amendments support Policy 4.69 by allowing more housing units on multi-dwelling zoned sites, which will facilitate energy-efficient compact development and allow more people to live within walking distance of services and transit, given that over 80 percent of multi-dwelling zoning is located within a quarter mile of transit or commercial areas. The other policies in this section concern more technical or programmatic implementation approaches that are not applicable to the BHD Zoning Code amendments.

Designing with nature

Policy 4.73. Design with nature. Encourage design and site development practices that enhance, and avoid the degradation of, watershed health and ecosystem services and that incorporate trees and vegetation.

Policy 4.74. Flexible development options. Encouraging flexibility in the division of land, the siting and design of buildings, and other improvements to reduce the impact of development on environmentally-sensitive areas and to retain healthy native and beneficial vegetation and trees.

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Policy 4.75. Low-impact development and best practices. Encourage use of low-impact development, habitat-friendly development, bird-friendly design, and green infrastructure.

Policy 4.76. Impervious surfaces. Limit use of and strive to reduce impervious surfaces and associated impacts on hydrologic function, air and water quality, habitat connectivity, tree canopy, and urban heat island effects.

Policy 4.77. Hazards to wildlife. Encourage building, lighting, site, and infrastructure design and practices that provide safe fish and wildlife passage, and reduce or mitigate hazards to birds, bats, and other wildlife.

Policy 4.78. Access to nature. Promote equitable, safe, and well-designed physical and visual access to nature for all Portlanders, while also maintaining the functions and values of significant natural resources, fish, and wildlife. Provide access to major natural features, including:

- Water bodies such as the Willamette and Columbia rivers, Smith and Bybee Lakes, creeks, streams, and sloughs.
- Major topographic features such as the West Hills, Mt. Tabor, and the East Buttes.
- Natural areas such as Forest Park and Oaks Bottom.

159.Finding. Policies 4.73 through 4.78 provide direction regarding the interface between development and natural features and functions. The BHD amendments address these designing with nature policies in a variety of ways. Amendments expand requirements for outdoor spaces and add requirements for large sites to include common areas, providing more space for trees and other green elements. Other amendments provide incentives for preserving large trees by allowing development rights to be transferred to other sites in exchange for tree preservation. While the amendments allow more units on multi-dwelling sites, they retain current requirements for the percentage of sites that must be landscaped and associated Title 11 requirements for tree plantings. Eastern Portland requirements for deep rear setbacks will facilitate keeping the centers of East Portland's large blocks, which are sometimes the location of Douglas fir groves, greener and less built up. These regulations provide flexibility in the locations of outdoor spaces and buildings, allowing site design responsive to the location of trees and native vegetation. New requirements for common areas and Eastern Portland mid-block open areas provide opportunities for larger green spaces that can better accommodate trees and habitat. Amendments add new limitations on the size of surface parking lots and reduce minimum parking requirements, which will help limit urban heat islands, allow for less impervious surface, and provide more opportunities for green spaces on multi-dwelling sites. Amendments also promote green infrastructure such as ecoroofs and stormwater planters as part of development. Amendments allowing for more efficient use of multi-dwelling zoned land also help implement these policies, as the location of land with multi-dwelling zoning is almost entirely located outside of sensitive environmental areas, with 97 percent of multi-dwelling zoning located outside environmental zones (c and p overlay zones).

Hazard-resilient design

Policy 4.79. Natural hazards and climate change risks and impacts. Limit development in or near areas prone to natural hazards, using the most current hazard and climate change-related information and maps.

Policy 4.80. Geological hazards. Evaluate slope and soil characteristics, including liquefaction potential, landslide hazards, and other geologic hazards.

Policy 4.81. Disaster-resilient development. Encourage development and site-management

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approaches that reduce the risks and impacts of natural disasters or other major disturbances and that improve the ability of people, wildlife, natural systems, and property to withstand and recover from such events.

Policy 4.82. Portland Harbor facilities. Reduce natural hazard risks to critical public and private energy and transportation facilities in the Portland Harbor.

Policy 4.83. Urban heat islands. Encourage development, building, landscaping, and infrastructure design that reduce urban heat island effects.

Policy 4.84. Planning and disaster recovery. Facilitate effective disaster recovery by providing recommended updates to land use designations and development codes, in preparation for natural disasters.

160.Finding: Policies 4.79 through 4.84 provide direction regarding the interface of development with natural hazards. BHD amendments allowing for more efficient use of multi-dwelling zoned land help implement these policies, as the location of land with multi-dwelling zoning is primarily located outside of natural hazard areas, including flood and landslide hazard areas, with 88 percent of multi-dwelling zoning located outside these natural hazard areas. About 600 acres (12 percent) of the multi-dwelling zoned areas are in potential natural hazard areas. Most (530 acres) of this area is in the Landslide Hazard Area. City programs that are deemed in compliance with Metro Title 3 requirements for flood management, and erosion and sediment control (i.e., City Title 10 Erosion Control, and the balanced cut and fill requirements of City Title 24), as well as the environmental overlay zones are unchanged by these amendments and will ensure any new development will be done in a way to protect people and property from hazards.

Regarding Policy 4.83, the verb “encourage”, which is defined in the 2035 Comprehensive Plan, means to promote or foster using some combination of voluntary approaches, regulations, or incentives. Urban heat island effects are areas of the city that are significantly warmer than surrounding areas due to development. The City Council interprets this policy to mean that the City should consider policies, programs and regulations that promote strategies to increase the tree canopy and vegetation; green roofs, cool roofs, and alternatives asphalt for paved surfaces. Urban heat island risks are addressed by BHD amendments that add new limitations on the size of surface parking lots and reduce minimum parking requirements, which will help limit urban heat islands by reducing paved surfaces and allowing more site area for green spaces. Amendments also help address urban heat islands by limiting the amount of site area that can be paved with asphalt, given that asphalt contributes more to urban heat impacts than other surfaces, and by provisions that expand outdoor space and common area requirements, providing more space for trees and other green elements that help reduce urban heat impacts.

Healthy food

Policy 4.85. Grocery stores and markets in centers. Facilitate the retention and development of grocery stores, neighborhood-based markets, and farmer’s markets offering fresh produce in centers.

Policy 4.86. Neighborhood food access. Encourage small, neighborhood-based retail food opportunities, such as corner markets, food co-ops, food buying clubs, and community-supported agriculture pickup/drop-off sites, to fill in service gaps in food access across the city.

Policy 4.87. Growing food. Increase opportunities to grow food for personal consumption, donation, sales, and educational purposes.

Policy 4.88. Access to community gardens. Ensure that community gardens are allowed in areas close

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to or accessible via transit to people living in areas zoned for mixed-use or multi-dwelling development, where residents have few opportunities to grow food in yards.

- 161. Finding:** Policies 4.85 through 4.88 provide direction regarding the role of development in contributing to access to healthy foods. The majority (59 percent) of multi-dwelling zoning is located in or within a quarter mile of centers, where grocery stores and other food sources are typically located. Allowing more units on sites in the multi-dwelling zones will allow more residents to live within walking distance of centers and food sources, as most centers include grocery stores, farmer's markets, or other food sources. Amendments allowing limited amounts of ground-floor commercial uses in multi-dwelling zones along major corridors could expand opportunities for small corner markets that can help fill in gaps in access to food. Amendments requiring large sites to include outdoor common areas will expand opportunities for gardens allowing residents to grow their own food.

Chapter 5: Housing

Goal 5.A: Housing diversity. Portlanders have access to high-quality affordable housing that accommodates their needs, preferences, and financial capabilities in terms of different types, tenures, density, sizes, costs, and locations.

- 162. Finding:** The BHD amendments expand the types of housing allowed, especially in the lower density RM1 and RM2 multi-dwelling zones, which make up 92 percent of the multi-dwelling zoned land in Portland. The change to regulating density by FAR will provide more flexibility for how many units are allowed inside the building, which will allow for a wider range of smaller housing types and sizes. In RM2 zone, which is often located along transit corridors, will allow for a higher density that is similar to adjacent mixed-use commercial zones.

Goal 5.B: Equitable access to housing. Portland ensures equitable access to housing, making a special effort to remove disparities in housing access for people with disabilities, people of color, low-income households, diverse household types, and older adults.

- 163. Finding:** Portland's multi-dwelling zoning, located in and around centers and corridors, play an important role in helping to meet the objectives in removing disparities in housing access for people with disabilities. The change to regulating density by FAR will provide more flexibility for what happens inside the building scale, which will allow for a wider range of smaller housing types and sizes, across Portland. The increased range of housing types enabled through the BHD amendments also broadens the diversity of housing to suit different household types and compositions, especially in the RM1 zone, which accounts for more than half of Portland's multi-dwelling zoning. The visitable unit bonus will provide an incentive (25 percent increase in floor area) for projects with at least 25 percent of the units meeting standards for visitable or accessible units.

Goal 5.C: Healthy connected city. Portlanders live in safe, healthy housing that provides convenient access to jobs and to goods and services that meet daily needs. This housing is connected to the rest of the city and region by safe, convenient, and affordable multimodal transportation.

- 164. Finding:** Roughly 52 percent of all acres in the BHD zones are in areas that are complete neighborhoods. 86% of the acres in BHD zones are located within ¼ mile of transit, and 83% of acres and 98% of properties are located within ½ mile of frequent transit. In addition, 45 percent of the acres are located within ¼ mile of bikeways. A large majority, 80%, of multi-dwelling zone

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acres are located either inside or within ¼ mile of a mixed-use center, within the Inner Ring Districts close to the Central City, or within ¼ mile of frequent transit or a light rail station, which means that new housing development in the multi-dwelling zones expands opportunities for more people to live close to the commercial services, jobs, and transit of these locations. BHD amendments that allow for more units on multi-dwelling zone sites and that provide development bonuses for affordable units will expand opportunities for even more people to live close to services and transit. Amendments that allow for ground-floor commercial along major corridors and daycare facilities broadly in the multi-dwelling zones will expanding opportunities for more residents to live close to services, especially in areas such as East Portland that often lack convenient local access to services.

Goal 5.D: Affordable housing. Portland has an adequate supply of affordable housing units to meet the needs of residents vulnerable to increasing housing costs.

165. Finding: The BHD changes include four significant incentives to encourage the production of affordable housing: 1) increase the inclusionary housing bonus; 2) provide a deeper affordability bonus; 3) provide a bonus for three-bedroom units; and 4) allow the transfer of unused development capacity in situations where existing affordable housing is preserved. The BHD changes increase the affordable/inclusionary housing bonus from 25 percent to 50 percent, which can make larger (20+ units) projects financially feasible and create affordable units through the inclusionary housing program. In addition, the BHD changes create a new bonus for housing projects that provide at least 50 percent of the units affordable to households earning less than 60 percent of Area Median Income (AMI). The bonus for three-bedroom units is refined to focus on projects where at least 50 percent of the units are affordable to households earning no more than 100 percent AMI. Finally, the BHD changes allow for unused development capacity to be transferred to other sites with multi-dwelling zoning in exchange for preservation of existing affordable housing units. All of these measures will support the provision of more regulated affordable housing units in Portland.

Goal 5.E: High-performance housing. Portland residents have access to resource-efficient and high-performance housing for people of all abilities and income levels.

166. Finding: The BHD amendments, especially the shift to regulating density by FAR in the RM1 and RM2 zones, will allow for more and smaller units in these multi-dwelling zones that account for 92 percent of the multi-dwelling zoning. According to a study published by Oregon DEQ *A Life Cycle Approach to Prioritizing Methods of Preventing Waste from the Residential Construction Sector in the State of Oregon*⁵, of 30 different material reduction and reuse practices evaluated, reducing home size and multi-family living achieved the largest greenhouse gas reductions along with significant reductions in other impact categories. Reducing home size by 50 percent results in a projected 36 percent reduction in lifecycle greenhouse gas emissions. Reducing home size is a significant leverage point for environmental impact reduction and may be equivalent to achieving minimum levels of "green" certification.

Diverse and expanding housing supply

Policy 5.1. Housing supply. Maintain sufficient residential development capacity to accommodate Portland's projected share of regional household growth.

167. Finding: The verb "maintain" is defined in the 2035 Comprehensive Plan as to keep what you have, conserve, continue. The City Council defines "sufficient residential development capacity"

⁵ <https://www.oregon.gov/deq/FilterDocs/ADU-ResBldgLCA-Report.pdf>

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as having more capacity than the 20-year growth forecast, as required by Statewide Planning Goal 10. Further, the City Council finds that increasing development capacity beyond what is needed is desired to provide capacity over a longer planning horizon; as well as locational and housing type choice. The BHD changes to shift to a FAR regulatory system in the RM1 and RM2 zones is estimated to increase the *capacity* for residential household growth by roughly 14,000 units. This change provides more flexibility for a greater diversity of housing types and expands opportunity for residential development close to services and transit.

Policy 5.2. Housing growth. Strive to capture at least 25 percent of the seven-county region’s residential growth (Multnomah, Washington, Clackamas, Yamhill, Columbia, Clark, and Skamania counties).

168. Finding: The change to regulating density by FAR will provide more flexibility for how many units can be built inside the regulated building scale, which will allow for a wider range of smaller housing types and sizes, across Portland that will support continued housing development in Portland.

Policy 5.3. Housing potential. Evaluate plans and investments for their impact on housing capacity, particularly the impact on the supply of housing units that can serve low- and moderate-income households, and identify opportunities to meet future demand.

169. Finding: The BHD amendments increase housing capacity by 14,000 units. This increase in development capacity helps to manage and address housing affordability. The Comprehensive Plan Update Growth Scenarios Report found that the preferred growth scenario provided a sufficient mix of three broad housing types – single family residential, neighborhood and corridor apartments, and mid- to high-rise units. However, within these broad classes there was some predicted scarcity within the middle range (attached houses and plexes).

The BHD amendments are specifically tailored to broaden the range of allowed housing types, especially in the RM1 and RM2 zones. For example, currently on a 5,000 square foot lot in the R2 zone, the maximum density standard typically results in two large townhouse units. Under the RM1 zone, a similarly size building could be developed but could be divided into more, smaller units; which because of their relative size can be more affordable, as shown in Appendix C of the Recommended Draft Report. The BHD amendments include four significant incentives to encourage the production of affordable housing: 1) increase the inclusionary housing bonus; 2) provide a deeper affordability bonus; 3) provide a bonus for three-bedroom units; and 4) allow the transfer of unused development capacity in situations where existing affordable housing is preserved. These changes are expected to increase housing opportunities for low- and moderate-income households by making developments with regulated affordable housing more financially feasible.

Policy 5.4. Housing types. Encourage new and innovative housing types that meet the evolving needs of Portland households, and expand housing choices in all neighborhoods. These housing types include but are not limited to single-dwelling units; multi-dwelling units; accessory dwelling units; small units; pre-fabricated homes such as manufactured, modular, and mobile homes; co-housing; and clustered housing/clustered services.

170. Finding: “Encourage” is defined in the Comprehensive Plan as “promote or foster using some combination of voluntary approaches, regulations, or incentives.” The BHD amendments promote the evolving needs of Portland households by allowing for more flexibility in terms of the number of units that can be developed inside the regulated building envelope (FAR, height, and lot coverage determine the size of the building, but the number of units is not regulated by

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the zoning code). The BHDs amendments resolve nonconforming situations, especially for existing buildings that have a non-conforming density based on the current regulatory limits based on units per site area.

Furthermore, the Comprehensive Plan includes a definition of “expand.” “Expand” means to “make something that already exists more extensive.” The BHD amendments “expand” housing choice through the shift to regulating density by floor area ratio in the RM1 and RM2 zones that account for 92 percent of the multi-dwelling zoning in Portland. Council interprets “expand housing choices in all neighborhoods” to mean increase housing choices throughout the City as a whole. Council does not interpret this to mean that every single zone must allow for all housing types but rather Council interprets this policy to ensure that the city-wide there is a variety of housing types and within neighborhoods. “Neighborhoods” are defined to include broad areas of the city that typically include residential, commercial, and mixed-use areas. Neighborhood is not limited to the specific BHD but rather the BHD exists as a part of the larger area. Within the neighborhood BHDs serve to promote one housing type and ensure that within the neighborhood as a whole there are housing choices.

Policy 5.5. Housing in centers. Apply zoning in and around centers that allows for and supports a diversity of housing that can accommodate a broad range of households, including multi-dwelling and family-friendly housing options.

171. Finding: Fifty-nine (59) percent of acres in the BHD zones are in or within ¼ mile of designated centers. The BHD amendments shift to regulating density by floor area ratio in the RM2 zones, which is the predominant multi-dwelling zoning in Portland’s centers, will accommodate a broader range of housing types and options because the number of units is no longer limited in the zoning code. The BHD amendments include a development bonus for moderate-income three-bedroom units, affordable to households earning no more than 100 percent of area median income, to promote family-sized units as part of the diverse mix of housing in the multi-dwelling zones, including in centers.

Policy 5.6. Middle housing. Enable and encourage development of middle housing. This includes multi-unit or clustered residential buildings that provide relatively smaller, less expensive units; more units; and a scale transition between the core of the mixed use center and surrounding single family areas. Where appropriate, apply zoning that would allow this within a quarter mile of designated centers, corridors with frequent service transit, high capacity transit stations, and within the Inner Ring around the Central City.

172. Finding: BHD amendments enable and encourage, as those terms are defined in the Comprehensive Plan, middle housing. Council interprets “middle housing” to mean housing that is compatible in scale with single-family homes but meets the needs of an urban environment with moderate density. In particular, the shift to regulating density by floor area ratio in the RM1 zone (with a 35-foot building height) will allow for greater flexibility in terms of the number of units. Under current zoning, a 5,000 square foot lot in the R2 zone is only allowed two units. Whereas the same lot in the corresponding RM1 is not limited in the number of units that can be built within the same building envelope.

BHD Amendments also facilitate middle housing types such as duplexes, triplexes, and fourplexes, which were historic built on small residential lots. The BHD amendments define triplexes and fourplexes as distinct structure types appropriate for small residential lots, which will expand opportunities for new lots to be created for these housing types, which has been constrained by existing minimum lot standards that apply in some multi-dwelling zones that require a minimum

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lot size of 10,000 square feet for multi-dwelling structures (which definition grouped triplexes together with 100-unit buildings). BHD amendments also facilitate duplexes by allowing this middle-housing types on the same size new lots as detached houses (consistent with state House Bill 2001, which requires duplexes to be allowed on each lot zoned for residential uses that allows for the development of detached single-family dwellings).

Eighty (80) percent of the multi-dwelling zoned areas are within ¼ mile of a designated center, corridor with frequent service transit, high capacity transit stations, or within the Inner Ring neighborhoods.

Policy 5.7. Adaptable housing. Encourage adaption of existing housing and the development of new housing that can be adapted in the future to accommodate the changing variety of household types.

173. Finding: The BHD amendments foster and promote the modification and reinvestment of multi-dwelling buildings by resolving nonconforming situations, increasing flexibility in terms of the number of units allowed on a site, and expanding the ability to transfer unused density in ways that can support the continued operations of existing multi-dwelling buildings. The BHD amendments also include new incentives for visitable or physically-accessible units so that more housing can flexibly accommodate residents of a variety of ages and abilities.

Policy 5.8. Physically-accessible housing. Allow and support a robust and diverse supply of affordable, accessible housing to meet the needs of older adults and people with disabilities, especially in centers, station areas, and other places that are proximate to services and transit.

Policy 5.9. Accessible design for all. Encourage new construction and retrofitting to create physically-accessible housing, extending from the individual unit to the community, using Universal Design Principles.

174. Finding: Policies 5.8 and 5.9 are addressed and supported by BHD amendments that include new incentives for visitable and physically-accessible units that are intended to offer more housing options and remove access barriers for people with disabilities.

Policy 5.10. Coordinate with fair housing programs. Foster inclusive communities, overcome disparities in access to community assets, and enhance housing choice for people in protected classes throughout the city by coordinating plans and investments to affirmatively further fair housing.

175. Finding: The Comprehensive Plan defines “foster” to mean “encourage or guide the incremental development of something over a long period of time.” The BHD amendments encourage and enhance housing choice by increasing incentives for affordable housing, including supporting the preservation of existing affordable housing through a density/FAR transfer allowance. Households of color, and low-income, cost-burdened households occupy multi-dwelling housing at higher rates than the city as a whole. The BHD amendments will resolve nonconforming situations, increase maximum densities, and expand density transfer provisions in ways that can support the continued operation of BHDs in Portland. Greater stability for these parks can help maintain access to relatively affordable housing, especially for historically inequitably burdened communities of color, underserved and under-represented communities, and other vulnerable populations.

Housing access

Policy 5.11. Remove barriers. Remove potential regulatory barriers to housing choice for people in protected classes to ensure freedom of choice in housing type, tenure, and location.

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176. Finding: The City Council interprets the intent of this policy is to ensure housing choices for residents in all neighborhoods, not the development options on a single parcel. The BHD amendments remove regulatory barriers by providing for a wider range of housing types in the RM1 and RM2 zones throughout the city, which encompass 92 percent of the multi-dwelling zoning in Portland.

Policy 5.12. Impact analysis. Evaluate plans and investments, significant new infrastructure, and significant new development to identify potential disparate impacts on housing choice, access, and affordability for protected classes and low-income households. Identify and implement strategies to mitigate the anticipated impacts.

Policy 5.13. Housing stability. Coordinate plans and investments with programs that prevent avoidable, involuntary evictions and foreclosures.

Policy 5.14. Preserve communities. Encourage plans and investments to protect and/or restore the socioeconomic diversity and cultural stability of established communities.

Policy 5.15. Gentrification/displacement risk. Evaluate plans and investments, significant new infrastructure, and significant new development for the potential to increase housing costs for, or cause displacement of communities of color, low- and moderate-income households, and renters. Identify and implement strategies to mitigate the anticipated impacts.

Policy 5.16. Involuntary displacement. When plans and investments are expected to create neighborhood change, limit the involuntary displacement of those who are under-served and under-represented. Use public investments and programs, and coordinate with nonprofit housing organizations (such as land trusts and housing providers) to create permanently-affordable housing and to mitigate the impacts of market pressures that cause involuntary displacement.

177. Finding: The City Council interprets Policies 5.12 to 5.16 as requiring evaluation and analysis as to who will benefit and who will be burdened by a planning decision, including amendments to the Comprehensive Plan, the Comprehensive Plan Map, the Zoning Code, and the Zoning Map. For the BHD amendments, the Council interprets “involuntary displacement” to occur when a resident is forced to relocate due to factors that are beyond the residents control including but not limited to increased rents, and decisions by landlords to redevelop property. A detailed quantitative risk analysis was performed (See Recommended Draft Report Appendix F, Displacement Risk Analysis) that compared the default comprehensive plan displacement risk against risks increased through the BHD amendments. The analysis looked at low-income renters of single-dwelling houses in multi-dwelling zones, who are particularly vulnerable to displacement. The analysis shows that there is a small increase in displacement risk – about 300 single-family houses and 25 smaller apartment buildings. This increased risk is mitigated by the expectation that the shift to an FAR regulatory approach will result in more units and, potentially, larger projects that will fall under the mandatory Inclusionary Housing (IH) program. In addition, the BHD amendments increase the density incentive for IH units from 25 percent to 50 percent, which is expected to make these projects more financially feasible. The BHD amendments also create a new deeper affordability bonus that allows for a 100 percent increase in FAR (plus 10 feet of additional building height and 10 percent increase in building coverage) for projects that have at least 50 percent of the on-site units affordable to households earning no more than 60 percent AMI, a significantly greater amount and level of affordability than required by inclusionary housing. Finally, the BHD changes create allowances for unused development capacity to be transferred to other sites from sites where existing affordable housing is being preserved and guaranteed to remain affordable. The City Council finds that these measures are sufficient to mitigate the anticipated impacts to

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protected classes and low-income households; contribute to housing stability, help preserve communities, and help create permanently affordable housing options for those households that might be displaced due to redevelopment enabled by the BHD amendments.

Testimony by James Peterson raised concerns that the BHD amendments would result in redevelopment of existing multi-dwelling housing, which will lead to the displacement and gentrification of existing affordable rental units. The City Council acknowledges this concern but finds that, based on the displacement analysis described above, the risk of redevelopment of existing multi-family units is low and that those risks and potential loss of affordable units is mitigated by the development bonuses that incentivize the production of affordable housing units.

Policy 5.17. Land banking. Support and coordinate with community organizations to hold land in reserve for affordable housing, as an anti-displacement tool, and for other community development purposes.

178. Finding: The Zoning Code has no provisions for land banking and this policy does not require land banking to be addressed in the Zoning Code. The BHD amendments do not change this and do not affect other implementation approaches to land banking. The BHD amendments do support the creation of more affordable housing units (with bonus FAR incentives) on sites that are currently held or may be acquired in the future for affordable housing development.

Policy 5.18. Rebuild communities. Coordinate plans and investments with programs that enable communities impacted by involuntary displacement to maintain social and cultural connections, and re-establish a stable presence and participation in the impacted neighborhoods.

179. Finding: The BHD amendments increase maximum densities, expand density transfer provisions to support the long-term stability of multi-dwelling development, which is disproportionately occupied by communities vulnerable to displacement. The BHD amendments create the opportunity for increased housing opportunities, including affordable housing, on the multi-dwelling zoned parcels in the impacted neighborhoods that are included the Portland Housing Bureau's North/Northeast Preference Policy, which gives priority placement to people who were displaced, are at risk of displacement, or who are descendants of households that were displaced due to urban renewal in North and Northeast Portland.

Policy 5.19. Aging in place. Encourage a range of housing options and supportive environments to enable older adults to remain in their communities as their needs change.

180. Finding: The BHD amendments include incentives for visitable and physically-accessible units that are intended to offer more options and remove access barriers for people of all ages and abilities. Incentives are included to encourage development of affordable units available to households earning 80% or less of the median family income, which is important for seniors on fixed incomes. The increased range of housing types enabled through the BHD amendments also broadens the diversity of housing to suit different household types and compositions in many more areas of the city, including multigenerational households, cottage clusters and cohousing to provide for a diversity of options available to older adults as they choose to transition from larger single detached houses.

Housing location

Policy 5.20. Coordinate housing needs in high-poverty areas. Meet the housing needs of underserved and under-represented populations living in high-poverty areas by coordinating plans and investments with housing programs.

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181. Finding: Low-income households occupy multi-dwelling housing units at a higher share than the average Portlander – 58% of low-income households live in multi-dwelling units (American Communities Survey PUMS 2015-2017 3-year derived estimates), whereas multi-dwelling units only make up 45% of the housing units in Portland. The BHD amendments remove regulatory barriers by providing for a wider range of housing types in the RM1 and RM2 zones throughout the city, which encompass 92 percent of the multi-dwelling zoning in Portland; and include four significant incentives to encourage the production of affordable housing: 1) increase the inclusionary housing bonus; 2) provide a deeper affordability bonus; 3) provide a bonus for three-bedroom units; and 4) allow the transfer of unused development capacity in situations where existing affordable housing is preserved. These changes are expected to increase housing opportunities for under-served and under-represented populations (BHD Appendix C summarizes a financial feasibility analysis that found that a mixed-income inclusionary housing development scenario, using BHD development parameters and including units affordable at 60% of area median income and, was economically feasible and outperformed purely market rate development scenarios).

Policy 5.21. Access to opportunities. Improve equitable access to active transportation, jobs, open spaces, high-quality schools, and supportive services and amenities in areas with high concentrations of under-served and under-represented populations and an existing supply of affordable housing.

182. Finding: The City Council interprets this policy to provide guidance to public investment decisions to improve access to opportunity. This policy does not apply to the BHD amendments because they address housing choice and supply.

Policy 5.22. New development in opportunity areas. Locate new affordable housing in areas that have high/medium levels of opportunity in terms of access to active transportation, jobs, open spaces, high-quality schools, and supportive services and amenities.

183. Finding: Fifty-two (52%) percent of multi-dwelling zoned land is located within complete neighborhoods. As such, provisions that allow for increased housing type flexibility and offer bonus FAR for new affordable housing enables and encourages the development of new housing units in these high/medium opportunity areas. Most of the rest of multi-dwelling zoning is located along or close to corridors where transit and commercial services are located (95% or multi-dwelling zone properties are within ¼ mile of streets with frequent transit service), providing opportunities for affordable housing to be located close to services in areas that otherwise may lack components of complete neighborhoods, such as interconnected streets or that lack complete sidewalks on secondary streets. A large majority, 80%, of land with multi-dwelling zoning is located either inside or within ¼ mile of a mixed-use center, within the Inner Ring Districts close to the Central City, or within ¼ mile of frequent transit or a light rail station, which means that new housing development in the multi-dwelling zones expands opportunities for more people to live close to the commercial services, jobs, and transit of these locations. BHD amendments that provide development bonuses for affordable units will expand opportunities for more affordable housing to be located close to services and transit.

Policy 5.23. Higher-density housing. Locate higher-density housing, including units that are affordable and accessible, in and around centers to take advantage of the access to active transportation, jobs, open spaces, schools, and various services and amenities.

184. Finding: There are 3,200 acres (59%) of multi-dwelling zoned parcels are located within ¼-mile of centers. The BHD amendments remove regulatory barriers to encourage higher-density housing by providing for a wider range of housing types in the RM1 and RM2 zones throughout the city,

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which encompass 92 percent of the multi-dwelling zoning in Portland; and include four significant incentives to encourage the production of affordable housing.

Policy 5.24. Impact of housing on schools. Evaluate plans and investments for the effect of housing development on school enrollment, financial stability, and student mobility. Coordinate with school districts to ensure plans are aligned with school facility plans.

185. Finding: David Douglas School District (DDSD) is the only school district in Portland with an adopted school facility plan. The Buildable Lands Inventory calculates available development capacity and predicts where new households will be allocated over the planning period. Comparing the default Comprehensive Plan zoning with the BHD amendments, the net change to households in the David Douglas School District is a reduction of 1,612 units (a 4% decrease) from the current plan forecast. The David Douglas School District has indicated that it can accommodate these changes into their future forecasting for their facility plan.

Housing affordability

Policy 5.25. Housing preservation. Preserve and produce affordable housing to meet needs that are not met by the private market by coordinating plans and investments with housing providers and organizations.

186. Finding: The BHD amendments remove regulatory barriers to the production of affordable housing by providing for a wider range of housing types in the RM1 and RM2 zones throughout the city and include two significant incentives to encourage the production of affordable housing: 1) provide a deeper affordability bonus; and 2) allow the transfer of unused development capacity in situations where existing affordable housing is preserved. These changes are expected to increase housing opportunities for under-served and under-represented populations.

Affordable housing providers, including Rose CDC, PCRI, Home Forward, Proud Ground, Habitat for Humanity, REACH and others, were involved in the BHD project throughout the planning process, from an early roundtable discussion, through participation in stakeholder working group meetings, and in a series of meetings focused on affordable housing incentives.

Policy 5.26. Regulated affordable housing target. Strive to produce at least 10,000 new regulated affordable housing units citywide by 2035 that will be affordable to households in the 0-80 percent MFI bracket.

187. Finding: The BHD amendments include three significant incentives to encourage the production of affordable housing: 1) increase the inclusionary housing bonus; 2) provide a deeper affordability bonus; and 3) allow the transfer of unused development capacity in situations where existing affordable housing is preserved. These changes are expected to encourage the production of new regulated affordable housing that will support meeting this target.

Policy 5.27. Funding plan. Encourage development or financial or regulatory mechanisms to achieve the regulated affordable housing target set forth for 2035.

188. Finding: As of August 1, 2016, the City of Portland adopted a one-percent affordable housing construction excise tax to support the production of affordable housing. The BHD amendments do not directly affect this program or any other funding program to support the production of affordable housing. The BHD amendments do include regulatory mechanisms, such as increased density bonuses, to support the production of affordable housing.

Policy 5.28. Inventory of regulated affordable housing. Coordinate periodic inventories of the supply of regulated affordable housing in the four-county (Clackamas, Clark, Multnomah and Washington)

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region with Metro.

189. Finding: Council interprets this policy to apply to ongoing intergovernmental coordination, and not a directive to be applied with each land use plan amendment. This policy is not applicable.

Policy 5.29. Permanently-affordable housing. Increase the supply of permanently-affordable housing, including both rental and homeownership opportunities.

190. Finding: The 2035 Comprehensive Plan defines permanently-affordable housing as units that will remain affordable to a low-income household, such as housing that is owned and maintained by a public agency or a nonprofit organization. The BHD amendments include three significant incentives to encourage the production of affordable housing: 1) increase the inclusionary housing bonus; 2) provide a deeper affordability bonus; and 3) allow the transfer of unused development capacity in situations where existing affordable housing is preserved. These changes are expected to encourage the production of new regulated affordable housing that will support meeting this target.

Policy 5.30. Housing cost burden. Evaluate plans and investments for their impact on household cost, and consider ways to reduce the combined cost of housing, utilities, and/or transportation. Encourage energy-efficiency investments to reduce overall housing costs.

191. Finding: The BHD amendments remove regulatory barriers to a wider range of housing types in the RM1 and RM2 zones throughout the city, which encompass 92 percent of the multi-dwelling zoning in Portland; and include four significant incentives to encourage the production of affordable housing. A financial feasibility analysis (BHD Appendix C) indicated that the BHD amendments provide economically feasible housing options for smaller multi-dwelling housing types that are less expensive than the townhouse-type units that are currently the predominant new construction housing in Portland's low-rise zones.

The BHD amendments generally support reduced transportation costs because 86 percent of the acres with multi-dwelling zoning is located within ¼ mile of transit, which makes transit a feasible option for residents and can reduce reliance on more expensive automobile transportation.

The BHD amendments generally support reduced utility cost by encouraging smaller units and more attached units. According to studies conducted by the State DEQ, "Reducing home size is among the best tier of options for reducing waste generation in the Oregon housing sector, while simultaneously achieving a large environmental benefit across many categories of impact...Reduction in home size is a significant leverage point for impact reduction [including non-renewable energy use] and may be a more effective measure than achieving minimum levels of 'green certification'"

Policy 5.31. Household prosperity. Facilitate expanding the variety of types and sizes of affordable housing units, and do so in locations that provide low-income households with greater access to convenient transit and transportation, education and training opportunities, the Central City, industrial districts, and other employment areas.

192. Finding: The BHD amendments remove regulatory barriers to encourage higher-density housing by providing for a wider range of housing types in the RM1 and RM2 zones throughout the city, which encompass 92 percent of the multi-dwelling zoning in Portland; and include four significant incentives to encourage the production of affordable housing.

Fifty-two (52) percent of the multi-dwelling zoning area is located in complete neighborhoods, areas with the highest access to employment, education, and training opportunities, and are well

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served by transit. Eighty-six (86) percent of the multi-dwelling zoning area is within a half mile of a frequent bus line, max or streetcar station, which can provide access to employment and education opportunities.

Policy 5.32. Affordable housing in centers. Encourage income diversity in and around centers by allowing a mix of housing types and tenures.

193. Finding: The BHD amendments are consistent with this policy by allowing a greater diversity of housing types in the multi-dwelling zones, including within centers, by moving from regulating development intensity by unit density to instead regulate this by the size of buildings or FAR in the new RM1 and RM2 zones. This will allow a greater diversity of numbers and types of units within the same building scale, compared to current regulations. BHD amendments also promote income diversity through affordable housing bonuses, such as the inclusionary housing and deeper housing affordability bonuses, that allow for market-rate units along with the bonus requirements for affordable units, and through deeper housing affordability bonus provisions for both rental and ownership housing options. Housing type diversity is also promoted by a bonus for projects that include three-bedroom units affordable to moderate income households.

Policy 5.33. Central City affordable housing. Encourage the preservation and production of affordable housing in the Central City to take advantage of the area's unique concentration of active transportation access, jobs, open spaces, and supportive services and amenities.

194. Finding: The BHD amendments include comprehensive plan map and zoning map amendments to rezone a three-block area in the Goose Hollow subdistrict of the Central City Plan District. The map changes apply the larger-scale RM4 zoning to this three-block area, which is outside the historic district, instead of the proposed RM3 zoning that would be called for under the zoning crosswalk applied to the other RH zoning with 2:1 FAR. This area is in the Central City Plan District, which provides a base FAR of 4:1, which is the base FAR in the RM4 zone. Also, RM4 zoning would more closely correspond to this and other development standards that apply in this area. With these map changes, the block west of SW 20th between Salmon and Main streets would become eligible for the transit station area allowance for 100-foot building height (this block includes large existing buildings over 80-feet tall which exceed the current height limit of 65 feet). The other two blocks in this area are already provided with a Central City Plan District height allowance of 100 feet.

As part of the Central City Plan District, these sites are eligible for a 3:1 FAR bonus for inclusionary housing, which brings the maximum FAR to 7:1, which is what the site would be eligible for under the new deeper affordability bonus in the RM4. These changes maintain the current level of development capacity for producing affordable housing (7:1 FAR).

Policy 5.34. Affordable housing resources. Pursue a variety of funding sources and mechanisms including new financial and regulatory tools to preserve and develop housing units and various assistance programs for households whose needs are not met by the private market.

195. Finding: This policy does not apply because it concerns affordable housing funding sources and mechanisms, which are not addressed by zoning code regulations that are the focus of the BHD amendments.

Policy 5.35. Inclusionary housing. Use inclusionary zoning and other regulatory tools to effectively link the production of affordable housing to the production of market-rate housing.

196. Finding: The BHD amendments increase the affordable housing bonus from a 25% to a 50% increase from base FARs, which will help make development projects subject to the inclusionary

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housing requirements more financially feasible. Also, the BHD amendments expand housing choice through the shift to regulating density by floor area ratio in the RM1 and RM2 zones. This shift is significant in the RM2 (formerly R1 zone), where on a 10,000 square foot site, under the R1 zone a maximum of 10 units is allowed (1 unit per 1,000 square feet of site area), but under the RM4 FAR standards, a developer could build 30 or more units (depending on the size of units), which can mean more development projects are subject to the inclusionary housing requirements.

Policy 5.36. Impact of regulations on affordability. Evaluate how existing and new regulations affect private development of affordable housing, and minimize negative impacts where possible. Avoid regulations that facilitate economically-exclusive neighborhoods.

197.Finding: The primary purpose of the BHD amendments is to create more housing options, including the development of affordable housing, in areas that are already zoned for multi-dwelling development. The map amendments do not reduce the development capacity in way that will create economically-exclusive neighborhoods. The changes shift to FAR regulations and calculating allowed floor area based on the parcel size prior to any right-of-way dedication will allow for greater density, more efficient use of land, and lower land costs per unit. The amendments include an increase in the inclusionary housing bonus, a deeper affordability bonus, and a transfer program to support the preservation of existing affordable housing. Other existing development bonuses are being discontinued to prioritize affordable housing. Some of the recommended development standards will reduce the cost of development (reduced parking requirements) and some standards could add costs, such as the requirement for outdoor space in the RM3 and RM4 zones. Amendments also exempt housing that provides affordable units (through the inclusionary housing or the deeper housing affordability bonuses) from minimum parking requirements in the multi-dwelling and mixed-use zones citywide, which will reduce construction costs and increase the economic feasibility of projects that include affordable units (this is documented in BHD Appendix C). The BHD amendments address issues that had been identified by developers as providing the greatest barriers and costs to multi-dwelling development in the multi-dwelling zones: flexibility for numbers of units, minimum parking requirements, and setback regulations. Amendments allowing more development to not include off-street parking has a large impact in costs, as structured parking costs between \$20,000 to \$40,000 per space (depending on construction type). Expanding allowances for no (or low) amounts of off street parking to all small sites up to 10,000 square feet in size would affect over 5,000 properties in the multi-dwelling zones, providing significant cost savings on these properties for projects that do not include parking. The amendments also take away a major cost to including new street connections as part of development by calculating development scale allowances (FAR) prior to street dedication. Some amendments add some costs, such as expanded requirements for outdoor space. However, analysis of the economic feasibility of the development parameters provided by the BHD amendments indicates that the combination of allowing more units and eliminating most parking requirements, in concert inclusionary housing development bonuses and other development parameters, substantially increases the development feasibility of multi-dwelling development on compact sites (see BHD Appendix C). On balance, the City Council finds that these amendments will encourage the development of affordable housing; minimize increased development costs; and avoid the facilitation of economically-exclusive neighborhoods.

Policy 5.37. Mobile home parks. Encourage preservation of mobile home parks as a low/moderate-income housing option. Evaluate plans and investments for potential redevelopment pressures on existing mobile home parks and impacts on park residents and protect this low/moderate-income

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housing option. Facilitate replacement and alteration of manufactured homes within an existing mobile home park.

198. Finding: Existing mobile home parks are zoned RMP (Residential Manufactured Dwelling Park), which is not affected by these amendments. Therefore, this policy does not apply to the BHD amendments.

Policy 5.38. Workforce housing. Encourage private development of a robust supply of housing that is affordable to moderate-income households located near convenient multimodal transportation that provides access to education and training opportunities, the Central City, industrial districts, and other employment areas.

199. Finding: The BHD amendments remove regulatory barriers to encourage higher-density housing by providing for a wider range of housing types in the RM1 and RM2 zones throughout the city, which encompass 92 percent of the multi-dwelling zoning in Portland; and include four significant incentives to encourage the production of affordable housing.

Fifty-two (52) percent of the multi-dwelling zoning area is located in a complete neighborhood, areas with the highest access to employment, education, and training opportunities, and are well served by transit. Eighty-six (86) percent of the multi-dwelling zoning area is within a half mile of a frequent bus line, max or streetcar station, which can provide access to employment and education opportunities.

Policy 5.39. Compact single-family options. Encourage development and preservation of small resource-efficient and affordable single-family homes in all areas of the city.

200. Finding: The BHD amendments remove regulatory barriers to encourage higher-density housing by providing for a wider range of housing types in the RM1 and RM2 zones throughout the city, which encompass 92 percent of the multi-dwelling zoning in Portland; and include four significant incentives to encourage the production of affordable housing. Specifically, the changes to the RM1 zones will support the development of smaller townhouse development by allowing for more units on a parcel of land than under current regulations.

Policy 5.40 Employer-assisted housing. Encourage employer-assisted affordable housing in conjunction with major employment development.

201. Finding: The BHD amendments increase density and create an affordable housing density bonus that could be utilized by a major employer to provide employer-assisted affordable housing.

Policy 5.41 Affordable homeownership. Align plans and investments to support improving homeownership rates and locational choice for people of color and other groups who have been historically under-served and under-represented.

Policy 5.42 Homeownership retention. Support opportunities for homeownership retention for people of color and other groups who have been historically under-served and under-represented.

Policy 5.43 Variety in homeownership opportunities. Encourage a variety of ownership opportunities and choices by allowing and supporting including but not limited to condominiums, cooperatives, mutual housing associations, limited equity cooperatives, land trusts, and sweat equity.

202. Finding: Council finds that Policies 5.41 through 5.43 all aim to support opportunities for homeownership for all Portlanders, including historically under-served and under-represented Portlanders. The BHD amendments remove regulatory barriers to encourage higher-density housing by providing for a wider range of housing types in the RM1 and RM2 zones throughout

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the city, which encompass 92 percent of the multi-dwelling zoning in Portland and can create lower-cost ownership opportunities where the units have been converted through a condominium process. The regulatory changes allow for a diversity of housing types, including small plexes and other housing types that may also be suitable candidates for cooperatives, mutual housing associations, and limited equity cooperatives. Furthermore, BHD amendments support homeownership opportunities through a deeper housing affordability bonus that provides development incentives for projects that provide ownership housing affordable to households earning no more than 80 percent of area median income. Another development bonus, for moderate income three-bedroom units affordable to households earning no more than 100 percent of area median income, will also facilitate the development of ownership housing in the multi-dwelling zones.

Policy 5.44 Regional cooperation. Facilitate opportunities for greater regional cooperation in addressing housing needs in the Portland metropolitan area, especially for the homeless, low- and moderate-income households, and historically under-served and under-represented communities.

Policy 5.45 Regional balance. Encourage development of a “regional balance” strategy to secure greater regional participation to address the housing needs of homeless people and communities of color, low- and moderate-income households, and historically under-served and under-represented communities throughout the region.

203. Finding: Council finds that Policies 5.44 through 5.45 address how the City engages with Metro and other jurisdictions in the Portland region on housing issues. The BHD amendments are one strategy to encourage higher-density housing by providing for a wider range of housing types that can help maintain lower-cost market-rate housing in Portland that will help Portland meet its housing needs and serve as an example for other jurisdictions in the region.

Homelessness

Policy 5.46. Housing continuum. Prevent homelessness and reduce the time spent being homeless by ensuring that a continuum of safe and affordable housing opportunities and related supportive services are allowed, including but not limited to Permanent Supportive Housing, transitional housing, self-built micro housing communities, emergency shelters, temporary shelters such as warming centers, and transitional campgrounds.

204.Finding: The BHD amendments do not affect the group living or community service regulations in the multi-dwelling zones. The City Council defines permanent supportive housing as affordable housing combined with supportive services to help individuals and families lead more stable lives. The BHD amendments include three significant incentives to encourage the production of affordable housing: 1) increase the inclusionary housing bonus; 2) provide a deeper affordability bonus; and 3) allow the transfer of unused development capacity in situations where existing affordable housing is preserved. These changes are expected to encourage the production of new regulated affordable housing. Supportive services are regulated as a conditional use in the multi-dwelling zones and the regulations are not changed by these BHD amendments.

Health, safety, and well-being

Policy 5.47 Healthy housing. Encourage development and maintenance of all housing, especially multi-dwelling housing, that protects the health and safety of residents and encourages healthy lifestyles and active living.

205. Finding: The BHD amendments include changes to require or encourage healthy lifestyles and

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active living. The changes include support tree preservation through FAR transfers; usable outdoor space and shared common areas on large sites requirements; limits on large parking lots; and reduce parking requirements that can promote health and safety by reducing urban heat island effects.

Policy 5.48 Housing safety. Require safe and healthy housing free of hazardous materials such as lead, asbestos, and radon.

206. **Finding:** The BHD amendments provide pathways for currently non-conforming multi-family buildings in BHD zones to become conforming and enable owners to reinvest and improve living conditions in these units. The changes include a FAR transfer bonus for seismic upgrades to historic resources.

Policy 5.49. Housing quality. Encourage housing that provides high indoor air quality, access to sunlight and outdoor spaces, and is protected from excessive noise, pests, and hazardous environmental conditions.

Policy 5.50. High-performance housing. Encourage energy efficiency, green building practices, materials, and design to produce healthy, efficient, durable, and adaptable homes that are affordable or reasonably priced.

207. **Finding:** The BHD amendments encourage smaller units and more attached units which results in improved energy efficiency and is consistent with the policy of creating high-performance housing. According to studies conducted by the State DEQ, “Reducing home size is among the best tier of options for reducing waste generation in the Oregon housing sector, while simultaneously achieving a large environmental benefit across many categories of impact...Reduction in home size is a significant leverage point for impact reduction [including non-renewable energy use] and may be a more effective measure than achieving minimum levels of ‘green certification’” [<https://www.oregon.gov/deq/FilterDocs/ADU-ResBldgLCA-Report.pdf>]

Attached housing is also more energy efficient than detached forms of housing. According to the EPA, “fairly substantial differences are seen in detached versus attached homes [approximately 17.5% improved efficiency], but the most striking difference is the variation in energy use between single-family detached homes and multifamily homes [50% improved efficiency], due to the inherent efficiencies from more compact size and shared walls among units.” [https://www.epa.gov/sites/production/files/2014-03/documents/location_efficiency_btu.pdf]

Policy 5.51. Healthy and active living. Encourage housing that provides features supportive of healthy eating and active living such as useable open areas, recreation areas, community gardens, crime-preventive design, and community kitchens in multifamily housing.

208. **Finding:** The BHD amendments include changes to require or encourage healthy lifestyles and active living. The changes support tree preservation through FAR transfers, require usable outdoor space and shared common areas on large sites requirements, place limits on large parking lots, and reduce parking requirements that can create more useable open areas, which can be supportive of healthy active living. The changes allow indoor community spaces, including kitchens, to be used to meet outdoor area requirements in the multi-dwelling zones.

Policy 5.52. Walkable surroundings. Encourage active transportation in residential areas through the development of pathways, sidewalks, and high-quality onsite amenities such as secure bicycle parking.

209. **Finding:** The BHD amendments include building design standards to encourage pedestrian-friendly street frontages by limiting front garages and parking structures on street frontages;

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disallowing parking between buildings along streets; and requiring building entrances to be oriented to streets or courtyards. There are no changes to the bicycle parking standards as part of this ordinance. Council is considering amendments to bicycle parking standards as a part of a separate ordinance.

Policy 5.53. Responding to social isolation. Encourage site designs and relationship to adjacent developments that reduce social isolation for groups that often experience it, such as older adults, people with disabilities, communities of color, and immigrant communities.

210. Finding: The BHD amendments include provisions for shared courtyards and outdoors spaces as well as more pedestrian friendly streetscapes, through limits on garages and parking location, that can create conditions that enhance interactions with neighbors in the same building and neighborhoods. Amendments also support the provision of indoor spaces, such as community rooms, as part of housing development, which can help reduce social isolation for residents during times of the year when outdoor activity is limited.

Policy 5.54 Renter protections. Enhance renter health, safety, and stability through education, expansion of enhanced inspections, and support of regulations and incentives that protect tenants and prevent involuntary displacement.

211. Finding: The BHD amendments do not alter regulations establishing tenant protections including required relocation assistance when properties are sold and/or redeveloped (PCC 30.01.085).

Chapter 6: Economic Development

Goal 6.A: Prosperity. Portland has vigorous economic growth and a healthy, diverse economy that supports prosperity and equitable access to employment opportunities for an increasingly diverse population. A strong economy that is keeping up with population growth and attracting resources and talent can:

- Create opportunity for people to achieve their full potential.
- Improve public health.
- Support a healthy environment.
- Support the fiscal well-being of the city.

Goal 6.B: Development. Portland supports an attractive environment for industrial, commercial, and institutional job growth and development by: 1) maintaining an adequate land supply; 2) a local development review system that is nimble, predictable, and fair; and 3) high-quality public facilities and services.

Goal 6.C: Business district vitality. Portland implements land use policy and investments to:

- Ensure that commercial, institutional, and industrial districts support business retention and expansion.
- Encourage the growth of districts that support productive and creative synergies among local businesses.
- Provide convenient access to goods, services, and markets.
- Take advantage of our location and quality of life advantages as a gateway to world-class natural landscapes in Northwest Oregon, Southwest Washington, and the Columbia River

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Basin, and a robust interconnected system of natural landscapes within the region's Urban Growth Boundary.

212. **Finding:** The BHD map amendments do not affect any land designated for industrial or employment uses. The BHD map amendments do not affect the base development capacity in the commercial mixed-use areas. In addition, the BHD zoning code amendments expand the opportunity for small-scale commercial uses in multi-dwelling zones along civic and neighborhood corridors. Therefore, there is no reduction to employment capacity. The amendments help support business district vitality by allowing for more households to locate closer to goods, services, and markets. The City Council finds that the BHD amendments are consistent with economic development goals and policies, especially those that support neighborhood business districts.

Diverse, expanding city economy

Policy 6.1. Diverse and growing community. Expand economic opportunity and improve economic equity for Portland's diverse, growing population through sustained business growth.

Policy 6.2. Diverse and expanding economy. Align plans and investments to maintain the diversity of Portland's economy and status as Oregon's largest job center with growth across all sectors (commercial, industrial, creative, and institutional) and across all parts of the city.

Policy 6.3. Employment growth. Strive to capture at least 25 percent of the seven-county region's employment growth (Multnomah, Washington, Clackamas, Yamhill, Columbia, Clark, and Skamania counties).

Policy 6.4. Fiscally-stable city. Promote a high citywide jobs-to-households ratio that supports tax revenue growth at pace with residential demand for municipal services.

Policy 6.5. Economic resilience. Improve Portland's economic resilience to impacts from climate change and natural disasters through a strong local economy and equitable opportunities for prosperity.

Policy 6.6. Low-carbon and renewable energy economy. Align plans and investments with efforts to improve energy efficiency and reduce lifecycle carbon emissions from business operations. Promote employment opportunities associated with energy efficiency projects, waste reduction, production of more durable goods, and recycling.

Policy 6.7. Competitive advantages. Maintain and strengthen the city's comparative economic advantages including access to a high-quality workforce, business diversity, competitive business climate, and multimodal transportation infrastructure.

Policy 6.8. Business environment. Use plans and investments to help create a positive business environment in the city and provide strategic assistance to retain, expand, and attract businesses.

Policy 6.9. Small business development. Facilitate the success and growth of small businesses and coordinate plans and investments with programs that provide technical and financial assistance to promote sustainable operating practices.

Policy 6.10. Business innovation. Encourage innovation, research, development, and commercialization of new technologies, products, and services through responsive regulations and public sector approaches.

Policy 6.11. Sharing economy. Encourage mechanisms that enable individuals, corporations, non-profits, and government to market, distribute, share, and reuse excess capacity in goods and services.

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This includes peer-to-peer transactions, crowd funding platforms, and a variety of business models to facilitate borrowing and renting unused resources.

Policy 6.12. Economic role of livability and ecosystem services. Conserve and enhance Portland's cultural, historic, recreational, educational, food-related, and ecosystem assets and services for their contribution to the local economy and their importance for retention and attraction of skilled workers and businesses.

213. Finding: Policies 6.1 through 6.12 provide direction regarding economic and employment growth. The BHD map amendments do not affect any land designated for industrial or employment uses. The BHD map amendments do not affect the base development capacity in the commercial mixed-use areas. The BHD zoning code amendments expand the opportunity for small-scale commercial uses in the multi-dwelling zones along civic and neighborhood corridors. In addition, providing a wider variety of housing to suit a broader segment of the population will help retain and attract skilled workers.

Land development

Policy 6.13. Land supply. Provide supplies of employment land that are sufficient to meet the long-term and short-term employment growth forecasts, adequate in terms of amounts and types of sites, available and practical for development and intended uses. Types of sites are distinguished primarily by employment geographies identified in the Economic Opportunities Analysis, although capacity needs for building types with similar site characteristics can be met in other employment geographies.

214. Finding: The BHD amendments do not change the comprehensive plan designations of any currently designated employment lands. Therefore, there is no reduction to the City's employment capacity.

Policy 6.14. Brownfield redevelopment. Overcome financial-feasibility gaps to cleanup and redevelop 60 percent of brownfield acreage by 2035.

Policy 6.15. Regionally-competitive development sites. Improve the competitiveness of vacant and underutilized sites located in Portland's employment areas using incentives, and regional and state assistance for needed infrastructure and site readiness improvements.

Policy 6.16. Regulatory climate. Improve development review processes and regulations to encourage predictability and support local and equitable employment growth and encourage business retention, including:

6.16.a. Assess and understand cumulative regulatory costs to promote Portland's financial competitiveness with other comparable cities.

6.16.b. Promote certainty for new development through appropriate allowed uses and "clear and objective" standards to permit typical development types without a discretionary review.

6.16.c. Allow discretionary-review to facilitate flexible and innovative approaches to meet requirements.

6.16.d. Design and monitor development review processes to avoid unnecessary delays.

6.16.e. Promote cost effective compliance with federal and state mandates, productive intergovernmental coordination, and efficient, well-coordinated development review and permitting procedures.

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215. **Finding:** Policies 6.14 through 6.16 provide direction regarding development sites and regulations in employment areas. The BHD amendments do not change the comprehensive plan designations or regulations affecting any currently designated employment lands. Therefore, there is no adverse impact to employment capacity.

Policy 6.17. Short-term land supply. Provide for a competitive supply of development-ready sites with different site sizes and types, to meet five-year demand for employment growth in the Central City, industrial areas, campus institutions, and neighborhood business districts.

Policy 6.18. Evaluate land needs. Update the Economic Opportunities Analysis and short-term land supply strategies every five to seven years.

Policy 6.19. Corporate headquarters. Provide land opportunities for development of corporate headquarters campuses in locations with suitable transportation facilities.

216. **Finding:** Policies 6.17 through 6.19 provide direction regarding land supply and corporate headquarters in employment areas. The BHD amendments do not change the comprehensive plan designations of any currently designated employment lands. Therefore, there is no adverse impact to employment land supply.

Traded sector competitiveness

Policy 6.20. Traded sector competitiveness. Align plans and investments with efforts to improve the city and regional business environment for traded sector and export growth. Participate in regional and statewide initiatives.

Policy 6.21. Traded sector diversity. Encourage partnerships to foster the growth, small business vitality, and diversity of traded sectors.

Policy 6.22. Clusters. Align plans and investments with efforts that direct strategic business development resources to enhance the competitiveness of businesses in traded sector clusters.

Policy 6.23. Trade and freight hub. Encourage investment in transportation systems and services that will retain and expand Portland's competitive position as a West Coast trade gateway and freight distribution hub.

Policy 6.24. Traded sector land supply. Foster traded sector retention, growth, and competitive advantages in industrial districts and the Central City. Recognize the concentration of traded-sector businesses in these districts.

Policy 6.25. Import substitution. Encourage local goods production and service delivery that substitute for imports and help keep the money Portlanders earn in the local economy.

Policy 6.26. Business opportunities in urban innovation. Strive to have Portland's built environment, businesses, and infrastructure systems showcase examples of best practices of innovation and sustainability.

217. **Finding:** Policies 6.20 through 6.26 provide direction regarding traded sector competitiveness. The BHD amendments address housing and do not adversely impact the city and regional business climate. These policies do not apply.

Equitable household prosperity

Policy 6.27. Income self-sufficiency. Expand access to self-sufficient wage levels and career ladders for low-income people by maintaining an adequate and viable supply of employment land and public facilities to support and expand opportunities in Portland for middle- and high-wage jobs that do not

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require a 4-year college degree.

6.27.a. Support the role of industrial districts as a leading source of middle-wage jobs that do not require a 4-year college degree and as a major source of wage-disparity reduction for under-served and under-represented communities.

6.27.b. Evaluate and limit negative impacts of plans and investments on middle and high wage job creation and retention.

218. Finding: The BHD amendments address housing and do not adversely impact employment land or public facilities. The changes provide more flexibility for a greater diversity of housing types and expands housing options close to services and transit that will help retain and attract skilled workers.

Policy 6.28. East Portland job growth. Improve opportunities for East Portland to grow as a business destination and source of living wage jobs.

219. Finding: The BHD amendments address the multi-dwelling zones and do not impact employment land or job growth in East Portland.

Policy 6.29. Poverty reduction. Encourage investment in, and alignment of, poverty-reduction efforts that address economic development, land use, transportation, housing, social services, public health, community development, and workforce development.

220. Finding: By increasing the range of available housing types in BHD zones, housing units are available at a wider spectrum of prices across a broader geographic reach of the city. Reducing housing costs and having more households able to reside closer to active transportation options improves public health outcomes, increases household stability, and offers households greater means to accumulate savings.

Policy 6.30. Disparity reduction. Encourage investment in, and alignment of, public efforts to reduce racial, ethnic, and disability-related disparities in income and employment opportunity.

Policy 6.31. Minority-owned, woman-owned and emerging small business (MWESB) assistance. Ensure that plans and investments improve access to contracting opportunities for minority-owned, woman-owned, and emerging small businesses.

221. Finding: Policies 6.30 and 6.31 provide direction regarding equity-related approaches to employment and small business development. The BHD amendments address housing and do not adversely impact employment or business development. These policies do not apply.

Policy 6.32. Urban renewal plans. Encourage urban renewal plans to primarily benefit existing residents and businesses within the urban renewal area through:

- Revitalization of neighborhoods.
- Expansion of housing choices.
- Creation of business and job opportunities.
- Provision of transportation linkages.
- Protection of residents and businesses from the threats posed by gentrification and displacement.
- The creation and enhancement of those features which improve the quality of life within the urban renewal area.

222. Finding: The BHD amendments do not address urban renewal plans. This policy does not apply.

Central City

Policy 6.33. Central City. Improve the Central City's regional share of employment and continue its growth as the unique center of both the city and the region for innovation and exchange through commerce, employment, arts, culture, entertainment, tourism, education, and government.

Policy 6.34. Central City industrial districts. Protect and facilitate the long-term success of Central City industrial districts, while supporting their evolution into places with a broad mix of businesses with high employment densities.

Policy 6.35. Innovation districts. Provide for expanding campus institutions in the Central City and Marquam Hill, and encourage business development that builds on their research and development strengths.

223. Finding: Policies 6.33 through 6.35 provide direction regarding economic development in the Central City. The BHD amendments include comprehensive plan map and zoning map amendments to rezone a three-block area in the Goose Hollow subdistrict of the Central City Plan District. This area is currently zoned (RH) for residential use, therefore these changes will not affect the employment capacity of the Central City.

Industrial and employment districts

Policy 6.36. Industrial land. Provide industrial land that encourages industrial business retention, growth, and traded sector competitiveness as a West Coast trade and freight hub, a regional center of diverse manufacturing, and a widely-accessible base of family-wage jobs, particularly for under-served and under-represented people.

Policy 6.37. Industrial sanctuaries. Protect industrial land as industrial sanctuaries identified on the Comprehensive Plan Map primarily for manufacturing and distribution uses and to encourage the growth of industrial activities in the city.

Policy 6.38. Prime industrial land retention. Protect the multimodal freight-hub industrial districts at the Portland Harbor, Columbia Corridor, and Brooklyn Yard as prime industrial land that is prioritized for long-term retention.

6.38.a. Protect prime industrial lands from quasi-judicial Comprehensive Plan Map amendments that convert prime industrial land to non-industrial uses, and consider the potential for other map amendments to otherwise diminish the economic competitiveness or viability of prime industrial land.

6.38.b. Limit conversion of prime industrial land through land use plans, regulations, or public land acquisition for non-industrial uses, especially land that can be used by river-dependent and river-related industrial uses.

6.38.c. Limit regulatory impacts on the capacity, affordability, and viability of industrial uses in the prime industrial area while ensuring environmental resources are also protected.

6.38.d. Strive to offset the reduction of development capacity as needed, with additional prime industrial capacity that includes consideration of comparable site characteristics. Offsets may include but are not limited to additional brownfield remediation, industrial use intensification, strategic investments, and other innovative tools and partnerships that increase industrial utilization of industrial land.

6.38.e. Protect prime industrial land for siting of parks, schools, large-format places of assembly, and large-format retail sales.

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6.38.f. Promote efficient use of freight hub infrastructure and prime industrial land by limiting non-industrial uses that do not need to be in the prime industrial area.

Policy 6.39. Harbor access lands. Limit use of harbor access lands to river- or rail-dependent or related industrial land uses due to the unique and necessary infrastructure and site characteristics of harbor access lands for river-dependent industrial uses.

Policy 6.40. Portland Harbor Superfund Site. Take a leadership role to facilitate a cleanup of the Portland Harbor that moves forward as quickly as possible and that allocates cleanup costs fairly and equitably. Encourage a science-based and cost-effective cleanup solution that facilitates re-use of land for river- or rail-dependent or related industrial uses.

Policy 6.41. Multimodal freight corridors. Encourage freight-oriented industrial development to locate where it can maximize the use of and support reinvestment in multimodal freight corridors.

Policy 6.42. Columbia East. Provide a mix of industrial and limited business park development in Columbia East (east of 82nd Avenue) that expand employment opportunities supported by proximity to Portland International Airport and multimodal freight access.

Policy 6.43. Dispersed employment areas. Provide small, dispersed employment areas for a flexible and affordable mix of office, creative services, small-scale manufacturing, traded sector and distribution, and other small-format light industrial and commercial uses with access to nearby freeways or truck streets.

Policy 6.44. Industrial land use intensification. Encourage reinvestment in, and intensification of, industrial land use, as measured by output and throughput per acre.

Policy 6.45. Industrial brownfield redevelopment. Provide incentives, investments, technical assistance and other direct support to overcome financial-feasibility gaps to enable remediation and redevelopment of brownfields for industrial growth.

Policy 6.46. Impact analysis. Evaluate and monitor the impacts on industrial land capacity that may result from land use plans, regulations, public land acquisition, public facility development, and other public actions to protect and preserve existing industrial lands.

Policy 6.47. Clean, safe, and green. Encourage improvements to the cleanliness, safety, and ecological performance of industrial development and freight corridors by facilitating adoption of market feasible new technology and design.

Policy 6.48. Fossil fuel distribution. Limit fossil fuels distribution and storage facilities to those necessary to serve the regional market.

Policy 6.49. Industrial growth and watershed health. Facilitate concurrent strategies to protect and improve industrial capacity and watershed health in the Portland Harbor and Columbia Corridor areas.

Policy 6.50. District expansion. Provide opportunities for expansion of industrial areas based on evaluation of forecasted **need and the ability to meet environmental, social, economic, and other goals.**

Policy 6.51. Golf course reuse and redevelopment. Facilitate a mix of industrial, natural resource, and public open space uses on privately-owned golf course sites in the Columbia Corridor that property owners make available for reuse.

Policy 6.52. Residential and commercial reuse. Facilitate compatible industrial or employment redevelopment on residential or commercial sites that become available for reuse if the site is in or near prime industrial areas, and near a freeway or on a freight street.

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Policy 6.53. Mitigation banks. Facilitate industrial site development by promoting and allowing environmental mitigation banks that serve industrial land uses on prime industrial land.

Policy 6.54. Neighborhood buffers. Maintain and enhance major natural areas, open spaces, and constructed features as boundaries and buffers for the Portland Harbor and Columbia Corridor industrial areas.

Policy 6.55. Neighborhood park use. Allow neighborhood park development within industrial zones where needed to provide adequate park service within one-half mile of every resident.

224. **Finding:** Policies 6.36 through 6.55 provide direction regarding industrial and employment districts. The BHD amendments do not change the comprehensive plan designations or regulations affecting any currently designated industrial or employment lands. Therefore, there is no impact to the development capacity of the City's industrial and employment districts.

Campus institutions

Policy 6.56. Campus institutions. Provide for the stability and growth of Portland's major campus institutions as essential service providers, centers of innovation, workforce development resources, and major employers.

Policy 6.57. Campus land use. Provide for major campus institutions as a type of employment land, allowing uses typically associated with health care and higher education institutions. Coordinate with institutions in changing campus zoning to provide land supply that is practical for development and intended uses.

Policy 6.58. Development impacts. Protect the livability of surrounding neighborhoods through adequate infrastructure and campus development standards that foster suitable density and attractive campus design. Minimize off-site impacts in collaboration with institutions and neighbors, especially to reduce automobile traffic and parking impacts.

Policy 6.59. Community amenities and services. Encourage campus development that provides amenities and services to surrounding neighborhoods, emphasizing the role of campuses as centers of community activity.

Policy 6.60. Campus edges. Provide for context-sensitive, transitional uses, and development at the edges of campus institutions to enhance their integration into surrounding neighborhoods, including mixed-use and neighborhood-serving commercial uses where appropriate.

Policy 6.61. Satellite facilities. Encourage opportunities for expansion of uses, not integral to campus functions, to locate in centers and corridors to support their economic vitality.

225. **Finding:** Policies 6.56 through 6.61 provide direction regarding campus institutions. There are no BHD zones with a campus institution land use designation. These policies do not apply.

Neighborhood business districts

Policy 6.62. Neighborhood business districts. Provide for the growth, economic equity, and vitality of neighborhood business districts.

Policy 6.63. District function. Enhance the function of neighborhood business districts as a foundation of neighborhood livability.

Policy 6.64. Small, independent businesses. Facilitate the retention and growth of small and locally-owned businesses.

Policy 6.65. Home-based businesses. Encourage and expand allowances for small, low-impact home

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based businesses in residential areas, including office or personal service uses with infrequent or by-appointment customer or client visits to the site. Allow a limited number of employees, within the scale of activity typical in residential areas. Allow home-based businesses on sites with accessory dwelling units.

Policy 6.66. Neighborhood-serving business. Provide for neighborhood business districts and small commercial nodes in areas between centers to expand local access to goods and services. Allow nodes of small-scale neighborhood-serving commercial uses in large planned developments and as a ground floor use in high density residential areas.

Policy 6.67. Retail development. Provide for a competitive supply of retail sites that support the wide range of consumer needs for convenience, affordability, accessibility, and diversity of goods and services, especially in under-served areas of Portland.

Policy 6.68. Investment priority. Prioritize commercial revitalization investments in neighborhoods that serve communities with limited access to goods and services.

Policy 6.69. Non-conforming neighborhood business uses. Limit non-conforming uses to reduce adverse impacts on nearby residential uses while avoiding displacement of existing neighborhood businesses.

Policy 6.70. Involuntary commercial displacement. Evaluate plans and investments for their impact on existing businesses.

6.70.a. Limit involuntary commercial displacement in areas at risk of gentrification, and incorporate tools to reduce the cost burden of rapid neighborhood change on small business owners vulnerable to displacement.

6.70.b. Encourage the preservation and creation of affordable neighborhood commercial space to support a broad range of small business owners.

Policy 6.71. Temporary and informal markets and structures. Acknowledge and support the role that temporary markets (farmer's markets, craft markets, flea markets, etc.) and other temporary or mobile-vending structures play in enabling startup business activity. Also, acknowledge that temporary uses may ultimately be replaced by more permanent development and uses.

Policy 6.72. Community economic development. Encourage collaborative approaches to align land use and neighborhood economic development for residents and business owners to better connect and compete in the regional economy.

6.72.a. Encourage broad-based community coalitions to implement land use and economic development objectives and programs.

6.72.b. Enhance opportunities for cooperation and partnerships between public and private entities that promote economic vitality in communities most disconnected from the regional economy.

6.72.c. Encourage cooperative efforts by area businesses, Business Associations, and Neighborhood Associations to work together on commercial revitalization efforts, sustainability initiatives, and transportation demand management.

Policy 6.73. Centers. Encourage concentrations of commercial services and employment opportunities in centers.

6.73.a. Encourage a broad range of neighborhood commercial services in centers to help residents and others in the area meet daily needs and/or serve as neighborhood gathering places.

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6.73.b. Encourage the retention and further development of grocery stores and local markets as essential elements of centers.

6.73.c. Enhance opportunities for services and activities in centers that are responsive to the needs of the populations and cultural groups of the surrounding area.

6.73.d. Require ground-level building spaces in core areas of centers accommodate commercial or other street-activating uses and services.

6.73.e. Encourage employment opportunities as a key function of centers, including connections between centers, institutions, and other major employers to reinforce their roles as vibrant centers of activity.

226. Finding: Policies 6.62 through 6.73 provide direction regarding neighborhood districts, which primarily have commercial/mixed use zoning. The BHD map amendments do not affect the base land uses or development capacity in the commercial/mixed-use zones. The BHD zoning code amendments expand the opportunity for small-scale commercial uses in the multi-dwelling zones along civic and neighborhood corridors, which can provide for a wider range of retail sites to support small businesses. In addition, providing a wider variety of housing to suit a broader segment of the population will help retain and attract skilled workers. The changes also expand the affordable housing bonus to mixed use zoning designations within historic districts, which could encourage more mixed use development in these districts.

Chapter 7: Environmental and Watershed Health

Goal 7.A: Climate. Carbon emissions are reduced to 50 percent below 1990 levels by 2035.

227. Finding: One of the key strategies to reduce carbon emissions is to reduce emissions related to transportation by reducing reliance on the automobile by encouraging housing near multi-modal transportation alternatives, such as transit service and bikeways. Eighty (80) percent of the multi-dwelling zoned areas are within ¼ mile of a designated center, corridor with frequent service transit, high capacity transit stations, or within the Inner Ring neighborhoods. According to studies conducted by Oregon DEQ, “Reducing home size is among the best tier of options for reducing waste generation in the Oregon housing sector, while simultaneously achieving a large environmental benefit across many categories of impact...Reduction in home size is a significant leverage point for impact reduction [including non-renewable energy use] and may be a more effective measure than achieving minimum levels of ‘green certification’”. The BHD amendments will expand the range of housing types, especially smaller units, that are allowed in these areas, which will contribute to reducing Portland’s carbon emissions.

Goal 7.B: Healthy watersheds and environment. Ecosystem services and ecosystem functions are maintained and watershed conditions have improved over time, supporting public health and safety, environmental quality, fish and wildlife, cultural values, economic prosperity, and the intrinsic value of nature.

228. Finding: The BHD amendments allow alternatives to conventional landscaping, limit large surface parking lots and asphalt paving, reduce off street parking requirements that will decrease effective impervious area, which will limit runoff and maintain ecosystem functions.

Goal 7.C: Resilience. Portland’s built and natural environments function in complementary ways and are resilient in the face of climate change and natural hazards.

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229. **Finding:** The BHD amendments support this principle by helping to focus growth in and around centers and corridors to avoid sensitive natural areas and natural hazards. Only 12 percent of the multi-dwelling zoned areas are located in natural hazard areas. The BHD amendments do not change City programs for flood management, and erosion and sediment control (i.e., City Title 10 Erosion Control, and the balanced cut and fill requirements of City Title 24).

These changes help achieve this goal by contributing to complete neighborhoods that support neighborhood resilience and a low-carbon economy, supporting a diversity of housing options responsive to changing demographics and household needs, and limiting urban heat islands that will be an increasing threat in a warming climate.

Goal 7.D: Environmental equity. All Portlanders have access to clean air and water, can experience nature in their daily lives, and benefit from development designed to lessen the impacts of natural hazards and environmental contamination.

230. **Finding:** The BHD amendments furthers this goal by providing incentives for tree preservation, requiring outdoors spaces that expand opportunities for trees and other green elements, limiting paved surfaces, supporting the use of eco roofs and other green infrastructure, and by expanding options for the development of energy-efficient compact housing in locations supportive of low-carbon transportation options (such as transit, walking, and bicycling).

Goal 7.E: Community stewardship. Portlanders actively participate in efforts to maintain and improve the environment, including watershed health.

231. **Finding:** This goal is focused on community involvement in improving the environment. Because the BHD amendments primarily affect the zoning code and do not affect non-regulatory implementation approaches, these policies do not apply.

Improving environmental quality and resilience

Policy 7.1. Environmental quality. Protect or support efforts to protect air, water, and soil quality, and associated benefits to public and ecological health and safety, through plans and investments.

232. **Finding:** Environmental zones protect resources and functional values that have been identified by the City as providing benefits to the public. Only three percent of the multi-dwelling zoned areas have significant natural resources. No changes to the environmental or greenway overlay zones are proposed as part of this project, therefore the natural resource values and functions will be improved or sustained.

Policy 7.2. Environmental equity. Prevent or reduce adverse environment-related disparities affecting under-served and under-represented communities through plans and investments. This includes addressing disparities relating to air and water quality, natural hazards, contamination, climate change, and access to nature.

233. **Finding:** Environmental zones, along with other programs for flood management, and erosion and sediment control (i.e., City Title 10 Erosion Control, and the balanced cut and fill requirements of City Title 24) protect resources and functional values that have been identified by the City as providing benefits to the public, including in areas with under-served and underrepresented communities. These are unchanged with the BHD amendments.

Policy 7.3. Ecosystem services. Consider the benefits provided by healthy ecosystems that contribute to the livability and economic health of the city.

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234. **Finding:** The BHD amendments allow alternatives to conventional landscaping, limit large surface parking lots and asphalt paving, reduce off street parking requirements that will decrease effective impervious area, which will limit runoff and maintain ecosystem functions.

Policy 7.4. Climate change. Update and implement strategies to reduce carbon emissions and impacts and increase resilience through plans and investments and public education.

7.4.a. Carbon sequestration. Enhance the capacity of Portland’s urban forest, soils, wetlands, and other water bodies to serve as carbon reserves.

7.4.b. Climate adaptation and resilience. Enhance the ability of rivers, streams, wetlands, floodplains, urban forest, habitats, and wildlife to limit and adapt to climate-exacerbated flooding, landslides, wildfire, and urban heat island effects.

235. **Finding:** One of the key strategies to reduce carbon emissions is to reduce emissions related to transportation by reducing reliance on the automobile by encouraging housing near multi-modal transportation alternatives, such as transit service and bikeways. Eighty (80) percent of the multi-dwelling zoned areas are within ¼ mile of a designated center, corridor with frequent service transit, high capacity transit stations, or within the Inner Ring neighborhoods. According to studies conducted by Oregon DEQ, “Reducing home size is among the best tier of options for reducing waste generation in the Oregon housing sector, while simultaneously achieving a large environmental benefit across many categories of impact...Reduction in home size is a significant leverage point for impact reduction [including non-renewable energy use] and may be a more effective measure than achieving minimum levels of ‘green certification’”. The BHD amendments will expand the range of housing types, especially smaller units, that are allowed in these areas, which will contribute to reducing Portland’s carbon emissions.

The BHD amendments reduce heat island effects by providing incentives for tree preservation, requiring outdoors spaces that expand opportunities for trees and other green elements, limiting paved surfaces, supporting the use of eco roofs and other green infrastructure, and by expanding options for the development of energy-efficient compact housing in locations supportive of low-carbon transportation options (such as transit, walking, and bicycling).

Policy 7.5. Air quality. Improve, or support efforts to improve, air quality through plans and investments, including reducing exposure to air toxics, criteria pollutants, and urban heat island effects. Consider the impacts of air quality on the health of all Portlanders.

236. **Finding:** The BHD amendments help improve air quality by providing incentives for tree preservation, requiring outdoors spaces that expand opportunities for trees and other green elements, limiting paved surfaces, supporting the use of eco roofs and other green infrastructure, and by expanding options for the development of housing in locations supportive of low-carbon transportation options (such as transit, walking, and bicycling). Eighty-six (86) percent of multi-dwelling areas are within ¼-mile of transit service.

Policy 7.6. Hydrology. Through plans and investments, improve or support efforts to improve watershed hydrology to achieve more natural flow and enhance conveyance and storage capacity in rivers, streams, floodplains, wetlands, and aquifers. Minimize impacts from development and associated impervious surfaces, especially in areas with poorly-infiltrating soils and limited public stormwater discharge points, and encourage restoration of degraded hydrologic functions.

Policy 7.7. Water quality. Improve, or support efforts to improve, water quality in rivers, streams, floodplains, groundwater, and wetlands through land use plans and investments, to address water quality issues including toxics, bacteria, temperature, metals, and sediment pollution. Consider the

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impacts of water quality on the health of all Portlanders.

237. Finding: Policies 7.6 and 7.7 provide direction regarding hydrology and water quality. The BHD amendments help improve water quality by providing incentives for tree preservation, requiring outdoors spaces that expand opportunities for trees and other green elements, limiting paved surfaces, supporting the use of eco roofs and other green infrastructure that will decrease effective impervious area, which will limit runoff and maintain ecosystem functions.

Policy 7.8. Biodiversity. Strive to achieve and maintain self-sustaining populations of native species, including native plants, native resident and migratory fish and wildlife species, at-risk species, and beneficial insects (such as pollinators) through plans and investments.

Policy 7.9. Habitat and biological communities. Ensure that plans and investments are consistent with and advance efforts to improve, or support efforts to improve fish and wildlife habitat and biological communities. Use plans and investments to enhance the diversity, quantity, and quality of habitats habitat corridors, and especially habitats that:

- Are rare or declining.
- Support at-risk plant and animal species and communities.
- Support recovery of species under the Endangered Species Act, and prevent new listings.
- Provide culturally important food sources, including those associated with Native American fishing rights.

Policy 7.10. Habitat connectivity. Improve or support efforts to improve terrestrial and aquatic habitat connectivity for fish and wildlife by using plans and investments, to:

- Prevent and repair habitat fragmentation.
- Improve habitat quality.
- Weave habitat into sites as new development occurs.
- Enhance or create habitat corridors that allow fish and wildlife to safely access and move through and between habitat areas.
- Promote restoration and protection of floodplains.

238. Finding: Policies 7.8 through 7.10 provide direction regarding biodiversity and habitat. Only three percent of the multi-dwelling zoned areas have significant natural resources. The BHD amendments do not change the environmental zones and other programs for flood management, and erosion and sediment control (i.e., City Title 10 Erosion Control, and the balanced cut and fill requirements of City Title 24) protect resources and functional values that have been identified by the City as providing benefits to the public, including in areas with under-served and underrepresented communities. BHD amendments that provide FAR transfer allowances for sites where large trees are preserved and that expand requirements for outdoor spaces are consistent with these policies.

Policy 7.11. Urban forest. Improve, or support efforts to improve the quantity, quality, and equitable distribution of Portland's urban forest through plans and investments.

7.11.a. Tree preservation. Require or encourage preservation of large healthy trees, native trees and vegetation, tree groves, and forested areas.

7.11.b. Urban forest diversity. Coordinate plans and investments with efforts to improve tree species diversity and age diversity.

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7.11.c. Tree canopy. Support progress toward meeting City tree canopy targets.

7.11.d. Tree planting. Invest in tree planting and maintenance, especially in low-canopy areas, neighborhoods with under-served or under-represented communities, and within and near urban habitat corridors.

7.11.e. Vegetation in natural resource areas. Require native trees and vegetation in significant natural resource areas.

7.11.f. Resilient urban forest. Encourage planting of Pacific Northwest hardy and climate change resilient native trees and vegetation generally, and especially in urban habitat corridors.

7.11.g. Trees in land use planning. Identify priority areas for tree preservation and planting in land use plans.

7.11.h. Managing wildfire risk. Address wildfire hazard risks and management priorities through plans and investments.

239. **Finding:** BHD amendments that support tree preservation through transfers of development rights, expand requirements for usable outdoor space, require shared common areas on large sites and deep rear setbacks in East Portland are consistent with this policy, as are amendments that place limits on large parking lots and that reduce parking requirements, which provides opportunities for space to expand and improve the urban forest.

Policy 7.12. Invasive species. Prevent the spread of invasive plants, and support efforts to reduce the impacts of invasive plants, animals, and insects, through plans, investments, and education.

Policy 7.13. Soils. Coordinate plans and investments with programs that address human-induced soil loss, erosion, contamination, or other impairments to soil quality and function.

240. **Finding:** Policies 7.12 and 7.13 provide direction regarding invasive species and soil quality. The BHD amendments do not affect programs and investments related to these policies.

Policy 7.14. Natural hazards. Prevent development-related degradation of natural systems and associated increases in landslide, wildfire, flooding, and earthquake risks.

241. **Finding:** The BHD amendments reduce the risk from these hazards because City programs for flood management, and erosion and sediment control (Title 10 Erosion Control and the balanced cut and fill requirements of City Title 24), are unchanged by these amendments.

Policy 7.15. Brownfield remediation. Improve environmental quality and watershed health by promoting and facilitating brownfield remediation and redevelopment that incorporates ecological site design and resource enhancement.

Policy 7.16. Adaptive management. Evaluate trends in watershed and environmental health using current monitoring data and information to guide and support improvements in the effectiveness of City plans and investments.

Policy 7.17. Restoration partnerships. Coordinate plans and investments with other jurisdictions, air and water quality regulators, watershed councils, soil and water conservation districts, Sovereign nations, and community organizations and groups including under-served and under-represented communities, to optimize the benefits, distribution, and cost-effectiveness of watershed restoration and enhancement efforts.

Policy 7.18. Community stewardship. Encourage voluntary cooperation between property owners, community organizations, and public agencies to restore or re-create habitat on their property,

including removing invasive plants and planting native species.

242. Finding: Policies 7.15 through 7.18 provide direction regarding non-regulatory approaches to improving environmental quality. Because the BHD amendments primarily affect the zoning code and do not affect non-regulatory implementation approaches, these policies do not apply.

Planning for natural resource protection

Policy 7.19. Natural resource protection. Protect the quantity, quality, and function of significant natural resources identified in the City's natural resource inventory, including:

- Rivers, streams, sloughs, and drainageways.
- Floodplains.
- Riparian corridors.
- Wetlands.
- Groundwater.
- Native and other beneficial vegetation species and communities.
- Aquatic and terrestrial habitats, including special habitats or habitats of concern, large anchor habitats, habitat complexes and corridors, rare and declining habitats such as wetlands, native oak, bottomland hardwood forest, grassland habitat, shallow water habitat, and habitats that support special-status or at-risk plant and wildlife species.
- Other resources identified in natural resource inventories.

Policy 7.20. Natural resource inventory. Maintain an up-to-date inventory by identifying the location and evaluating the relative quantity and quality of natural resources.

Policy 7.21. Environmental plans and regulations. Maintain up-to-date environmental protection plans and regulations that specify the significant natural resources to be protected and the types of protections to be applied, based on the best data and science available and on an evaluation of cumulative environmental, social, and economic impacts and tradeoffs. *See Figure 7-2 — Adopted Environmental Plans.*

7.21.a. Improve the effectiveness of environmental protection plans and regulations to protect and encourage enhancement of ecological functions and ecosystem services.

7.21.b. Prevent or reduce disproportionate environmental impacts on under-served and under-represented communities.

Policy 7.22. Land acquisition priorities and coordination. Maintain a land acquisition program as a tool to protect and support natural resources and their functions. Coordinate land acquisition with the programs of City bureaus and other agencies and organizations.

243. Finding: Policies 7.19 through 7.22 provide direction regarding planning for natural resource protection. The *2035 Comprehensive Plan* background documents included an updated Natural Resources Inventory (NRI), which was adopted (Ordinance 185657) and acknowledged by LCDC on June 13, 2014. The NRI identified the location, quantity, and quality of all significant natural resources as required by the inventory provisions of Statewide Planning Goal 5. From the set of all significant resources, high and medium quality resources, ranked primarily from riparian corridor and wildlife habitat considerations, were identified to comply with the inventory requirements of Title 13 of Metro's Urban Growth Management Functional Plan.

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Environmental zones protect resources and functional values that have been identified by the City as providing benefits to the public. Only three percent of the multi-dwelling zoned areas have environmental overlay zones. The BHD amendments do not change the environmental overlay zone mapping.

Protecting natural resources in development situations

Policy 7.23. Impact evaluation. Evaluate the potential adverse impacts of proposed development on significant natural resources, their functions, and the ecosystem services they provide to inform and guide development design and mitigation consistent with policies 7.24-7.26. and other relevant Comprehensive Plan policies.

Policy 7.24. Regulatory hierarchy: avoid, minimize, mitigate. Maintain regulations requiring that the potential adverse impacts of new development on significant natural resources and their functions first be avoided where practicable, then minimized, then lastly, mitigated.

Policy 7.25. Mitigation effectiveness. Require that mitigation approaches compensate fully for adverse impacts on locally and regionally significant natural resources and functions. Require mitigation to be located as close to the impact as possible. Mitigation must also take place within the same watershed or portion of the watershed that is within the Portland Urban Services Boundary, unless mitigating outside of these areas will provide a greater local ecological benefit. Mitigation will be subject to the following preference hierarchy:

- On the site of the resource subject to impact with the same kind of resource; if that is not possible, then
- Off-site with the same kind of resource; if that is not possible, then
- On-site with a different kind of resource; if that is not possible, then
- Off-site with a different kind of resource.

Policy 7.26. Improving environmental conditions through development. Encourage ecological site design, site enhancement, or other tools to improve ecological functions and ecosystem services in conjunction with new development and alterations to existing development.

244. Policies 7.19 through 7.22 provide direction regarding the protection of significant natural resources in development situations. The City's environmental overlay zones (33.430) are the regulations that control development in order to protect the resources and functional values while allowing environmentally sensitive urban development. Only three percent of the multi-dwelling zoned areas have environmental overlay zones. The BHD amendments do not change the environmental overlay zone mapping.

Aggregate resources

Policy 7.27. Aggregate resource protection. Protect aggregate resource sites for current and future use where there are no major conflicts with urban needs, or where these conflicts may be resolved.

Policy 7.28. Aggregate resource development. When aggregate resources are developed, ensure that development minimizes adverse environmental impacts and impacts on adjacent land uses.

Policy 7.29. Mining site reclamation. Ensure that the reclamation of mining sites protects public health and safety, protects fish and wildlife (including at-risk species), enhances or restores habitat (including rare and declining habitat types), restores adequate watershed conditions and functions on the site, and is compatible with the surrounding land uses and conditions of nearby land.

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245.Finding: Policies 7.27 through 7.29 provide direction regarding aggregate resources. The BHD amendments address housing and do not impact aggregate resources or mine sites. These policies do not apply.

Columbia River Watershed

Policy 7.30. In-water habitat. Enhance in-water habitat for native fish and wildlife, particularly in the Oregon Slough and near-shore environments along the Columbia River.

Policy 7.31. Sensitive habitats. Enhance grassland, beach, riverbanks, wetlands, bottomland forests, shallow water habitats, and other key habitats for wildlife traveling along the Columbia River migratory corridor, while continuing to manage the levees and floodplain for flood control.

Policy 7.32. River-dependent and river-related uses. Maintain plans and regulations that recognize the needs of river-dependent and river-related uses while also supporting ecologically-sensitive site design and practices.

246.Finding: Policies 7.30 through 7.32 provide direction regarding habitat and river-related uses in the Columbia River Watershed. The BHD amendments do not affect the environmental zones that apply in this area, or other regulations or programs related to habitat enhancement, or river-dependent or river-related uses.

Willamette River Watershed

Policy 7.33. Fish habitat. Provide adequate intervals of ecologically-functional shallow-water habitat for native fish along the entire length of the Willamette River within the city, and at the confluences of its tributaries.

Policy 7.34. Stream connectivity. Improve stream connectivity between the Willamette River and its tributaries.

Policy 7.35. River bank conditions. Preserve existing river bank habitat and encourage the rehabilitation of river bank sections that have been significantly altered due to development with more fish and wildlife friendly riverbank conditions.

Policy 7.36. South Reach ecological complex. Enhance habitat quality and connections between Ross Island, Oaks Bottom, and riverfront parks and natural areas south of the Central City, to enhance the area as a functioning ecological complex.

Policy 7.37. Contaminated sites. Promote and support programs that facilitate the cleanup, reuse, and restoration of the Portland Harbor Superfund site and other contaminated upland sites.

Policy 7.38. Sensitive habitats. Protect and enhance grasslands, beaches, floodplains, wetlands, remnant native oak, bottomland hardwood forest, and other key habitats for native wildlife including shorebirds, waterfowl, and species that migrate along the Pacific Flyway and the Willamette River corridor.

Policy 7.39. Riparian corridors. Increase the width and quality of vegetated Riparian buffers along the Willamette River.

Policy 7.40. Connected upland and river habitats. Enhance habitat quality and connectivity between the Willamette riverfront, the Willamette's floodplain, and upland natural resource areas.

Policy 7.41. River-dependent and river-related uses. Develop and maintain plans and regulations that recognize the needs of river-dependent and river-related uses, while also supporting ecologically-sensitive site design and practices.

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Policy 7.42. Forest Park. Enhance Forest Park as an anchor habitat and recreational resource.

247.Finding: Policies 7.33 through 7.42 provide direction regarding habitat and river-related uses in the Willamette River Watershed. The BHD amendments do not affect the Environmental, Greenway, or River overlay zones that apply in this area, or other regulations or programs related to habitat enhancement, or river-dependent or river-related uses.

Columbia Slough Watershed

Policy 7.43. Fish passage. Restore in-stream habitat and improve fish passage within the Columbia Slough, including for salmonids in the lower slough.

Policy 7.44. Flow constriction removal. Reduce constriction, such as culverts, in the slough channels, to improve the flow of water and water quality.

Policy 7.45. Riparian corridors. Increase the width, quality, and native plant diversity of vegetated riparian buffers along Columbia Slough channels and other drainageways within the watershed, while also managing the slough for flood control.

Policy 7.46. Sensitive habitats. Enhance grasslands and wetland habitats in the Columbia Slough, such as those found in the Smith and Bybee Lakes and at the St. Johns Landfill site, to provide habitat for sensitive species, and for wildlife traveling along the Columbia and Willamette river migratory corridors.

Policy 7.47. Connected rivers habitats. Enhance upland habitat connections to the Willamette and Columbia rivers.

Policy 7.48. Contaminated sites. Ensure that plans and investments are consistent with and advance programs that facilitate the cleanup, reuse, and restoration of contaminated sites that are adjacent, or that discharge stormwater, to the Columbia Slough.

Policy 7.49. Portland International Airport. Protect, restore, and enhance natural resources and functions in the Portland International Airport plan district, as identified in Portland International Airport/Middle Columbia Slough Natural Resources Inventory. Accomplish this through regulations, voluntary strategies, and the implementation of special development standards.

248.Finding: Policies 7.43 through 7.49 provide direction regarding the environment and watershed health in the Columbia Slough Watershed. The BHD amendments do not affect the environmental zones that apply in this area, or other regulations or programs related to habitat or watershed health.

Fanno and Tryon Creek Watersheds

Policy 7.50. Stream connectivity. Encourage the daylighting of piped portions of Tryon and Fanno creeks and their tributaries.

Policy 7.51. Riparian and habitat corridors. Protect and enhance riparian habitat quality and connectivity along Tryon and Fanno creeks and their tributaries. Enhance connections between riparian areas, parks, anchor habitats, and areas with significant tree canopy. Enhance in-stream and upland habitat connections between Tryon Creek State Natural Area and the Willamette River.

Policy 7.52. Reduced hazard risks. Reduce the risks of landslides and streambank erosion by protecting trees and vegetation that absorb stormwater, especially in areas with steep slopes or limited access to stormwater infrastructure.

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249.Finding: Policies 7.50 through 7.52 provide direction regarding habitat and river-related uses in the Fanno and Tryon Creek Watersheds. The BHD amendments do not affect the environmental zones that apply in this area, or other regulations or programs related to habitat or watershed health.

Johnson Creek Watershed

Policy 7.53. In-stream and riparian habitat. Enhance in-stream and riparian habitat and improve fish passage for salmonids along Johnson Creek and its tributaries.

Policy 7.54. Floodplain restoration. Enhance Johnson Creek floodplain functions to increase flood-storage capacity, improve water quality, and enhance fish and wildlife habitat.

Policy 7.55. Connected floodplains, springs, and wetlands. Enhance hydrologic and habitat connectivity between the Johnson Creek floodplain and its springs and wetlands.

Policy 7.56. Reduced natural hazards. Reduce the risks of landslides, streambank erosion and downstream flooding by protecting seeps, springs, trees, vegetation, and soils that absorb stormwater in the East Buttes.

Policy 7.57. Greenspace network. Enhance the network of parks, trails, and natural areas near the Springwater Corridor Trail and the East Buttes to enhance habitat connectivity and nature-based recreation in East Portland.

250.Finding: Policies 7.53 through 7.57 provide direction regarding the environment and watershed health in the Johnson Creek Watershed. The BHD amendments do not affect the environmental zones that apply in this area or programs related to habitat or watershed health. BHD amendments to the Johnson Creek Basin Plan District that allow for a variety of compact housing types with attached units, intended to promote clustered development that reduce development impacts, are consistent with these policies, as are amendments that exempt floodplains from minimum density requirements and that place limits on the size of large parking lots, which helps reduce stormwater impacts.

Chapter 8: Public Facilities and Services

Goal 8.A: Quality public facilities and services. High-quality public facilities and services provide Portlanders with optimal levels of service throughout the city, based on system needs and community goals, and in compliance with regulatory mandates.

Goal 8.B: Multiple benefits. Public facility and service investments improve equitable service provision, support economic prosperity, and enhance human and environmental health.

Goal 8.C: Reliability and resiliency. Public facilities and services are reliable, able to withstand or recover from catastrophic natural and manmade events, and are adaptable and resilient in the face of long-term changes in the climate, economy, and technology.

Goal 8.D: Public rights-of-way. Public rights-of-way enhance the public realm and provide a multi-purpose, connected, safe, and healthy physical space for movement and travel, public and private utilities, and other appropriate public functions and uses.

Goal 8.E: Sanitary and stormwater systems. Wastewater and stormwater are managed, conveyed, and/or treated to protect public health, safety, and the environment, and to meet the needs of the community on an equitable, efficient, and sustainable basis.

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Goal 8.F: Flood management. Flood management systems and facilities support watershed health and manage flooding to reduce adverse impacts on Portlanders' health, safety, and property.

Goal 8.G: Water. Reliable and adequate water supply and delivery systems provide sufficient quantities of high-quality water at adequate pressures to meet the needs of the community on an equitable, efficient, and sustainable basis.

Goal 8.H: Parks, natural areas, and recreation. All Portlanders have safe, convenient, and equitable access to high-quality parks, natural areas, trails, and recreational opportunities in their daily lives, which contribute to their health and well-being. The City manages its natural areas and urban forest to protect unique urban habitats and offer Portlanders an opportunity to connect with nature.

Goal 8.I: Public safety and emergency response. Portland is a safe, resilient, and peaceful community where public safety, emergency response, and emergency management facilities and services are coordinated and able to effectively and efficiently meet community needs.

Goal 8.J: Solid waste management. Residents and businesses have access to waste management services and are encouraged to be thoughtful consumers to minimize upstream impacts and avoid generating waste destined for the landfill. Solid waste — including food, yard debris, recyclables, electronics, and construction and demolition debris — is managed, recycled, and composted to ensure the highest and best use of materials.

Goal 8.K: School facilities. Public schools are honored places of learning as well as multifunctional neighborhood anchors serving Portlanders of all ages, abilities, and cultures.

Goal 8.L: Technology and communications. All Portland residences, businesses, and institutions have access to universal, affordable, and reliable state-of-the-art communication and technology services.

Goal 8.M: Energy infrastructure and services. Residents, businesses, and institutions are served by reliable energy infrastructure that provides efficient, low-carbon, affordable energy through decision-making based on integrated resource planning.

251. Finding: The adopted 2035 Comprehensive Plan includes the Citywide Systems Plan (CSP), which was adopted (Ordinance 185657) and acknowledged by LCDC on April 25, 2017. The CSP includes the Public Facilities Plan with information on current and future transportation, water, sanitary sewer, and stormwater infrastructure needs and projects.

In addition, the service limitations identified in the CSP have been incorporated into the adopted BLI development constraint analysis that identified parts of Portland that lack needed urban infrastructure. The BLI constraint analysis is the basis of a geographic evaluation of the BHD zones to ensure that public facilities are planned to support any potential development that could result from these amendments.

The BHD amendments expand the types of housing allowed, especially in the lower density RM1 and RM2 multi-dwelling zones, which make up 92 percent of the multi-dwelling zoned land in Portland. The change to regulating density by FAR will provide more flexibility for how many units are allowed inside the building, which will allow for a wider range of smaller housing types and sizes. In RM2 zone, which is often located along transit corridors, will allow for a higher density that is similar to adjacent mixed-use commercial zones. After accounting for the BLI constraints, the development capacity in BHD zones increases by about 14,000 units.

As required by ORS 195.036, the BLI allocation model uses Metro's population forecast to determine where new housing units are likely to be allocated. The BHD capacity and growth

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allocation model shows minor changes to the spatial distribution of housing units across Portland. This data was then evaluated by infrastructure bureaus at specific geographies to determine system and service adequacy.

Sanitary Sewer

The Bureau of Environmental Services evaluated the proposed changes in household allocation and found that sanitary flows from multi-dwelling structures represent a minor portion of the flows carried by any given pipe, and sanitary flows from additional dwelling units on those multi-dwelling zoned properties are unlikely to significantly affect the system. The Bureau of Environmental Services regularly analyzes sanitary and combined system, in conjunction with planning projections from the Bureau of Planning and Sustainability, to determine priority areas for both capacity and structural upgrades. Over time, these capital projects, identified in the Citywide Systems Plan, will address any localized issues. Moreover, all developments are required to connect to sanitary sewer service and meet current building and sanitation codes. Where local existing infrastructure is not adequate or available to serve proposed development, system extensions and/or upgrades will be required as part of the development review process. (see BES letter dated August 31, 2019)

Stormwater

Stormwater is conveyed through the combined sewer system, pipes, ditches, or drainageways to streams and rivers. In some cases, stormwater is managed in detention facilities, other vegetated facilities, or allowed to infiltrate in natural areas. Safe conveyance of stormwater is an issue in some areas, particularly in the hilly areas of west Portland and some parts of outer southeast which lack comprehensive conveyance systems and where infiltration is limited by geology or high groundwater. Since 1999, the Stormwater Management Manual (SWMM) has provided policy and design requirements for stormwater management throughout the City of Portland. The requirements apply to all development, redevelopment, and improvement projects within the City of Portland on private and public property and in the public right-of-way.

In most parts of Portland, the SWMM requirements address the potential impacts from BHD-related development. Since the BHD amendments do not propose increases in impervious area over what is currently allowed in the zoning code and includes other measures that can reduce impervious surfaces, such as reduced parking requirements and limits on parking areas and asphalt paving, the Bureau of Environmental Services is generally supportive of the project.

In some parts of Portland, however, challenging site conditions like steep slopes and poorly draining soils can complicate stormwater management. These sites may not be suitable for infiltration, based on depth to seasonal high groundwater, soil infiltration capability, or do not have access to a stormwater pipe or culvert, combined sewer pipe, stream or drainageway. The BHD amendments do not increase the amount of multi-dwelling zoned areas in these stormwater constrained areas. The BHD changes do not significantly increase either the allowable building coverage or impervious area from existing zoning allowances. Further, reducing minimum on-site parking requirements and limits on surface parking areas could result in even less impervious area. Provisions that encourage the preservation of large trees through the transfer of development rights and required deep rear setbacks in East Portland, as well as allowing stormwater facilities to count toward minimum landscaping, provide additional environmental and stormwater benefits.

Water

Water demand forecasts developed by the Water Bureau anticipate that while per capita water demands will continue to decline somewhat over time, the overall demands on the Portland

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water system will increase due to population growth. The Portland Water Bureau has not experienced any major supply deficiencies in the last 10 years. The water supply and distribution system is sized to meet City fire suppression needs which far surpass the day-to-day demand from residential customers. The BHD amendments are not expected to cause significant problems for either current water users or the overall system. If the additional densities allowed through the BHD amendments exacerbate existing local capacity issues in isolated areas, some infrastructure improvements may be required to meet local capacity issues. New development may be required to extend service where no service is presently available or upgrade water mains when development requires larger water meter sizes. (See Water Bureau letter dated August 27, 2019).

Transportation

Transportation facilities are addressed under Chapter 9 (Transportation), below.

The constraints on public facilities are not insurmountable, but mean development could face increased cost to provide or upgrade the needed infrastructure.

The findings for Statewide Planning Goal 11 also address public facilities and are incorporated by reference.

Service provision and urbanization

Policy 8.1. Urban services boundary. Maintain an Urban Services Boundary for the City of Portland that is consistent with the regional urban growth policy, in cooperation with neighboring jurisdictions. The Urban Services Boundary is shown on the Comprehensive Plan Map.

Policy 8.2. Rural, urbanizable, and urban public facility needs. Recognize the different public facility needs in rural, urbanizable and urban land as defined by the Regional Urban Growth Boundary, the City Urban Services Boundary, and the City Boundaries of Municipal Incorporation. See Figure 8-1 — Urban, Urbanizable, and Rural Lands.

Policy 8.3. Urban service delivery. Provide the following public facilities and services at urban levels of service to urban lands within the City's boundaries of incorporation:

- Public rights-of-way, streets, and public trails
- Sanitary sewers and wastewater treatment
- Stormwater management and conveyance
- Flood management
- Protection of the waterways of the state
- Water supply
- Police, fire, and emergency response
- Parks, natural areas, and recreation
- Solid waste regulation

Policy 8.4. Supporting facilities and systems. Maintain supporting facilities and systems, including public buildings, technology, fleet, and internal service infrastructure, to enable the provision of public facilities and services.

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Policy 8.5. Planning service delivery. Provide planning, zoning, building, and subdivision control services within the boundaries of incorporation, and as otherwise provided by intergovernmental agreement within the City's Urban Services Boundary.

252. **Finding:** The City Council interprets policies 8.1 through 8.5 provide direction on the provision of public facilities and services. The BHD amendments do not include new public facility or infrastructure projects. These policies do not apply.

Service coordination

Policy 8.6. Interagency coordination. Maintain interagency coordination agreements with neighboring jurisdictions and partner agencies that provide urban public facilities and services within the City of Portland's Urban Services Boundary to ensure effective and efficient service delivery. See Policy 8.3 for the list of services included. Such jurisdictions and agencies include, but may not be limited to:

- Multnomah County for transportation facilities and public safety.
- State of Oregon for transportation and parks facilities and services.
- TriMet for public transit facilities and services.
- Port of Portland for air and marine facilities and services.
- Metro for regional parks and natural areas, and for solid waste, composting, and recycling facilities and transfer stations.
- Gresham, Milwaukie, Clackamas County Service District #1, and Clean Water Services for sanitary sewer conveyance and treatment.
- Multnomah County Drainage District No. 1, Peninsula Drainage District No 1, and Peninsula Drainage District No. 2 for stormwater management and conveyance, and for flood mitigation, protection, and control.
- Rockwood People's Utility District; Sunrise Water Authority; and the Burlington, Tualatin Valley, Valley View, West Slope, Palatine Hill, Alto Park, and Clackamas River Water Districts for water distribution.
- Portland Public Schools and the David Douglas, Parkrose, Reynolds, Centennial, and Riverdale school districts for public education, park, trail, and recreational facilities.

Policy 8.7. Outside contracts. Coordinate with jurisdictions and agencies outside of Portland where the City provides services under agreement.

Policy 8.8. Public service coordination. Coordinate with the planning efforts of agencies providing public education, public health services, community centers, urban forest management, library services, justice services, energy, and technology and communications services.

Policy 8.9. Internal coordination. Coordinate planning and provision of public facilities and services, including land acquisition, among City agencies, including internal service bureaus.

Policy 8.10. Co-location. Encourage co-location of public facilities and services across providers where co-location improves service delivery efficiency and access for historically under-represented and under-served communities.

253. **Finding:** The City Council interprets policies 8.6 through 8.10 provide direction on coordination with neighboring jurisdictions and partner agencies that provide urban public facilities and services within the City of Portland's Urban Services Boundary. The BHD amendments do not

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include new public facility or infrastructure projects or amendments to public service coordination agreements. These policies do not apply.

Service extension

Policy 8.11. Annexation. Require annexation of unincorporated urbanizable areas within the City's Urban Services Boundary as a prerequisite to receive urban services.

Policy 8.12. Feasibility of service. Evaluate the physical feasibility and cost-effectiveness of extending urban public services to candidate annexation areas to ensure sensible investment and to set reasonable expectations.

Policy 8.13. Orderly service extension. Establish or improve urban public services in newly-annexed areas to serve designated land uses at established levels of service, as funds are available and as responsible engineering practice allows.

Policy 8.14. Coordination of service extension. Coordinate provision of urban public services to newly-annexed areas so that provision of any given service does not stimulate development that significantly hinders the City's ability to provide other urban services at uniform levels.

Policy 8.15. Services to unincorporated urban pockets. Plan for future delivery of urban services to urbanizable areas that are within the Urban Services Boundary but outside the city limits.

Policy 8.16. Orderly urbanization. Coordinate with counties, neighboring jurisdictions, and other special districts to ensure consistent management of annexation requests, and to establish rational and orderly process of urbanization that maximize efficient use of public funds.

Policy 8.17. Services outside the city limits. Prohibit City provision of new urban services, or expansion of the capacity of existing services, in areas outside city limits, except in cases where the City has agreements or contracts in place.

Policy 8.18. Service district expansion. Prohibit service district expansion or creation within the City's Urban Services Boundary without the City's expressed consent.

Policy 8.19. Rural service delivery. Provide the public facilities and services identified in Policy 8.3 in rural areas only at levels necessary to support designated rural residential land uses and protect public health and safety. Prohibit sanitary sewer extensions into rural land and limit other urban services.

254. Finding: The City Council interprets policies 8.11 through 8.19 provide direction on extending public services. The BHD amendments do not include new public facility or infrastructure projects or service extensions. These policies do not apply.

Public investment

Policy 8.20. Regulatory compliance. Ensure public facilities and services remain in compliance with state and federal regulations. Work toward cost-effective compliance with federal and state mandates through intergovernmental coordination and problem solving.

Policy 8.21. System capacity. Establish, improve, and maintain public facilities and services at levels appropriate to support land use patterns, densities, and anticipated residential and employment growth, as physically feasible and as sufficient funds are available.

Policy 8.22. Equitable service. Provide public facilities and services to alleviate service deficiencies and meet level-of-service standards for all Portlanders, including individuals, businesses, and property owners.

8.22.a. In places that are not expected to grow significantly but have existing deficiencies, invest

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to reduce disparity and improve livability.

8.22.b. In places that lack basic public facilities or services and also have significant growth potential, invest to enhance neighborhoods, fill gaps, maintain affordability, and accommodate growth.

8.22.c. In places that are not expected to grow significantly and already have access to complete public facilities and services, invest primarily to maintain existing facilities and retain livability.

8.22.d. In places that already have access to complete public facilities and services, but also have significant growth potential, invest to fill remaining gaps, maintain affordability, and accommodate growth.

Policy 8.23. Asset management. Improve and maintain public facility systems using asset management principles to optimize preventative maintenance, reduce unplanned reactive maintenance, achieve scheduled service delivery, and protect the quality, reliability, and adequacy of City services.

Policy 8.24. Risk management. Maintain and improve Portland's public facilities to minimize or eliminate economic, social, public health and safety, and environmental risks.

Policy 8.25. Critical infrastructure. Increase the resilience of high-risk and critical infrastructure through monitoring, planning, maintenance, investment, adaptive technology, and continuity planning.

Policy 8.26. Capital programming. Maintain long-term capital improvement programs that balance acquisition and construction of new public facilities with maintenance and operations of existing facilities.

255. **Finding:** The City Council interprets policies 8.20 through 8.26 provide direction on investment priorities for public facilities. The BHD amendments do not include new public facility or infrastructure projects. These policies do not apply.

Funding

Policy 8.27. Cost-effectiveness. Establish, improve, and maintain the public facilities necessary to serve designated land uses in ways that cost-effectively provide desired levels of service, consider facilities' lifecycle costs, and maintain the City's long-term financial sustainability.

Policy 8.28. Shared costs. Ensure the costs of constructing and providing public facilities and services are equitably shared by those who benefit from the provision of those facilities and services.

Policy 8.29. System development. Require private or public entities whose prospective development or redevelopment actions contribute to the need for public facility improvements, extensions, or construction to bear a proportional share of the costs.

Policy 8.30. Partnerships. Maintain or establish public and private partnerships for the development, management, or stewardship of public facilities necessary to serve designated land uses, as appropriate.

256. **Finding:** The City Council interprets policies 8.27 through 8.30 provide direction on funding public facilities and services within the City of Portland's Urban Services Boundary. The BHD amendments do not include new public facility or infrastructure projects. These policies do not apply.

Public benefits

Policy 8.31. Application of Guiding Principles. Plan and invest in public facilities in ways that promote and balance the Guiding Principles established in The Vision and Guiding Principles of this Comprehensive Plan.

Policy 8.32. Community benefit agreements. Encourage the use of negotiated community benefit agreements for large public facility projects as appropriate to address environmental justice policies in Chapter 2: Community Involvement.

Policy 8.33. Community knowledge and experience. Encourage public engagement processes and strategies for larger public facility projects to include community members in identifying potential impacts, mitigation measures and community benefits.

Policy 8.34. Resource efficiency. Reduce the energy and resource use, waste, and carbon emissions from facilities necessary to serve designated land uses to meet adopted City goals and targets.

Policy 8.35. Natural systems. Protect, enhance, and restore natural systems and features for their infrastructure service and other values.

Policy 8.36. Context-sensitive infrastructure. Design, improve, and maintain public rights-of-way and facilities in ways that are compatible with, and that minimize negative impacts on, their physical, environmental, and community context.

Policy 8.37. Site- and area-specific needs. Allow for site- and area-specific public facility standards, requirements, tools, and policies as needed to address distinct topographical, geologic, environmental, and other conditions.

Policy 8.38. Age-friendly public facilities. Promote public facility designs that make Portland more age-friendly.

257. **Finding:** The City Council interprets policies 8.31 through 8.38 provide direction on the associated public benefits that should be considered in conjunction with investment in public facilities and services within the City of Portland's Urban Services Boundary. The BHD amendments do not include new public facility or infrastructure projects. These policies do not apply.

Public rights-of-way

Policy 8.39. Interconnected network. Establish a safe and connected rights-of-way system that equitably provides infrastructure services throughout the city.

Policy 8.40. Transportation function. Improve and maintain the right-of-way to support multimodal transportation mobility and access to goods and services as is consistent with the designated street classification.

Policy 8.41. Utility function. Improve and maintain the right-of-way to support equitable distribution of utilities, including water, sanitary sewer, stormwater management, energy, and communications, as appropriate.

Policy 8.42. Stormwater management function. Improve rights-of-way to integrate green infrastructure and other stormwater management facilities to meet desired levels-of-service and economic, social, and environmental objectives.

Policy 8.43. Trees in rights-of-way. Integrate trees into public rights-of-way to support City canopy goals, transportation functions, and economic, social, and environmental objectives.

Policy 8.44. Community uses. Allow community use of rights-of-way for purposes such as public

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gathering space, events, or temporary festivals, if the community uses are integrated in ways that balance and minimize conflict with the designated through movement and access roles of rights-of-ways.

Policy 8.45. Pedestrian amenities. Encourage facilities that enhance pedestrian enjoyment, such as transit shelters, garbage containers, benches, etc. in the right-of-way.

Policy 8.46. Commercial uses. Accommodate allowable commercial uses of the rights-of-way for enhancing commercial vitality, if the commercial uses can be integrated in ways that balance and minimize conflict with the other functions of the right-of-way.

Policy 8.47. Flexible design. Allow flexibility in right-of-way design and development standards to appropriately reflect the pattern area and other relevant physical, community, and environmental contexts and local needs.

8.47.a. Use a variety of transportation resources in developing and designing projects for all City streets, such as the City of Portland's Pedestrian Design Guide, Bicycle Master Plan-Appendix A, NACTO Urban Bikeway Design Guide, NACTO Urban Street Design Guide, Portland Parks and Recreation Trail Design Guidelines, Designing for Truck Movements and Other Large Vehicles, and City of Portland Green Street Policy, Stormwater Management Manual, Design Guide for Public Street Improvements, and Neighborhood Greenways. (TSP objective 8.1.e.).

Policy 8.48. Corridors and City Greenways. Ensure public facilities located along Civic Corridors, Neighborhood Corridors, and City Greenways support the multiple objectives established for these corridors. **Policy 8.49. Coordination.** Coordinate the planning, design, development, improvement, and maintenance of public rights-of-way among appropriate public agencies, private providers, and adjacent landowners.

Policy 8.49. Coordination. Coordinate the planning, design, development, improvement, and maintenance of public rights-of-way among appropriate public agencies, private providers, and adjacent landowners.

8.49.a. Coordination efforts should include the public facilities necessary to support the uses and functions of rights-of-way, as established in policies 8.40 to 8.46.

8.49.b. Coordinate transportation and stormwater system plans and investments, especially in unimproved or substandard rights-of-way, to improve water quality, public safety, including for pedestrians and bicyclists, and neighborhood livability.

Policy 8.50. Undergrounding. Encourage undergrounding of electrical and telecommunications facilities within public rights-of-way, especially in centers and along Civic Corridors.

Policy 8.51. Right-of-way vacations. Maintain rights-of-way if there is an established existing or future need for them, such as for transportation facilities or for other public functions established in policies 8.40 to 8.46.

Policy 8.52. Rail rights-of-way. Preserve existing and abandoned rail rights-of-way for future rail or public trail uses.

258. Finding: The City Council interprets policies 8.39 through 8.52 to apply to new public facilities or infrastructure projects in the right-of-way. The BHD amendments do not include new public facility or infrastructure projects in the right-of-way. These policies do not apply. However, changes to eliminate onsite parking requirements reduce the need for driveway curb cuts which

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improves safety and increase opportunities for street trees, stormwater facilities, and other pedestrian amenities.

Trails

Policy 8.53. Public trails. Establish, improve, and maintain a citywide system of public trails that provide transportation and/or recreation options and are a component of larger network of facilities for bicyclists, pedestrians, and recreational users.

Policy 8.54. Trail system connectivity. Plan, improve, and maintain the citywide trail system so that it connects and improves access to Portland's neighborhoods, commercial areas, employment centers, schools, parks, natural areas, recreational facilities, regional destinations, the regional trail system, and other key places that Portlanders access in their daily lives.

Policy 8.55. Trail coordination. Coordinate planning, design, improvement, and maintenance of the trail system among City agencies, other public agencies, non-governmental partners, and adjacent landowners.

Policy 8.56. Trail diversity. Allow a variety of trail types to reflect a trail's transportation and recreation roles, requirements, and physical context.

Policy 8.57. Public access requirements. Require public access and improvement of public trails along the future public trail alignments shown in Figure 8-2 — Future Public Trail Alignments.

Policy 8.58. Trail and City Greenway coordination. Coordinate the planning and improvement of trails as part of the City Greenways system.

Policy 8.59. Trail and Habitat Corridor coordination. Coordinate the planning and improvement of trails with the establishment, enhancement, preservation, and access to habitat corridors.

Policy 8.60. Intertwine coordination. Coordinate with the Intertwine Alliance and its partners, including local and regional parks providers, to integrate Portland's trail and active transportation network with the bi-state regional trail system.

259. **Finding:** The City Council interprets policies 8.53 through 8.60 to apply to designated trails. While designated trail alignments are included in public rights of way adjacent multi-dwelling zones, the BHD amendments do not amend the designated trail alignments. These policies do not apply.

Sanitary system

Policy 8.61. Sewer connections. Require all developments within the city limits to be connected to sanitary sewers unless the public sanitary system is not physically or legally available per City Code and state requirements; or the existing onsite septic system is functioning properly without failure or complaints per City Code and state requirements; and the system has all necessary state and county permits.

Policy 8.62. Combined sewer overflows. Provide adequate public facilities to limit combined sewer overflows to frequencies established by regulatory permits.

Policy 8.63. Sanitary sewer overflows. Provide adequate public facilities to prevent sewage releases to surface waters as consistent with regulatory permits.

Policy 8.64. Private sewage treatment systems. Adopt land use regulations that require any proposed private sewage treatment system to demonstrate that all necessary state and county permits are obtained.

Policy 8.65. Sewer extensions. Prioritize sewer system extensions to areas that are already developed

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at urban densities and where health hazards exist.

Policy 8.66. Pollution prevention. Reduce the need for wastewater treatment capacity through land use programs and public facility investments that manage pollution as close to its source as practical and that reduce the amount of pollution entering the sanitary system.

Policy 8.67. Treatment. Provide adequate wastewater treatment facilities to ensure compliance with effluent standards established in regulatory permits.

260. **Finding:** The City Council interprets policies 8.61 through 8.67 to apply to the provision of sanitary sewer facilities. BES does not anticipate these changes will cause significant problems for either property owners or the system. The Bureau of Environmental Services regularly analyzes the system, in conjunction with planning projections from the Bureau of Planning and Sustainability, and determines priority areas for both capacity and structural upgrades. Over time, these capital projects will be added to the Citywide Systems Plan to address any localized issues created through the increased densities allowed by the BHD amendments.

Stormwater Systems

Policy 8.68. Stormwater facilities. Provide adequate stormwater facilities for conveyance, flow control, and pollution reduction.

Policy 8.69. Stormwater as a resource. Manage stormwater as a resource for watershed health and public use in ways that protect and restore the natural hydrology, water quality, and habitat of Portland's watersheds.

Policy 8.70 Natural systems. Protect and enhance the stormwater management capacity of natural resources such as rivers, streams, creeks, drainageways, wetlands, and floodplains.

Policy 8.71. Green infrastructure. Promote the use of green infrastructure, such as natural areas, the urban forest, and landscaped stormwater facilities, to manage stormwater.

Policy 8.72. Stormwater discharge. Avoid or minimize the impact of stormwater discharges on the water and habitat quality of rivers and streams.

Policy 8.73. On-site stormwater management. Encourage on-site stormwater management, or management as close to the source as practical, through land use decisions and public facility investments.

Policy 8.74. Pollution prevention. Coordinate policies, programs, and investments with partners to prevent pollutants from entering the stormwater system by managing point and non-point pollution sources through public and private facilities, local regulations, and education.

Policy 8.75. Stormwater partnerships. Provide stormwater management through coordinated public and private facilities, public-private partnerships, and community stewardship.

261. **Finding:** The City Council interprets policies 8.68 through 8.75 to apply to the provision of stormwater facilities. The BHD amendments do not increase the amount of multi-dwelling zoned areas in these stormwater constrained areas. The change to regulating density by FAR will provide more flexibility for how many units are allowed inside the building, but the development standards do not significantly increase the maximum building coverage limit, so the amount of impervious surface should not significantly increase. The BHD amendments reduce minimum parking requirements and allow eco roofs, raised courtyards and raised stormwater planters to be used to meet up to 50 percent of required landscaping, which can reduce the impervious surface of the development and facilitate on-site stormwater management.

Flood management

Policy 8.76. Flood management. Improve and maintain the functions of natural and managed drainageways, wetlands, and floodplains to protect health, safety, and property, provide water conveyance and storage, improve water quality, and maintain and enhance fish and wildlife habitat.

Policy 8.77. Floodplain management. Manage floodplains to protect and restore associated natural resources and functions and to minimize the risks to life and property from flooding.

Policy 8.78. Flood management facilities. Establish, improve, and maintain flood management facilities to serve designated land uses through planning, investment and regulatory requirements.

Policy 8.79. Drainage district coordination. Coordinate with drainage districts that provide stormwater management, conveyance, and flood mitigation, protection, and control services within the City's Urban Services Boundary.

Policy 8.80. Levee coordination. Coordinate plans and investments with special districts and agencies responsible for managing and maintaining certification of levees along the Columbia River.

262. The City Council interprets policies 8.76 through 8.80 to apply to the management of floodplains. About 70 acres of multi-dwelling zoned areas are in areas susceptible to flooding. The BHD amendments do not increase the amount of multi-dwelling zoned areas in these flood prone areas. Moreover, for sites in flood prone areas, the BHD amendments do not amend the environmental overlay maps, nor do they change City programs that regulate development in the floodplain (i.e., Title 33.631 Sites in Flood Hazard Areas; Title 10 Erosion Control, and the balanced cut and fill requirements of Title 24).

Water systems

Policy 8.81. Primary supply source. Protect the Bull Run watershed as the primary water supply source for Portland.

Policy 8.82. Bull Run protection. Maintain a source-protection program and practices to safeguard the Bull Run watershed as a drinking water supply.

Policy 8.83. Secondary supply sources. Protect, improve, and maintain the Columbia South Shore wellfield groundwater system, the Powell Valley wellfield groundwater system, and any other alternative water sources designated as secondary water supplies.

Policy 8.84. Groundwater wellfield protection. Maintain a groundwater protection program and practices to safeguard the Columbia South Shore wellfield and the Powell Valley wellfield as drinking water supplies.

Policy 8.85. Water quality. Maintain compliance with state and federal drinking water quality regulations.

Policy 8.86. Storage. Provide sufficient in-city water storage capacity to serve designated land uses, meet demand fluctuations, maintain system pressure, and ensure supply reliability.

Policy 8.87. Fire protection. Provide adequate water facilities to serve the fire protection needs of all Portlanders and businesses.

Policy 8.88. Water pressure. Provide adequate water facilities to maintain water pressure in order to protect water quality and provide for the needs of customers.

Policy 8.89. Water efficiency. Reduce the need for additional water facility capacity and maintain

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compliance with state water resource regulations by encouraging efficient use of water by customers within the city.

Policy 8.90. Service interruptions. Maintain and improve water facilities to limit interruptions in water service to customers.

Policy 8.91. Outside user contracts. Coordinate long-term water supply planning and delivery with outside-city water purveyors through long-term wholesale contracts.

263. The City Council interprets policies 8.81 through 8.91 to apply to the provision of water service. The BHD amendments are not expected to cause significant problems for either current water users or the overall system is not anticipated. If the additional densities allowed through the BHD amendments exacerbate existing local capacity issues in isolated areas, some infrastructure improvements may be required to meet local capacity issues. New development may be required to extend service where no service is presently available or upgrade water mains when development requires larger water meter sizes.

Parks and recreation

Policy 8.92. Acquisition, development, and maintenance. Provide and maintain an adequate supply and variety of parkland and recreational facilities to serve the city's current and future population based on identified level-of-service standards and community needs.

Policy 8.93. Service equity. Invest in acquisition and development of parks and recreation facilities in areas where service-level deficiencies exist.

Policy 8.94. Capital programming. Maintain a long-range park capital improvement program, with criteria that considers acquisition, development, and operations; provides opportunities for public input; and emphasizes creative and flexible financing strategies.

Policy 8.95. Park planning. Improve parks, recreational facilities, natural areas, and the urban forest in accordance with current master plans, management plans, or adopted strategies that reflect user group needs, development priorities, development and maintenance costs, program opportunities, financing strategies, and community input.

Policy 8.96. Recreational trails. Establish, improve, and maintain a complete and connected system of public recreational trails, consistent with Portland Parks & Recreation's trail strategy.

Policy 8.97. Natural resources. Preserve, enhance, and manage City-owned natural areas and resources to protect and improve their ecological health, in accordance with both the natural area acquisition and restoration strategies, and to provide compatible public access.

Policy 8.98. Urban forest management. Manage urban trees as green infrastructure with associated ecological, community, and economic functions, through planning, planting, and maintenance activities, education, and regulation.

Policy 8.99. Recreational facilities. Provide a variety of recreational facilities and services that contribute to the health and well-being of Portlanders of all ages and abilities.

Policy 8.100. Self-sustaining Portland International Raceway (PIR). Provide for financially self-sustaining operations of PIR, and broaden its programs and activities to appeal to families, diverse communities, and non-motorized sports such as biking and running.

Policy 8.101. Self-sustaining and inclusive golf facilities. Provide financially self-sustaining public golf

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course operations. Diversify these assets to attract new users, grow the game, provide more introductory-level programming, and expand into other related recreational opportunities such as foot golf and disk golf.

Policy 8.102. Specialized recreational facilities. Establish and manage specialized facilities within the park system that take advantage of land assets and that respond to diverse, basic, and emerging recreational needs.

Policy 8.103. Public-private partnerships. Encourage public-private partnerships to develop and operate publicly-accessible recreational facilities that meet identified public needs.

264.Finding: The City Council interprets these policies 8.92 through 8.103 to address City-owned parks and natural areas and not development on private land. These policies do not apply.

Public safety and emergency response

Policy 8.104. Emergency preparedness, response, and recovery coordination. Coordinate land use plans and public facility investments between City bureaus, other public and jurisdictional agencies, businesses, community partners, and other emergency response providers, to ensure coordinated and comprehensive emergency and disaster risk reduction, preparedness, response, and recovery.

Policy 8.105. Emergency management facilities. Provide adequate public facilities – such as emergency coordination centers, communications infrastructure, and dispatch systems – to support emergency management, response, and recovery.

Policy 8.106. Police facilities. Improve and maintain police facilities to allow police personnel to efficiently and effectively respond to public safety needs and serve designated land uses.

Policy 8.107. Community safety centers. Establish, coordinate, and co-locate public safety and other community services in centers.

Policy 8.108. Fire facilities. Improve and maintain fire facilities to serve designated land uses, ensure equitable and reliable response, and provide fire and life safety protection that meets or exceeds minimum established service levels.

Policy 8.109. Mutual aid. Maintain mutual aid coordination with regional emergency response providers as appropriate to protect life and ensure safety.

Policy 8.110. Community preparedness. Enhance community preparedness and capacity to prevent, withstand, and recover from emergencies and natural disasters through land use decisions and public facility investments.

Policy 8.111. Continuity of operations. Maintain and enhance the City's ability to withstand and recover from natural disasters and human-made disruptions in order to minimize disruptions to public services.

265.Finding: The City Council interprets policies 8.104 through 8.111 to address the provision of public safety and emergency response services and not development on private land. These policies do not apply.

Solid waste management

Policy 8.112. Waste management. Ensure land use programs, rights-of-way regulations, and public facility investments allow the City to manage waste effectively and prioritize waste management in the following order: waste reduction, recycling, anaerobic digestion, composting, energy recovery, and then landfill.

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266.Finding: The City Council interprets this policy to address the provision of waste management services and not development on private land. These policies do not apply.

School facilities

Policy 8.113. School district capacity. Consider the overall enrollment capacity of a school district – as defined in an adopted school facility plan that meets the requirements of Oregon Revised Statute 195 – as a factor in land use decisions that increase capacity for residential development.

267.Finding: David Douglas School District (DDSD) is the only school district in Portland with an adopted school facility plan. The Buildable Lands Inventory calculates available development capacity and predicts where new households will be allocated over the planning period. Comparing the BHD growth allocation to the current Comprehensive Plan allocation, the net change to households in the David Douglas School District is a reduction of 1,500 units (roughly a 12% decrease from 12,000 units previously forecasted). This shift is primarily due to how the BHD changes affect other parts of the city and reflect recent development trends that have more growth in the Central City and inner neighborhoods and slower growth in East Portland. The David Douglas School District has indicated that it can accommodate these changes into their future forecasting for their facility plan.

Policy 8.114. Facilities Planning. Facilitate coordinated planning among school districts and City bureaus, including Portland Parks and Recreation, to accommodate school site/facility needs in response to most up-to-date growth forecasts.

Policy 8.115. Co-location. Encourage public school districts, Multnomah County, the City of Portland, and other providers to co-locate facilities and programs in ways that optimize service provision and intergenerational and intercultural use.

Policy 8.116. Community use. Encourage public use of public school grounds for community purposes while meeting educational and student safety needs and balancing impacts on surrounding neighborhoods.

Policy 8.117. Recreational use. Encourage publicly-available recreational amenities (e.g. athletic fields, green spaces, community gardens, and playgrounds) on public school grounds for public recreational use, particularly in neighborhoods with limited access to parks.

Policy 8.118. Schools as emergency aid centers. Encourage the use of seismically-safe school facilities as gathering and aid-distribution locations during natural disasters and other emergencies.

Policy 8.119. Facility adaptability. Ensure that public schools may be upgraded to flexibly accommodate multiple community-serving uses and adapt to changes in educational approaches, technology, and student needs over time.

Policy 8.120. Leverage public investment. Encourage City public facility investments that complement and leverage local public school districts' major capital investments.

Policy 8.121. School access. Encourage public school districts to consider the ability of students to safely walk and bike to school when making decisions about the site locations and attendance boundaries of schools.

Policy 8.122. Private institutions. Encourage collaboration with private schools and educational institutions to support community and recreational use of their facilities.

268.Finding: The City Council interprets policies 8.114 through 8.122 to address the provision of school facilities and not development on private land. These policies do not apply.

Technology and communications

Policy 8.123. Technology and communication systems. Maintain and enhance the City’s technology and communication facilities to ensure public safety, facilitate access to information, and maintain City operations.

Policy 8.124. Equity, capacity, and reliability. Encourage plans and investments in technology and communication infrastructure to ensure access in all areas of the city, reduce disparities in capacity, and affordability, and to provide innovative high-performance, reliable service for Portland’s residents and businesses.

269. **Finding:** The City Council interprets policies 8.123 and 8.124 to address the provision technology and communication services and not development on private land. This policy does not apply.

Energy infrastructure

Policy 8.125. Energy efficiency. Promote efficient and sustainable production and use of energy resources by residents and businesses, including low-carbon renewable energy sources, district energy systems, and distributed generation, through land use plans, zoning, and other legislative land use decisions.

270. **Finding:** The BHD amendments do not amend the sections of the zoning code that regulate the production of energy or other types of energy infrastructure. This policy does not apply.

Chapter 9 Transportation

GOAL 9.A: Safety. Transportation safety impacts the livability of a city and the comfort and security of those using City streets. Comprehensive efforts to improve transportation safety through engineering, education, enforcement and evaluation will be used to eliminate traffic-related fatalities and serious injuries from Portland’s transportation system.

Goal 9.B: Multiple goals. Portland’s transportation system is funded and maintained to achieve multiple goals and measurable outcomes for people and the environment. The transportation system is safe, complete, interconnected, multimodal, and fulfills daily needs for people and businesses.

GOAL 9.C: Great places. Portland’s transportation system enhances quality of life for all Portlanders, reinforces existing neighborhoods and great places, and helps make new great places in town centers, neighborhood centers and corridors, and civic corridors.

GOAL 9.D: Environmentally sustainable. The transportation system increasingly uses active transportation, renewable energy, or electricity from renewable sources, achieves adopted carbon reduction targets, and reduces air pollution, water pollution, noise, and Portlanders’ reliance on private vehicles.

GOAL 9.E: Equitable transportation. The transportation system provides all Portlanders options to move about the city and meet their daily needs by using a variety of safe, efficient, convenient, and affordable modes of transportation. Transportation investments are responsive to the distinct needs of each community.

GOAL 9.F: Positive health outcomes. The transportation system promotes positive health outcomes and minimizes negative impacts for all Portlanders by supporting active transportation, physical activity, and community and individual health.

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GOAL 9.G: Opportunities for prosperity. The transportation system supports a strong and diverse economy, enhances the competitiveness of the city and region, and maintains Portland's role as a West Coast trade gateway and freight hub by providing efficient and reliable goods movement, multimodal access to employment areas and educational institutions, as well as enhanced freight access to industrial areas and intermodal freight facilities. The transportation system helps people and businesses reduce spending and keep money in the local economy by providing affordable alternatives to driving.

GOAL 9.H: Cost effectiveness. The City analyzes and prioritizes capital and operating investments to cost effectively achieve the above goals while responsibly managing and protecting our past investments in existing assets.

GOAL 9.I: Airport Futures. Promote a sustainable airport (Portland International Airport [PDX]) by meeting the region's air transportation needs without compromising livability and quality of life for future generations.

271. Finding: The City Council interprets these goals to address transportation improvements, programming, funding priorities and maintenance and not development on private land.

As demonstrated in the findings for Statewide Planning Goal 12 (Transportation) and the policies of Chapter 8 (Transportation), the BHD amendments do not significantly impact the transportation system. The transportation impact of the BHD amendments was evaluated by the Portland Bureau of Transportation (PBOT) (see PBOT memo, dated September 6, 2019). The PBOT analysis found that peak PM hour traffic resulting from the BHD amendments is not significant. The added traffic is widely spread across the City. The current and proposed housing types are consistent land uses within the context of the descriptions of the functional classifications of existing or planned transportation facilities.

The BHD amendments include mitigating strategies that serve to improve mode split performance and limit traffic impacts which were not able to be incorporated into the analysis model. First, minimum parking requirements are being reduced. The BHD amendments further promote a walkable form through regulations on the amount of building façade that are occupied with garages and prohibiting off-street parking between the building and the street. The BHD amendments expand the TDM financial incentive requirements to multi-dwelling zones in locations close to frequent transit, projects with buildings with 10 or more units will be required to use strategies that reduce transportation impacts, such as by providing residents with transit passes, bike share or car share memberships, and information on transportation options.

Designing and planning

Policy 9.1. Street design classifications. Maintain and implement street design classifications consistent with land use plans, environmental context, urban design pattern areas, and the Neighborhood Corridor and Civic Corridor Urban Design Framework designations.

Policy 9.2. Street policy classifications. Maintain and implement street policy classifications for pedestrian, bicycle, transit, freight, emergency vehicle, and automotive movement, while considering access for all modes, connectivity, adjacent planned land uses, and state and regional requirements.

9.2.a. Designate district classifications that emphasize freight mobility and access in industrial and employment areas serving high levels of truck traffic and to accommodate the needs of intermodal freight movement.

9.2.b. Designate district classifications that give priority to pedestrian access in areas where high

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levels of pedestrian activity exist or are planned, including the Central City, Gateway regional center, town centers, neighborhood centers, and transit station areas.

9.2.c. Designate district classifications that give priority to bicycle access and mobility in areas where high levels of bicycle activity exist or are planned, including Downtown, the River District, Lloyd District, Gateway Regional Center, town centers, neighborhood centers, and transit station areas.

Policy 9.3. Transportation System Plan. Maintain and implement the Transportation System Plan (TSP) as the decision-making tool for transportation-related projects, policies, programs, and street design.

Policy 9.4. Use of classifications. Plan, develop, implement, and manage the transportation system in accordance with street design and policy classifications outlined in the Transportation System Plan.

9.4.a. Classification descriptions are used to describe how streets should function for each mode of travel, not necessarily how they are functioning at present.

272. Finding: Policies 9.1 through 9.4 provide direction regarding transportation system classifications and the Transportation System Plan. The BHD amendments do not change the functional classification of any existing or proposed transportation facility, nor do they change the standards implementing a functional classification system.

Policy 9.5. Mode share goals and Vehicle Miles Travelled (VMT) reduction. Increase the share of trips made using active and low-carbon transportation modes. Reduce VMT to achieve targets set in the most current Climate Action Plan and Transportation System Plan, and meet or exceed Metro's mode share and VMT targets.

273. Finding: The BHD amendments remove regulatory barriers to encourage higher-density housing by providing for a wider range of housing types in the RM1 and RM2 zones throughout the city, which encompass 92 percent of the multi-dwelling zoning in Portland. The BHD amendments generally support reducing VMT and increasing non-automobile mode splits by creating more housing capacity in accessible locations because 86 percent of the acres with multi-dwelling zoning is located within ¼ mile of transit. The BHD amendments include mitigating strategies that serve to improve mode split performance and limit traffic impacts. which include eliminating or reducing minimum parking requirements; promoting a walkable urban form through regulations on the amount of building façade that can be occupied with garages and prohibiting off-street parking between the building and the street. The BHD amendments also expand the TDM financial incentive requirements to multi-dwelling zones in locations close to frequent transit, for projects with buildings with 10 or more units.

Policy 9.6. Transportation strategy for people movement. Design the system to accommodate the most vulnerable users, including those that need special accommodation under the Americans with Disabilities Act (ADA). Implement a prioritization of modes for people movement by making transportation system decisions per the following ordered list:

- Walking
- Bicycling
- Transit
- Fleets of electric, fully automated, multiple passenger vehicles
- Other shared vehicles
- Low or no occupancy vehicles, fossil-fueled non-transit vehicles

When implementing this prioritization ensure that:

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- The needs and safety of each group of users are considered, and changes do not make existing conditions worse for the most vulnerable users.
- All users' needs are balanced with the intent of optimizing the right of way for multiple modes on the same street.
- When necessary to ensure safety, accommodate some users on parallel streets as part of multi-street corridors.
- Land use and system plans, network functionality for all modes, other street functions, and complete street policies, are maintained.
- Policy-based rationale is provided if modes lower in the ordered list are prioritized.

Policy 9.7. Moving goods and delivering services. In tandem with people movement, maintain efficient and reliable movement of goods and services as a critical transportation system function. Prioritize freight system reliability improvements over single-occupancy vehicle mobility where there are solutions that distinctly address those different needs.

Policy 9.8. Affordability. Improve and maintain the transportation system to increase access to convenient and affordable transportation options for all Portlanders, especially those who have traditionally been under-served or under-represented or have historically borne unequal burdens.

Policy 9.9. Accessible and age-friendly transportation system. Ensure that transportation facilities are accessible to people of all ages and abilities, and that all improvements to the transportation system (traffic, transit, bicycle, and pedestrian) in the public right-of-way comply with the Americans with Disabilities Act of 1990. Improve and adapt the transportation system to better meet the needs of the most vulnerable users, including the young, older adults, and people with different abilities.

Policy 9.10. Geographic policies. Adopt geographically-specific policies in the Transportation System Plan to ensure that transportation infrastructure reflects the unique topography, historic character, natural features, system gaps, economic needs, demographics, and land uses of each area. Use the Pattern Areas identified in Chapter 3: Urban Form as the basis for area policies.

9.10.a. Refer to adopted area plans for additional applicable geographic objectives related to transportation. Land use, development, and placemaking

274. **Finding:** Policies 9.6 through 9.10 provide direction regarding planning for the transportation system. These policies address the design and planning of transportation facilities and not development on private land. These policies do not apply.

Land use, development, and placemaking

Policy 9.11. Land use and transportation coordination. Implement the Comprehensive Plan Map and the Urban Design Framework through coordinated long-range transportation and land use planning. Ensure that street policy and design classifications and land uses complement one another.

275. **Finding:** The BHD amendments expand the types of housing allowed, especially in the lower density RM1 and RM2 multi-dwelling zones, which make up 92 percent of the multi-dwelling zoned land in Portland. The change to regulating density by FAR will provide more flexibility for how many units are allowed inside the building, which will allow for a wider range of smaller housing types and sizes. In RM2 zone, which is often located along transit corridors, will allow for a higher density that is similar to adjacent mixed-use commercial zones. The Portland Bureau of Transportation (PBOT) has evaluated these changes and found that peak PM hour traffic resulting from the BHD amendments is not significant; the added traffic is widely spread across the City; and expected housing types are consistent with the land uses anticipated within the context of

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the descriptions of the functional classifications of existing or planned transportation facilities. Therefore, the BHD amendments have been coordinated with the long-range transportation plans. (see PBOT memo, dated September 6, 2019)

Policy 9.12. Growth strategy. Use street design and policy classifications to support Goals 3A-3G in Chapter 3: Urban Form. Consider the different design contexts and transportation functions in Town Centers, Neighborhood Centers, Neighborhood Corridors, Employment Areas, Freight Corridors, Civic Corridors, Transit Station Areas, and Greenways.

276. Finding: The BHD amendments do not change the functional classification of any existing or proposed transportation facility, nor do they change the standards implementing a functional classification system. The amendments ensure new development is consistent with the land uses anticipated within the context of the descriptions of the functional classifications of existing or planned transportation facilities.

Policy 9.13. Development and street design. Evaluate adjacent land uses to help inform street classifications in framing, shaping, and activating the public space of streets. Guide development and land use to create the kinds of places and street environments intended for different types of streets.

277. Finding: The BHD amendments do not change the functional classification of any existing or proposed transportation facility, nor do they change the standards implementing a functional classification system. The BHD amendments are consistent with this policy by including land use and design-related provisions specific to street design classifications in the Transportation System Plan. This includes allowances for ground-floor commercial uses, higher building coverage, and zero side setbacks along Civic and Neighborhood Corridors to support their roles as locations for transit-oriented development and focused urban activity.

Streets as public spaces

Policy 9.14. Streets for transportation and public spaces. Integrate both placemaking and transportation functions when designing and managing streets by encouraging design, development, and operation of streets to enhance opportunities for them to serve as places for community interaction, environmental function, open space, tree canopy, recreation, and other community purposes.

Policy 9.15. Repurposing street space. Encourage repurposing street segments that are not critical for transportation connectivity to other community purposes.

Policy 9.16. Design with nature. Promote street alignments and designs that respond to topography and natural features, when feasible, and protect streams, wildlife habitat, and native trees.

278. Finding: Policies 9.14 through 9.16 address the design and use of public streets and not development on private land. These policies do not apply.

Modal policies

Policy 9.17. Pedestrian transportation. Encourage walking as the most attractive mode of transportation for most short trips, within and to centers, corridors, and major destinations, and as a means for accessing transit.

279. Finding: The BHD amendments include new requirements that will improve the pedestrian environment and encourage more pedestrian trips in multi-dwelling zones. They limit front garages and parking structures to 50 percent of buildings along streets. The changes also prohibit

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parking from being located between buildings along streets and requires building entrances to be oriented to streets or a courtyard connected to a street.

Policy 9.18. Pedestrian networks. Create more complete networks of pedestrian facilities, and improve the quality of the pedestrian environment.

280. **Finding:** The BHD amendments improve the quality of the pedestrian environment through regulations on the amount of building façade that can be occupied with garages and prohibiting off-street parking between the building and the street, as well as requiring building entrances to be oriented to streets or a courtyard that is connected to a street.

Policy 9.19. Pedestrian safety and accessibility. Improve pedestrian safety, accessibility, and convenience for people of all ages and abilities.

281. **Finding:** The BHD amendments improve pedestrian safety by reducing or eliminating minimum on-site parking requirements which provides more options for sites to forego on-site parking and the related curb cut and driveway, which can be conflict points for pedestrians.

Policy 9.20. Bicycle transportation. Create conditions that make bicycling more attractive than driving for most trips of approximately three miles or less.

Policy 9.21. Accessible bicycle system. Create a bicycle transportation system that is safe, comfortable, and accessible to people of all ages and abilities.

Policy 9.22. Public transportation. Coordinate with public transit agencies to create conditions that make transit the preferred mode of travel for trips that are not made by walking or bicycling.

Policy 9.23. Transportation to job centers. Promote and enhance transit to be more convenient and economical than the automobile for people travelling more than three miles to and from the Central City and Gateway. Enhance regional access to the Central City and access from Portland to other regional job centers.

Policy 9.24. Transit service. In partnership with TriMet, develop a public transportation system that conveniently, safely, comfortably, and equitably serves residents and workers 24 hours a day, 7 days a week.

Policy 9.25. Transit equity. In partnership with TriMet, maintain and expand high-quality frequent transit service to all Town Centers, Civic Corridors, Neighborhood Centers, Neighborhood Corridors, and other major concentrations of employment, and improve service to areas with high concentrations of poverty and historically under-served and under-represented communities.

9.25.a. Support a public transit system and regional transportation that address the transportation needs of historically marginalized communities and provide increased mobility options and access.

Policy 9.26. Transit funding. Consider funding strategies and partnership opportunities that improve access to and equity in transit service, such as raising metro-wide funding to improve service and decrease user fees/fares.

Policy 9.27. Transit service to centers and corridors. Use transit investments to shape the city's growth and increase transit use. In partnership with TriMet and Metro, maintain, expand, and enhance Portland Streetcar, frequent service bus, and high-capacity transit, to better serve centers and corridors with the highest intensity of potential employment and household growth.

9.27.a. Locate major park-and-ride lots only where transit ridership is increased significantly, vehicle miles traveled are reduced, transit-supportive development is not hampered, bus service

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is not available or is inadequate, and the surrounding area is not negatively impacted.

Policy 9.28. Intercity passenger service. Coordinate planning and project development to expand intercity passenger transportation services in the Willamette Valley, and from Portland to Seattle and Vancouver, BC.

Policy 9.29. Regional trafficways and transitways. Maintain capacity of regional transitways and existing regional trafficways to accommodate through-traffic.

Policy 9.30. Multimodal goods movement. Develop, maintain, and enhance a multimodal freight transportation system for the safe, reliable, sustainable, and efficient movement of goods within and through the city.

Policy 9.31. Economic development and industrial lands. Ensure that the transportation system supports traded sector economic development plans and full utilization of prime industrial land, including brownfield redevelopment.

Policy 9.32. Multimodal system and hub. Maintain Portland's role as a multimodal hub for global and regional movement of goods. Enhance Portland's network of multimodal freight corridors.

Policy 9.33. Freight network. Develop, manage, and maintain a safe, efficient, and reliable freight street network to provide freight access to and from intermodal freight facilities, industrial and commercial districts, and the regional transportation system. Invest to accommodate forecasted growth of interregional freight volumes and provide access to truck, marine, rail, and air transportation systems. Ensure designated routes and facilities are adequate for over-dimensional trucks and emergency equipment.

Policy 9.34. Sustainable freight system. Support the efficient delivery of goods and services to businesses and neighborhoods, while also reducing environmental and neighborhood impacts. Encourage the use of energy efficient and clean delivery vehicles, and manage on- and off-street loading spaces to ensure adequate access for deliveries to businesses, while maintaining access to homes and businesses.

Policy 9.35. Freight rail network. Coordinate with stakeholders and regional partners to support continued reinvestment in, and modernization of, the freight rail network.

Policy 9.36 Portland Harbor. Coordinate with the Port of Portland, private stakeholders, and regional partners to improve and maintain access to marine terminals and related river-dependent uses in Portland Harbor.

9.36.a. Support continued reinvestment in, and modernization of, marine terminals in Portland Harbor.

9.36.b. Facilitate continued maintenance of the shipping channels in Portland Harbor and the Columbia River.

9.36.c. Support shifting more long-distance, high-volume movement of goods to river and oceangoing ships and rail.

Policy 9.37. Portland Heliport. Maintain Portland's Heliport functionality in the Central City.

Policy 9.38. Automobile transportation. Maintain acceptable levels of mobility and access for private automobiles while reducing overall vehicle miles traveled (VMT) and negative impacts of private automobiles on the environment and human health.

Policy 9.39. Automobile efficiency. Coordinate land use and transportation plans and programs with

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other public and private stakeholders to encourage vehicle technology innovation, shifts toward electric and other cleaner, more energy-efficient vehicles and fuels, integration of smart vehicle technology with intelligent transportation systems, and greater use of options such as car-share, carpool, and taxi.

Policy 9.40. Emergency response. Maintain a network of accessible emergency response streets to facilitate safe and expedient emergency response and evacuation. Ensure that police, fire, ambulance, and other emergency providers can reach their destinations in a timely fashion, without negatively impacting traffic calming and other measures intended to reduce crashes and improve safety.

282. Finding: Policies 9.20 through 9.40 address the design and use of public transportation infrastructure and not development on private land where multi-dwelling development occurs. These policies do not apply.

Regarding Policy 9.33, this policy directs the City to develop, maintain, and enhance a multimodal freight transportation system. The City Council interprets this policy to apply to transportation system design and city investment decisions, and not land use decisions considering multi-dwelling development. Testimony by Tamara DeRidder raised concerns that the BHD amendments fail to address how the highest residential density is planned along major freight corridors and how health impacts will be mitigated. The City Council shares the concerns regarding multi-dwelling zoning near designated as freight routes, making the residents of multi-dwelling housing more susceptible to poor health impacts. The proposed solution to require enhanced air quality filters in multi-dwelling structures is a State Building Code issue, and not one that regulated through the Zoning Code. The BHD amendments do include changes that can have a positive health impact, including requiring a minimum front setback in the RM3 and RM4 zones that provides additional area for trees and landscaping that can provide a buffer between the building and the street.

Airport Futures

Policy 9.41. Portland International Airport. Maintain the Portland International Airport as an important regional, national, and international transportation hub serving the bi-state economy.

Policy 9.42. Airport regulations. Implement the Airport Futures Plan through the implementation of the Portland International Airport Plan District.

9.42.a. Prohibit the development of a potential third parallel runway at PDX unless need for its construction is established through a transparent, thorough, and regional planning process.

9.42.b. Support implementation of the Aircraft Landing Zone to provide safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures, vegetation, and construction equipment.

9.42.c. Support the Port of Portland's Wildlife Hazard Management Plan by implementing airport-specific landscaping requirements in the Portland International Airport Plan District to reduce conflicts between wildlife and aircraft.

Policy 9.43. Airport partnerships. Partner with the Port of Portland and the regional community to address the critical interconnection between economic development, environmental stewardship, and social responsibility. Support an ongoing public advisory committee for PDX to:

9.43.a. Support meaningful and collaborative public dialogue and engagement on airport related planning and development.

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9.43.b. Provide an opportunity for the community to inform the decision-making related to the airport of the Port, the City of Portland, and other jurisdictions/organizations in the region.

9.43.c. Raise public knowledge about PDX and impacted communities.

Policy 9.44. Airport investments. Ensure that new development and redevelopment of airport facilities supports the City's and the Port's sustainability goals and policies, and is in accordance with Figure 9-3 — Portland International Airport. Allow the Port flexibility in configuring airport facilities to preserve future development options, minimize environmental impacts, use land resources efficiently, maximize operational efficiency, ensure development can be effectively phased, and address Federal Aviation Administration's airport design criteria.

283. Finding: Policies 9.41 through 9.44 provide policy direction related to Portland International Airport and are not relevant to the multi-dwelling zones and other regulations that are the focus of the BHD amendments. These policies do not apply.

System management

Policy 9.45. System management. Give preference to transportation improvements that use existing roadway capacity efficiently and that improve the safety of the system for all users.

9.45.a. Support regional equity measures for transportation system evaluation.

Policy 9.46. Traffic management. Evaluate and encourage traffic speed and volume to be consistent with street classifications and desired land uses to improve safety, preserve and enhance neighborhood livability, and meet system goals of calming vehicle traffic through a combination of enforcement, engineering, and education efforts.

9.46.a. Use traffic calming tools, traffic diversion and other available tools and methods to create and maintain sufficiently low automotive volumes and speeds on neighborhood greenways to ensure comfortable cycling environment on the street.

284. Finding: Policies 9.45 and 9.46 address management of the public street system and not development on private land. These policies do not apply.

Policy 9.47. Connectivity. Establish an interconnected, multimodal transportation system to serve centers and other significant locations. Promote a logical, direct, and connected street system through street spacing guidelines and district-specific street plans found in the Transportation System Plan, and prioritize access to specific places by certain modes in accordance with policies 9.6 and 9.7.

9.47.a. Develop conceptual master street plans for areas of the City that have significant amounts of vacant or underdeveloped land and where the street network does not meet City and Metro connectivity guidelines.

9.47.b. As areas with adopted Street Plans develop, provide connectivity for all modes by developing the streets and accessways as shown on the Master Street Plan Maps in the Comp Plan.

9.47.c. Continue to provide connectivity in areas with adopted Street Plans for all modes of travel by developing public and private streets as shown on the Master Street Plan Maps in the Comp Plan.

9.47.d. Provide street connections with spacing of no more than 530 feet between connections except where prevented by barriers such as topography, railroads, freeways, or environmental constraints. Where streets must cross over protected water features, provide crossings at an

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average spacing of 800 to 1000 feet, unless exceptional habitat quality of length of crossing prevents a full street connection.

9.47.e Provide bike and pedestrian connections at approximately 330 feet intervals on public easements or rights-of-way when full street connections are not possible, except where prevented by barriers such as topography, railroads, freeways, or environmental constraints. Bike and pedestrian connections that cross protected water features should have an average spacing of no more than 530 feet, unless exceptional habitat quality or length of connection prevents a connection.

285. **Finding:** The BHD amendments facilitate street connections and improve connectivity in East Portland centers by requiring street frontages wide enough to provide space for new street connections and by calculating development allowances prior to street dedication to remove a disincentive to providing new street connections.

Policy 9.48 Technology. Encourage the use of emerging vehicle and parking technology to improve real-time management of the transportation network and to manage and allocate parking supply and demand.

Policy 9.49 Performance measures. Establish multimodal performance measures and measures of system completeness to evaluate and monitor the adequacy of transportation services based on performance measures in goals 9.A. through 9.I. Use these measures to evaluate overall system performance, inform corridor and area-specific plans and investments, identify project and program needs, evaluate and prioritize investments, and regulate development, institutional campus growth, zone changes, Comprehensive Plan Map amendments, and conditional uses.

9.49.a. Eliminate deaths and serious injuries for all who share Portland streets by 2025.

9.49.b. Maintain or decrease the number of peak period non-freight motor vehicle trips, system-wide and within each mobility corridor to reduce or manage congestion.

9.49.c. By 2035, reduce the number of miles Portlanders travel by car to 11 miles per day or less, on average.

9.49.d. Establish mode split targets in 2040 Growth Concept areas within the City, consistent with Metro's targets for these areas.

9.49.e. By 2035, increase the mode share of daily non-drive alone trips to 70 percent citywide, and to the following in the five pattern areas:

Pattern Area	2035 daily target mode share
Central City	85%
Inner Neighborhoods	70%
Western Neighborhoods	65%
Eastern Neighborhoods	65%
Industrial and River	55%

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9.49.f. By 2035, 70 percent of commuters walk, bike, take transit, carpool, or work from home at approximately the following rates:

Mode	Mode Share
Walk	7.5%
Bicycle	25%
Transit	25%
Carpool	10%
Single Occupant Vehicle (SOV)	30% or less
Work at home	10% below the line (calculated outside of the modal targets above)

9.49.g. By 2035, reduce Portland's transportation-related carbon emissions to 50% below 1990 levels, at approximately 934,000 metric tons.

9.49.h. By 2025, increase the percentage of new mixed use zone building households not owning an automobile from approximately 13% (2014) to 25%, and reduce the percentage of households owning two automobiles from approximately 24% to 10%.

9.49.i. Develop and use alternatives to the level-of-service measure to improve safety, encourage multimodal transportation, and to evaluate and mitigate maintenance and new trip impacts from new development.

9.49.j. Use level-of-service, consistent with Table 9.1*, as one measure to evaluate the adequacy of transportation facilities in the vicinity of sites subject to land use review.

9.49.k. Maintain acceptable levels of performance on state facilities and the regional arterial and throughway network, consistent with the interim standard in Table 9.2*, in the development and adoption of, and amendments to, the Transportation System Plan and in legislative amendments to the Comprehensive Plan Map.

9.49.l. In areas identified by Metro that exceed the level-of-service in Table 9.2* and are planned to, but do not currently meet the alternative performance criteria, establish an action plan that does the following:

- Anticipates growth and future impacts of motor vehicle traffic on multimodal travel in the area
- Establishes strategies for mitigating the future impacts of motor vehicles
- Establishes performance standards for monitoring and implementing the action plan.

*Note: Referenced Tables 9.1 and 9.2 are contained within the Transportation System Plan and should not be confused with tables or figures within the 2035 Comprehensive Plan.

9.49.m. Develop performance measures to track progress in creating and maintaining the transportation system.

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Policy 9.50 Regional congestion management. Coordinate with Metro to establish new regional multimodal mobility standards that prioritize transit, freight, and system completeness.

9.50.a. Create a regional congestion management approach, including a market-based system, to price or charge for auto trips and parking, better account for the cost of auto trips, and to more efficiently manage the regional system.

Policy 9.51. Multimodal Mixed-Use Area. Manage Central City Plan amendments in accordance with the designated Central City Multimodal Mixed-Use Area (MMA) in the geography indicated in Figure 9-2. The MMA renders congestion / mobility standards inapplicable to any proposed plan amendments under OAR 660-0012-0060(10).

286. Finding: Policies 9.48 through 9.51 address the management of the City's transportation system and not development on private land. These policies do not apply.

Transportation Demand Management

Policy 9.52. Outreach. Create and maintain TDM outreach programs that work with Transportation Management Associations (TMA), residents, employers, and employees that increase the modal share of walking, bicycling, and shared vehicle trips while reducing private vehicle ownership, parking demand, and drive-alone trips, especially during peak periods.

Policy 9.53. New development. Create and maintain TDM regulations and services that prevent and reduce traffic and parking impacts from new development and redevelopment. Encourage coordinated area-wide delivery of TDM programs. Monitor and improve the performance of private-sector TDM programs.

Policy 9.54. Projects and programs. Integrate TDM information into transportation project and program development and implementation to increase use of new multimodal transportation projects and services.

287. Finding: Policies 9.52 through 9.54 provide direction regarding transportation demand management. The BHD amendments are consistent with these policies as they apply transportation demand management requirements to multi-dwelling zones in locations close to frequent transit in projects with buildings with 10 or more units.

Parking management

Policy 9.55. Parking management. Reduce parking demand and manage supply to improve pedestrian, bicycle and transit mode share, neighborhood livability, safety, business district vitality, vehicle miles traveled (VMT) reduction, and air quality. Implement strategies that reduce demand for new parking and private vehicle ownership, and that help maintain optimal parking occupancy and availability.

288. Finding: Off-street Parking Management. The BHD amendments eliminate minimum off-street parking requirements on small sites (up to 10,000 square feet) in the multi-dwelling zones for projects with up to 30 units. On larger sites, the minimum required parking ratio is reduced by half - from one space for each unit to one space for every two units. BHD amendments are also consistent with this policy through applying requirements for transportation and parking demand management approaches in the multi-dwelling zones in location close to transit. These approaches including options for residents to be provided with transit passes, bike share or car share membership, or other options to encourage alternatives to private vehicle ownership and travel.

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Policy 9.56. Curb Zone. Recognize that the Curb Zone is a public space, a physical and spatial asset that has value and cost. Evaluate whether, when, and where parking is the highest and best use of this public space in support of broad City policy goals and local land use context. Establish thresholds to utilize parking management and pricing tools in areas with high parking demand to ensure adequate on-street parking supply during peak periods.

289. Finding: The BHD amendments support this policy by reducing or eliminating minimum off-street parking which reduces the need for curb cuts and driveways, effectively increasing the amount of uninterrupted curb space. The changes also limit front garages and parking structures to 50 percent of buildings along streets. The changes also prohibit parking from being located between buildings along streets, which can reduce the need for driveway curb cuts.

Policy 9.57. On-street parking. Manage parking and loading demand, supply, and operations in the public right of way to achieve mode share objectives, and to encourage safety, economic vitality, and livability. Use transportation demand management and pricing of parking in areas with high parking demand.

290. Finding: The Transportation Planning Rule points to the designation of residential on-street parking districts as a tool that local governments within an MPO can use to reduce reliance on automobile trips (660-012-0045). Portland has had an Area Parking Permit Program in effect since 1981. In recent years, this program has expanded to include 17 zones with neighborhoods and businesses collaborating with PBOT to create the rules for their zone. Per City Council ordinance, the Area Parking Permit Program can impose a surcharge on parking permits. The money raised from the surcharge can then be used to fund Transportation Demand Management strategies that reduce automobile trips. This includes a Transportation Wallet program where participants can receive significantly reduced transit, bike share, and other mobility passes in exchange for forgoing an on-street parking permit. PBOT will continue to seek opportunities to work with neighborhoods to expand the Area Parking Permit Program to address areas where traffic and parking congestion are increasing.

Policy 9.58. Off-street parking. Limit the development of new parking spaces to achieve land use, transportation, and environmental goals, especially in locations with frequent transit service. Regulate off-street parking to achieve mode share objectives, promote compact and walkable urban form, encourage lower rates of car ownership, and promote the vitality of commercial and employment areas. Use transportation demand management and pricing of parking in areas with high parking demand.

291. Finding: BHD amendments are consistent with this policy by placing limits in the multi-dwelling zones on the maximum amount of off-street parking provided for each unit in locations close to frequent transit service. The BHD amendments also eliminate minimum off-street parking requirements on small sites (up to 10,000 square feet) in the multi-dwelling zones. On larger sites, the minimum required parking ratio is reduced by half -- from one space for each unit to one space for every two units. BHD amendments exempt projects providing affordable housing units in the multi-dwelling and commercial/mixed use zones citywide from minimum parking requirements.

Policy 9.59. Share space and resources. Encourage the shared use of parking and vehicles to maximize the efficient use of limited urban space.

292. Finding: The BHD amendments eliminate minimum off-street parking requirements on small sites (up to 10,000 square feet) in the multi-dwelling zones. On larger sites, the minimum required parking ratio is reduced by half -- from one space for each unit to one space for every two units.

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These changes, in conjunction with requirements for outdoor space, should allow site area to be used for other uses.

Policy 9.60. Cost and price. Recognize the high public and private cost of parking by encouraging prices that reflect the cost of providing parking and balance demand and supply. Discourage employee and resident parking subsidies.

293. Finding: This policy addresses the management of the City's parking system and not development on private land. The BHD amendments do not change the price of parking in the City's garages. This policy does not apply.

Policy 9.61. Bicycle parking. Promote the development of new bicycle parking facilities including dedicated bike parking in the public right-of-way. Provide sufficient bicycle parking at high-capacity transit stations to enhance bicycle connection opportunities. Require provision of adequate off-street bicycle parking for new development and redevelopment. Encourage the provision of parking for different types of bicycles. In establishing the standards for long-term bicycle parking, consider the needs of persons with different levels of ability.

294. Finding: Changes to the Bicycle Parking Code, including changes that apply to the multi-dwelling zones, are being made in a separate ordinance that will be considered by City Council this fall. The BHD amendments help facilitate bicycle parking by exempting required bicycle parking from building FAR calculations.

Finance, programs, and coordination

Policy 9.62. Coordination. Coordinate with state and federal agencies, local and regional governments, special districts, other City bureaus, and providers of transportation services when planning for, developing, and funding transportation facilities and services.

Policy 9.63. New development impacts. Prevent, reduce, and mitigate the impacts of new development and redevelopment on the transportation system. Utilize strategies including transportation and parking demand management, transportation system analysis, and system and local impact mitigation improvements and fees.

Policy 9.64. Education and encouragement. Create, maintain, and coordinate educational and encouragement programs that support multimodal transportation and that emphasize safety for all modes of transportation. Ensure that these programs are accessible to historically under-served and under-represented populations.

Policy 9.65. Telecommuting. Promote telecommuting and the use of communications technology to reduce travel demand.

Policy 9.66. Project and program selection criteria. Establish transportation project and program selection criteria consistent with goals 9A through 9I, to cost-effectively achieve access, placemaking, sustainability, equity, health, prosperity, and safety goals.

Policy 9.67. Funding. Encourage the development of a range of stable transportation funding sources that provide adequate resources to build and maintain an equitable and sustainable transportation system.

295. Finding: Policies 9.62 through 9.67 address the funding and management of the City's transportation system and not development on private land. These policies do not apply.

Connected and Automated Vehicles

Policy 9.68 Connected and Automated Vehicles Priorities and Outcomes. Prioritize connected and automated vehicles that are fleet/shared ownership, fully automated, electric and, for passenger vehicles, shared by multiple passengers (known by the acronym FAVES). Develop and implement strategies for each following topic.

9.68.a. Ensure that all levels of automated vehicles advance Vision Zero by operating safely for all users, especially for vulnerable road users. Require adequate insurance coverage for operators, customers, and the public-at-large by providers of commercial connected and autonomous vehicle services.

9.68.b. Ensure that connected and automated vehicles improve travel time reliability and system efficiency by:

1. maintaining or reducing the number of vehicle trips during peak congestion periods;
2. reducing low occupancy vehicle trips during peak congestion periods;
3. paying for use of, and impact on, Portland's transportation system including factors such as congestion level, vehicle miles traveled, vehicle occupancy, and vehicle energy efficiency; and
4. supporting and encouraging use of public transportation.

9.68.c. Cut vehicle carbon pollution by reducing low occupancy "empty miles" traveled by passenger vehicles with zero or one passengers. Prioritize electric and other zero direct emission vehicles operated by fleets and carrying multiple passengers.

9.68.d. Make the benefits of automated mobility available on an equitable basis to all segments of the community while ensuring traditionally disadvantaged communities are not disproportionately hurt by connected and autonomous vehicle use. This includes people with disabilities, as well as communities of color, women, and geographically underserved communities.

9.68.e Identify, prevent, and mitigate potential adverse impacts from connected and automated vehicles.

Policy 9.69 Connected and Automated Vehicles Tools. Use a full range of tools to ensure that connected and automated vehicles and private data communications devices installed in the City right of way contribute to achieving Comprehensive Plan and Transportation System Plan goals and policies.

9.69.a. Maintain City authority to identify and develop appropriate data sharing requirements to inform and support safe, efficient, and effective management of the transportation system. Ensure that when connected and automated vehicles use City rights-of-way or when vehicles connect with smart infrastructure within the City they share information including, but not limited to, vehicle type, occupancy, speed, travel routes, and travel times, with appropriate privacy controls. Ensure that private data communications devices installed in the City right of way are required to share anonymized transportation data.

9.69.b. Design and manage the mobility zone, curb zone, and traffic control devices, e.g. to limit speeds to increase safety, to minimize cut-through traffic, evaluate future demand for pick-up and drop-off zones, and to prioritize automated electric vehicles carrying more passengers in congested times and locations;

9.69.c. Evaluate the public cost and benefit of investments in wayside communication systems serving connected and automated vehicles. Develop a criteria-driven automated vehicle wayside

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infrastructure investment plan.

9.69.d. Develop sustainable user-pays funding mechanisms to support connected and automated vehicle infrastructure and service investments, transportation system maintenance, and efficient system management.

9.69.e. Ensure that automated vehicles and vehicles that connect to smart City infrastructure, and private data communications devices installed in the City right of way, help pay for infrastructure and service investments, and support system reliability and efficiency. Develop a tiered pricing structure that reflects vehicle impacts on the transportation system, including factors such as congestion level, vehicle miles traveled, vehicle occupancy, and vehicle energy efficiency.

296. **Finding:** Policies 9.68 and 9.69 address the management of automated vehicles and not development on private land. These policies do not apply.

Chapter 10: Land Use Designations and Zoning

Goal 10.A: Land use designations and zoning. Effectively and efficiently carry out the goals and policies of the Comprehensive Plan through the land use designations, Zoning Map, and the Zoning Code.

297. The BHD amendments create new land use designations for the multi-dwelling areas with corresponding zones in the Zoning Code and amendments to the Zoning Map, consistent with the policies in the *2035 Comprehensive Plan*.

Land use designations

Policy 10.1. Land use designations. Apply a land use designation to all land and water within the City's Urban Services Boundary. Apply the designation that best advances the Comprehensive Plan goals and policies. The land use designations are shown on the adopted Land Use Map and on official Zoning Maps.

298. **Finding:** The BHD amendments change the multi-dwelling residential designations to better advance the Comprehensive Plan goals and policies, especially the Chapter 5 Housing goals and policies.

The Multi-Dwelling – 3,000 and Multi-Dwelling – 2,000 designations are replaced with a new Multi-Dwelling – Neighborhood designation because of the similarity of the two designations in terms of building scale, housing types and mapping locations, which is typically as a low-rise residential use that is a transition between lower density, single dwelling neighborhoods and higher density mixed-use corridors.

The Multi-Dwelling – 1,000 designation is renamed to Multi-Dwelling – Corridor to better reflect its role as the predominant multi-dwelling designation along Portland's transit corridors.

The High-Density Multi-Dwelling designation is renamed to Multi-Dwelling – Urban Center to better reflect its application to the Central City, Gateway Regional Center, and other town centers around Portland.

The Comprehensive Plan Map changes are limited to applying the new land use designations based on the previous corresponding designations. For example, all parcels designated as Multi-

Dwelling – 3,000 are designated as Multi-Dwelling – Neighborhood. All parcels that currently have a multi-dwelling residential designation have been given a new multi-dwelling residential designation that best advances the 2035 Comprehensive Plan goals and policies as described in these findings. Therefore, there are no significant affects as a result of these changes.

The Zoning Map and the Zoning Code

Policy 10.2. Relationship of land use designations to base zones. Apply a base zone to all land and water within the City’s urban services boundary. The base zone applied must either be a zone that corresponds to the land use designation or be a zone that does not correspond but is allowed per Figure 10-1 — Corresponding and Less-Intense Zones for Each Plan Map Designation. In some situations, there are long-term or short-term obstacles to achieving the level of development intended by the land use designation (e.g., an infrastructure improvement to serve the higher level of development is planned but not yet funded). In these situations, a less intense zone (listed in Figure 10-1) may be applied. When a land use designation is amended, the zone may also have to be changed to a corresponding zone or a zone that does not correspond but is allowed.

299. **Finding:** The BHD amendments to the Comprehensive Plan land use designations include corresponding zones for the renamed multi-dwelling residential land use designations and changes to Figure 10-1 to reflect the new multi-dwelling zone names (RM1-RM4).

Policy 10.3. Amending the Zoning Map.

10.3.a. Amending a base zone may be done legislatively or quasi-judicially.

10.3.b. When amending a base zone quasi-judicially, the amendment must be to a corresponding zone (*see Figure 10-1 — Corresponding and Allowed Zones for Each Land Use Designation*). When a designation has more than one corresponding zone, the most appropriate zone, based on the purpose of the zone and the zoning and general land uses of surrounding lands, will be applied.

10.3.c. When amending a base zone legislatively, the amendment may be to a corresponding zone or to a zone that does not correspond but is allowed (*see Figure 10-1 — Corresponding and Allowed Zones for each Land Use Designation for zones that are allowed*). A legislative Zoning Map amendment may not be to a zone that is not allowed.

10.3.d. An amendment to a base zone consistent with the land use designation must be approved when it is found that current public services can support the uses allowed by the zone, or that public services can be made capable by the time the development is complete. The adequacy of services is based on the proposed use and development. If a specific use and development proposal is not submitted, services must be able to support the range of uses and development allowed by the zone. For the purposes of this requirement, services include water supply, sanitary sewage disposal, stormwater management, transportation, school district capacity (where a school facility plan exists), and police and fire protection.

300. **Finding:** The BHD amendments include legislative map amendments to apply new multi-dwelling base zone designations that correspond to the new Comprehensive Plan Map designations. For Multi-Dwelling – Urban Center designations, the corresponding base zone designation (RM3 or RM4) is based on the areas with 2:1 FAR (RM3) and 4:1 FAR (RM4) (Map 120 series), except for the designations in the Alphabet and Kings Hill Historic District. The Historic District map designations apply the RM3 and RM4 designations to be more reflective of the historic development scale, consistent with Policy 4.49.

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As discussed in the findings under Statewide Planning Goal 11 and 12, as well as Comprehensive Plan policies in Chapter 8 and 9 and findings for the Approval Criteria for Base Zone Changes, the BHD amendments will result in dispersed and incremental increase in development capacity over current zoning that can be supported by the public services identified in the Citywide Systems Plan.

10.3.e. An amendment to apply or remove an overlay zone or plan district may be done legislatively or quasi-judicially, and must be based on a study or plan document that identifies a specific characteristic, situation, or problem that is not adequately addressed by the base zone or other regulations.

- 301. Finding:** The BHD amendments remove the Alternative Design Density ('a') Overlay Zone from all multi-dwelling zoned parcels. The purpose of the 'a' overlay zone, which was initially adopted in 1993, is to allow increased density for development that meets additional design compatibility requirements. The shift to regulating density by FAR accomplishes the same flexibility for additional housing units that is provided for in the a-overlay zone.

The BHD amendments expand the application of the design ("d") overlay zone to apply to all RM3 and RM4 zoning (formerly RH). The majority (84 percent) of these areas already have the design overlay or in historic districts (such the Alphabet Historic District in Northwest Portland). The City of Portland applies the design overlay to zones that allow large-scale development. This helps manage the design of significant amounts of change and to ensure that high-profile, larger-scale development is well-designed. The RM3 and RM4 zoning allows buildings 65 to 100 feet tall, which matches or exceeds the scale allowed in mixed use zones (EX and CM3) where the design overlay. Therefore, in order to be consistent, City Council is applying the design overlay to all of the parcels with the RM3 and RM4 designations.

Policy 10.4. Amending the Zoning Code. Amendments to the zoning regulations must be done legislatively and should be clear, concise, and applicable to a broad range of development situations faced by a growing city. Amendments should:

10.4.a. Promote good planning:

- Effectively and efficiently implement the Comprehensive Plan.
- Address existing and potential land use problems.
- Balance the benefits of regulations against the costs of implementation and compliance.
- Maintain Portland's competitiveness with other jurisdictions as a location in which to live, invest, and do business.

10.4.b. Ensure good administration of land use regulations:

- Keep regulations as simple as possible.
- Use clear and objective standards wherever possible.
- Maintain consistent procedures and limit their number.
- Establish specific approval criteria for land use reviews.
- Establish application requirements that are as reasonable as possible, and ensure they are directly tied to approval criteria.
- Emphasize administrative procedures for land use reviews.
- Avoid overlapping reviews.

10.4.c. Strive to improve the code document:

- Use clear language.

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- Maintain a clear and logical organization.
- Use a format and layout that enables use of the document by lay people as well as professionals.
- Use tables and drawings to clarify and shorten the document.
- Identify and act on regulatory improvement suggestions.

302. Finding: Volumes 2 and 3 of the Recommended Draft presents the legislative amendments to the Zoning Code to implement the concepts presented in Volume 1 of this ordinance. These amendments have been made in some cases to correct or update existing regulations to be consistent with the new land use and zoning designations in the BHD amendments, or to include new regulations and standards to allow implementation of BHD as no other provisions may exist to accomplish that task. In all cases, the Zoning Code amendments are presented in as clear and objective of a way possible to ensure the intended users will be able understand and utilize the Zoning Code as it applies to their development proposals, land use, and properties, consistent with Comprehensive Plan Policy 10.4.

Part IV. Adopted Area Plans

The following adopted areas plans include policies related to the multi-dwelling zones:

Albina Community Plan (Ordinances 166786 and 167054, effective 1993)

Central City 2035 (Ordinance 189000, effective 2018)

Outer Southeast Community Plan (Ordinance 169763, effective 1996)

Southwest Community Plan Vision, Policies and Objectives (Ordinance 174667, effective 2000)

Northwest District Plan – Remanded 2005 (Ordinances 177920, 177921, 177993, 178020, effective 2003)

303. Finding: The City Council has identified the following goals and policies to be applicable to the BHD amendments. The City Council finds that other area plans apply at a smaller geography scale in which compliance with the 2035 Comprehensive Plan supersedes any goals and policies in those area plans.

Albina Community Plan (1993)

Policy Area I: Land Use

Policy B: Livable Neighborhoods

Protect and improve the livability of the residential neighborhoods within the Albina Community. Direct new development activity to those areas that have experienced or are experiencing a loss of housing. Ensure the compatibility of new development with nearby housing. Foster the development of complete neighborhoods that have service and retail businesses located within or conveniently near to them. Promote increases in residential density without creating economic pressure for the clearance of sound housing.

304. Finding: The BHD amendments support this policy by provisions that promote the compatibility of multi-dwelling development with existing housing and through provisions that allow additional housing density and promote housing preservation. This includes new approaches to regulating development that will facilitate a revival of the diverse mix of multi-dwelling housing types – such

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as fourplexes and courtyard apartments – once common in Albina and other inner neighborhoods, expanded requirements for outdoor spaces, and requirements for landscaped front setbacks that will integrate higher-density development with the characteristics of Albina’s residential neighborhoods; and new incentives for preserving large trees. Limitations on street facing garages and location of vehicle areas are also established to provide greater consistency with the characteristics of Albina and other residential neighborhood areas and to ensure that new development enhances the public realm of streets. The lowest-scale new multi-dwelling zone, RM1, includes development standards intended to provide continuity with the characteristics of single-dwelling neighborhoods, including a maximum height of 35 feet that is a reduction from the current R2 zone height allowance of 40 feet (which could accommodate four stories, instead of the two- to three-story scale that is intended for the zone and is accommodated by the new maximum height). Other development standards that bring continue with the characteristics of residential neighborhoods in Albina and elsewhere are building coverage limits, landscaping requirements, and new allowances for small accessory structures to be located in side and rear setbacks, allowing continuation of common development patterns.

The BHD amendments that shift from regulating development by unit density to regulating by building scale, with flexibility for more units, will accommodate additional density. A displacement risk analysis, summarized in Appendix F of the Better Housing by Design Recommended Draft, indicates that the BHD amendments will result in minimal increased risk of demolition of existing houses in the Albina Area, with a mid-range estimate of 16 houses over the next 20 years. This is balanced by a BHD provision that provides a transfer of development rights incentive for preserving existing housing when this housing is kept affordable to households earning no more than 60 percent of area median family income. Other amendments promote historic preservation by expanding options for transferring FAR from sites preserving historic resources, including making this option available for Albina’s conservation districts, and by allowing additional amounts of FAR to be transferred in conjunction with seismic upgrades to historic structures.

Objective 1. Encourage the reestablishment of neighborhood-oriented service and retail businesses. Recognize the economic interrelationship between jobs, services and residential density by supporting commercial areas with new housing at nearby locations.

305.Finding: The BHD amendments support this policy by allowing limited amounts of ground-floor commercial uses in multi-dwelling zones, with regulations based on provisions in the Albina Community Plan District that provided this provision along NE Martin Luther King Jr. Boulevard. Other BHD amendments that shift from regulating development by unit density to regulating by building scale, with flexibility for more units, will allow more people to be able to live close to commercial services.

Objective 3. Review new infill development to ensure that it reinforces the neighborhood's positive characteristics.

306.Finding: The BHD amendments support this policy objective by expanding the Design Overlay (d-overlay) Zone to apply to all properties in the RM3 and RM4 zones (current RH zone), including to some properties in the Albina area that do not already have the d-overlay zone. Other BHD amendments support this objective through regulations that will require staff review (through clear and objective standards) to ensure that new development includes elements that reinforce the positive characteristics of residential neighborhoods, such as through expanded requirements for landscaped front setbacks, outdoor space, street-oriented entrances, and limitations on front garages and parking.

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Policy C: A Pattern of Green

Objective 1. Increase the amount of green and open space in the district.

Objective 5. Emphasize plant materials rather than hard surface treatments when developing public open spaces and in providing landscaping as part of development projects.

Objective 6. Provide landscaping and street trees with new development and major remodeling projects.

307.Finding: The BHD amendments support these policy objectives by expanding requirements for residential outdoor space in the multi-dwelling zones, including requirements for outdoor common areas on large sites. Other amendments support these objectives by requiring deeper landscaped front setbacks in multi-dwelling zones, providing opportunities for landscaping and small trees that will foster greener street environments; limitations on large surface parking lots; and limitations on front garages and driveways, which will allow for more street trees instead of the multiple driveway curb cuts common with attached house development.

Policy E: Transit Supportive Land Use

Focus new development at locations along transportation corridors that offer opportunities for transit supportive developments and foster the creation of good environments for pedestrians in these areas.

Objective 1. Increase opportunities for people to live near where they work and shop by locating higher density housing near commercial and institutional areas.

Objective 2. Create opportunities for new housing development near Portland Community College's Cascade Campus and near Concordia College.

Objective 4. Consider increasing allowable density to transit supportive levels at locations that are within one-quarter mile of transit streets.

308.Finding: The BHD amendments support this policy through provisions that provide flexibility for more units on sites in multi-dwelling zones (primarily in the new RM1 and RM2 zones) and by regulations that promote pedestrian-friendly street environments. 86 percent of multi-dwelling zoning is within a quarter mile of streets with transit. This means that BHD amendments that allow additional units on sites in multi-dwelling zones will allow more people to live close to transit. These BHD amendments providing greater flexibility for numbers of housing units will also provide more opportunities for housing close to commercial areas and Portland Community College (Cascade Campus), as multi-dwelling zoning is located close to both. Other BHD amendments promote pedestrian-oriented environments through requirements for street-oriented entrances and limitations on front parking and garages

Policy Area II: Transportation

Objective 7. Concentrate new residential developments and commercial investment near transit corridors.

309.Finding: The BHD amendments support this policy objective through provisions that provide flexibility for more units on sites in multi-dwelling zones (primarily in the new RM1 and RM2 zone), most of which zoning is within a quarter mile of streets with transit. This policy objective is also supported by amendments that allow for limited amounts of ground-floor commercial uses along City and Neighborhood corridors, which also serve as transit corridors.

Policy Area V: Housing

Increase housing opportunities for current and future residents of the Albina Community by preserving and rehabilitating the existing housing stock, constructing appropriate infill housing in residential neighborhoods and building higher density housing near business centers and major transit

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routes. Stimulate new housing investment by emphasizing the Albina Community's central location, established public services, and qualify housing stock.

Objective 1. Improve the quality and quantity of housing for Albina residents. Provide a variety of housing types for households of all sizes and incomes.

Objective 3. Provide opportunities for home ownership for Albina residents. Emphasize infill development that accommodates owner-occupancy and is compatible with the surrounding neighborhood.

Objective 4. Preserve and encourage the rehabilitation of existing sound housing, especially rental housing.

310.Finding: The BHD amendments support this policy through provisions that change regulations to facilitate a diverse range of infill housing, incentives for preserving existing housing, and through allowances for additional units close to commercial areas and transit. Amendments support a broader diversity of housing types by shifting from regulating development by unit density to instead regulating primarily by building scale, with flexibility for the number and types of units within this scale. In the RM1 zone, the most broadly-mapped multi-dwelling zone, the amendments allow for a wide range of housing types, from duplexes to fourplexes to courtyard apartments. This is a change from regulations in the current R2 zone, where only two units are allowed on a typical 5,000 square foot lot. The BHD amendments promote a range of affordable housing opportunities through expanded development bonuses for projects that include affordable housing, a new development bonus focused on projects with deeper levels of affordability (for projects in which at least half of units are affordable at no more than 60 percent of median family income), and through a bonus oriented to moderate-income family housing with three-bedroom units. This moderate-income family housing bonus is also intended to help expand ownership housing opportunities. Other amendments provide incentives for the preservation of existing housing through a transfer of development rights incentive that is provided in exchange for keeping units affordable at 60 percent of area median family income. As explained in other findings, other amendments facilitate additional housing options near commercial areas and transit, and include regulations intended to guide new development to be more compatible with residential neighborhoods.

Policy Area IX: Community Image and Character

Policy B: Urban Design

Improve the physical appearance of Albina. Enhance the desirable and distinctive characteristics of the Albina Community and its individual residential, commercial and employment districts. Strengthen visual and physical connections to the rest of the city. Mark transitions into neighborhoods and districts. Create a safe and pleasant environment for pedestrians. Strengthen the pattern of green that exists throughout the Albina Community.

Objective 8. Protect and enhance Albina's historic and cultural characteristics and encourage compatible, quality development.

311.Finding: The BHD amendments support this policy by provisions that promote the compatibility of multi-dwelling development with existing housing and encourage historic preservation. This includes new approaches to regulating development that will facilitate a revival of the diverse mix of multi-dwelling housing types – such as fourplexes and courtyard apartments – once common in Albina and other inner neighborhoods, expanded requirements for outdoor spaces, and requirements for landscaped front setbacks that will integrate higher-density development with the characteristics of Albina's residential neighborhoods. Limitations on street facing garages and location of vehicle areas are also established to provide greater consistency with the characteristics of Albina and other residential neighborhood areas and to ensure that new development enhances

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the public realm of streets. Other amendments promote historic preservation by expanding options for transferring FAR from sites preserving historic resources, including making this option available for Albina's conservation districts, and by allowing additional amounts of FAR to be transferred in conjunction with seismic upgrades to historic structures.

Policy C: Historic Preservation

Protect the rich historic, cultural and architectural heritage of the Albina Community for its residents, workers and visitors.

Objective 8. Encourage adaptive reuses of historic properties as long as the historic character of the structures are maintained.

312.Finding: The BHD amendments support this policy by expanding options for transferring FAR from sites preserving historic resources, including making this option available for properties with contributing structures in Albina's conservation districts, and by allowing additional amounts of FAR to be transferred in conjunction with seismic upgrades to historic structures. These FAR transfer provisions are intended to provide incentives for preserving historic structures, providing an additional way of gaining value for preservation.

Central City 2035 (2018)

Policy Area 2: Housing and Neighborhoods

Goal 2.A. The Central City is a successful dense mixed-use center composed of livable neighborhoods with housing, services and amenities that support the needs of people of all ages, incomes and abilities.

Goal 2.B. The Central City's affordable housing supply maintains and supports the area's growing racial, ethnic and economic diversity.

313.Finding: The BHD amendments have little impact on the Central City, as the amendments focus on the RM1, RM2, RM3, and RM4 zones (current R2/R3, R1, RH) and do not amend the Central City plan district, except for changes to zone names. Of these zones, the RM3 and RM4 zones (current RH) have the most amount of land in the Central City (28 acres), and have FAR allowances determined by Central City plan district regulations, so that development scale is not affected by the BHD amendments. The primary impact the BHD amendments have on development allowances in the Central City is to a small amount of land (11 acres) with the new RM1 (2 acres) and RM2 (9 acres) zones in the Goose Hollow district (corresponding current zones are R2 and R1). The predominant multi-dwelling zone in the Central City is the RX zones, which is not substantially affected by the BHD amendments. The BHD amendments therefore have little impact on these policy goals. For the small amount of area with the new RM1 and RM2 zones, the BHD amendments shift from regulating development by unit density to regulating by building scale, which will provide flexibility for a broader range of housing types, which is consistent with these policy goals. Also consistent with these goals are the expanded affordable housing bonuses and the visitable units bonus, which will promote affordable housing and accessible units in the RM1 and RM2 zones.

Neighborhood Livability Policies

Policy 2.2. Promote healthy active living. Design Central City neighborhoods to support physically and socially active healthy lifestyles for all people through the inclusion of plazas, parks, open spaces, and recreation opportunities, a safe and inviting public realm, access to healthy food and active transportation and the density of development needed to support these economically.

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Policy 2.8. Family-compatible housing. Encourage the development of housing projects and units that are compatible with the needs of families with children.

314.Finding: The BHD amendments are supportive of these policies in the small amount of land area where the amendments will apply. The BHD amendments expand requirements for residential outdoor space and require common areas for large sites to provide opportunities for recreation and growing food. In the small amount of land (11 acres) with the new RM1 and RM2 zones in the Central City, the amendments provide a moderate income family housing bonus for projects where at least half of the units have three bedrooms and are affordable to households earning no more than 100 percent of area median income, which supports policy 2.8.

Housing Affordability Policies

Policy 2.10. Minimize displacement. Maintain the economic and cultural diversity of established communities in and around the Central City. Utilize investments, incentives and other policy tools to minimize or mitigate involuntary displacement resulting from new development in the Central City and close-in neighborhoods.

Policy 2.11. Housing diversity. Create attractive, dense, high-quality affordable housing throughout the Central City that accommodates a broad range of needs, preferences, and financial capability in terms of different types, tenures, sizes, costs and locations. Support new housing opportunities for students, families and older adults.

Policy 2.12. Housing affordability. Encourage the preservation and production of affordable housing to take advantage of the Central City's unique concentration of active transportation access, jobs, open spaces, and supportive services and amenities.

315.Finding: The BHD amendments are supportive of these policies in the small amount of land area where the amendments will apply. In small amount of land (11 acres) with the new RM1 and RM2 zones in the Central City, the BHD amendments address the need for a range of housing types and prices through amendments that expand options for the numbers and types of housing units on multi-dwelling zone sites. The BHD amendments promote a range of affordable housing opportunities through expanded development bonuses for projects that include affordable housing, a new development bonus focused on projects with deeper levels of affordability (for projects in which at least half of units are affordable at no more than 60 percent of median family income), and through a bonus oriented to moderate-income family housing with three-bedroom units. This moderate-income family housing bonus is also intended to help expand ownership housing opportunities. Policy 2.10 and displacement is addressed by an amendment that allows development rights to be transferred from sites where existing housing is preserved, in exchange for keeping units affordable at 60 percent of area median family income.

Housing and Neighborhoods: Goose Hollow Policies

Policy 2.GH-4. Housing diversity. Support development that complements the distinctive residential feel of the district, especially within the predominantly residential areas south of SW Columbia Street. In particular, encourage multi-family housing supportive of families.

316.Finding: The area of Goose Hollow south of SW Columbia Street includes majority of new RM1 and RM2 zoning in the Central City, and also RM3 zoning (current RH). The BHD amendments support this policy through provisions that will foster new development compatible with the residential characteristics of the area and through a bonus for moderate-income family housing. Development standards in the multi-dwelling zones in this area will require street-oriented entrances, small landscaped setbacks, and will limit front garages and parking, which continue patterns established by the Victorian-era and other older housing in the area. This policy is also supported by a bonus for

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moderate-income family housing with three-bedroom units that will be available in the RM1 and RM2 zones in the area.

Policy Area 5: Urban Design

Policy 5.6. Distinct and vibrant districts. Enhance the existing character and diversity of the Central City and its districts, strengthening existing places and fostering the creation of new urban places and experiences.

Policy 5.GH-1. Distinctive building character. Encourage the diversity and unique character of Goose Hollow and its wide range of uses, building types, ages and scales. Seek ways to bring new uses and energy into the district while maintaining positive characteristics of existing buildings.

317.Finding: Policy 5.6 and the related Policy 5.GH-1 that is specific to Goose Hollow call for encouraging the diversity and unique character of the area, which City Council interprets based on the rest of the policy as including its wide range of land uses, building types, development eras and building scale. While the Goose Hollow neighborhood includes a diversity of commercial and residential uses and development forms, portions of the neighborhood within the Central City that have multi-dwelling zoning are more consistently residential and include concentrations of Victorian-era houses and other older housing, often with small landscaped setbacks. The BHD amendments are supportive of these policies in the small amount of land area where the amendments will apply. The area of Goose Hollow south of SW Columbia Street includes majority of new RM1 and RM2 zoning in the Central City, and also RM3 zoning (current RH). The BHD amendments support this policy through provisions that will foster new development compatible with the residential characteristics of the area. Development standards in the multi-dwelling zones in this area will require street-oriented entrances, small landscaped setbacks, and will limit front garages and parking, which continue patterns established by the Victorian-era and other older housing in the area.

Outer Southeast Community Plan (1996)

Transportation Policy

Ensure that streets in outer southeast form a network that provide for efficient travel throughout the community and to other parts of Portland and the region. Reduce congestion and pollution caused by the automobile by creating land use patterns that support transit, bike, and pedestrian travel.

Objective 1. Reduce the amount of automobile driving done by area residents by making it more convenient to use public transit.

- a. Increase housing densities within one-quarter mile of transit streets.
- b. Encourage a mix of multifamily housing and shopping opportunities in areas with good transit service.

Objective 2. Support better mass transit service by creating opportunities to develop higher density housing on or near streets with public-transit service or planned public transit service. Ensure that this housing blends in with that of surrounding residential areas.

Objective 7. Create through streets at frequent intervals.

Objective 8. Seek ways of providing connections for limited auto access and for full pedestrian and bike access when practical difficulties prevent full street improvements.

318.Finding: The BHD amendments support this policy through provisions that provide flexibility for more units on sites in multi-dwelling zones (primarily in the new RM1 and RM2 zones) and by regulations that promote pedestrian-friendly street environments. 86 percent of multi-dwelling zoning is within a quarter mile of streets with transit. This means that BHD amendments that allow

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additional units on sites in multi-dwelling zones will allow more people to live close to transit. This policy is also supported by amendments that allow for limited amounts of ground-floor commercial uses along City and Neighborhood corridors, which also serve as transit corridors. Other BHD amendments will foster development that blends in with East Portland residential area characteristics, such as requiring landscaped front setbacks and regulations specific to East that are intended to keep the centers of the area's large blocks greener and less built up. In conjunction with the Bureau of Transportation's Connected Centers Street Plan, the BHD amendments will help facilitate creating additional street connections through requirements for sites in specified East Portland centers to be large enough to accommodate new connections and outdoor spaces, and by allowing development allowances to be calculated prior to street dedications to reduce barriers to including new connections as part of development. Among the types of connections, the combination of BHD amendments and Connected Centers Street Plan approaches are intended to facilitate are public pedestrian connections when multi-modal connections are not feasible.

Housing Policy

Provide a variety of housing choices for outer southeast community residents of all income levels by maintaining the existing sound housing stock and promoting new housing development.

Objective 2. Stimulate production of new housing units by both private and nonprofit housing producers to accommodate expected population growth.

Objective 4. Promote construction of attached housing designed to be owner-occupied to accommodate smaller households.

Objective 5. Increase opportunities for multifamily housing in areas convenient to shopping and transit.

Objective 7. Preserve and increase the supply of housing affordable to households below the median income.

319.Finding: The BHD amendments support this policy and its objectives through provisions facilitating a broad range of additional housing options and by providing incentives for creating or preserving affordable housing units. These amendments include provisions that provide flexibility for more units on sites in multi-dwelling zones (primarily in the new RM1 and RM2 zones). 80 percent of multi-dwelling zoning is in or within a quarter mile of mixed use centers or transit corridors. This means that BHD amendments that allow additional units on sites in multi-dwelling zones will allow more people to live close to commercial services and transit. The amendments will facilitate a broad range of housing types, including various types of attached housing, both ownership and rental. The BHD amendments promote a range of affordable housing opportunities through expanded development bonuses for projects that include affordable housing, a new development bonus focused on projects with deeper levels of affordability (for projects in which at least half of units are affordable at no more than 60 percent of median family income), and through a bonus oriented to moderate-income family housing with three-bedroom units. This moderate-income family housing bonus is also intended to help expand ownership housing opportunities. Other amendments provide incentives for the preservation of existing housing through a transfer of development rights incentive that is provided in exchange for keeping units affordable at 60 percent of area median family income.

Open Space and Environment Policy

Provide parks and open spaces to meet projected recreational needs of outer southeast residents. Create a sense of connection with the natural environment. Protect natural resources by reducing the impact of development on them.

Objective 9. Improve the appearance and livability of outer southeast neighborhoods.

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320.Finding: The BHD amendments include provisions specific to East Portland that support this policy. Amendments requiring deep rear setbacks in the Eastern Portland Pattern Area will help keep the centers of the area's large blocks greener and less built up, providing opportunities for preservation of the Douglas fir trees that are sometime located on these large blocks. Other amendments allow for development rights to be transferred from sites preserving large trees, which provides an incentive for preserving the area's Douglas firs. Additional BHD amendments will help improve the appearance and livability of the area's neighborhoods through expanded requirements for landscaped front setbacks, outdoor space requirements, and limitations on front garages and large surface parking lots.

Public Safety Policy

Apply CPTED principles to both public and private development projects. Encourage land use arrangements and street patterns that provide more eyes on the street. Encourage site layouts and building designs that encourage proprietary attitudes and natural surveillance over shared and public spaces.

Objective 2. Encourage building designs that restrict access to areas vulnerable to crime such as building entrances, sidewalks, parking lots, and loading and delivery areas. The following are examples of how to carry out this idea.

- a. Provide opportunities for retail uses on the ground floor perimeter of the building adjacent to public areas. Encourage sidewalk cafes and coffee shops with windows overlooking sidewalks and parking lots.
- b. Locate windows in building walls that abut such public areas as sidewalks, plaza, parks, and parking lots.
- c. Situate windows so that building users can easily watch over sidewalks, parking, and entrances. This will also make it easier to watch activities inside and facilitate police patrol.
- d. Locate and design entrances so that they can be watched from both the street and from inside the building.

Objective 3. Encourage development of new detached and attached residences with porches, balconies, and windows that overlook the street. Set the garage back from the front of the building.

Objective 5. Encourage the construction of streets that connect in undeveloped or underdeveloped parts of the plan area to facilitate the movement of police and fire emergency vehicles throughout the area.

Objective 6. Promote connections that provide for pedestrians, bicycles, and motorized vehicles. Avoid pedestrian-only connections in order to enhance surveillance over sidewalks.

321.Finding: The BHD amendments support this policy and its objectives through provisions that promote buildings oriented to streets and through allowances for ground-floor commercial uses on major corridors. Amendments limiting front garages and requiring entrances and windows to be oriented to streets will support passive surveillance of streets and sidewalks, facilitating "eyes on the street." Other amendments will allow for ground-floor commercial uses in multi-dwelling zones along major corridors. Allowing these uses and the associated requirements for ground-floor windows will bring additional activity and opportunities for passive surveillance along the area's major streets. In conjunction with the Bureau of Transportation's Connected Centers Street Plan, the BHD amendments will help facilitate creating additional multi-modal street connections through requirements for sites in specified East Portland centers to be large enough to accommodate new connections and outdoor spaces, and by allowing development allowances to be calculated prior to street dedications to reduce barriers to including new connections as part of development.

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Subarea Policy I – Traditional Urban Neighborhoods

Preserve the fabric of these traditional residential neighborhoods and streetcar era commercial districts. Promote construction of new housing on or near transit streets and "Main Street" development on portions of Foster Road, Stark, and Glisan Streets. Encourage infill development.

Objective 3. Create opportunities for new multifamily housing along streets with transit service.

Objective 4. Encourage compatible infill at densities which support transit on vacant lots in established residential areas.

322.Finding: The BHD amendments support this policy and its objectives through provisions facilitating compatible infill development and providing flexibility for additional housing units. These amendments provide flexibility for more units on sites in multi-dwelling zones (primarily in the new RM1 and RM2 zones), the majority of which (86 percent) is within a quarter mile of streets with transit. Amendments facilitate compact infill development by reducing requirements for off-street parking and side and rear setbacks. Other amendments address the compatibility of infill development with existing residential neighborhoods through requirements for landscaped front setbacks, limitations on front garages and vehicle areas, and expanded requirements for outdoor space.

Subarea Policy II – 82nd Avenue/I-205 Corridor

Promote the revitalization of 82nd Avenue. Increase the number and variety of jobs provided in these areas. Enlarge the market for local retail and service businesses by increasing housing opportunity.

Objective 4. Create opportunity for higher-density residential development along transit streets and in areas with vacant residential land.

323.Finding: The BHD amendments support this policy providing flexibility for additional housing units in the multi-dwelling zones. These amendments provide flexibility for more units on sites in multi-dwelling zones (primarily in the new RM1 and RM2 zone), including within the 82nd Avenue Corridor and near I-205.

Subarea Policy III - Lents Town Center Policy

Foster the development of a Lents Town Center that attracts employment opportunities, residential density, and recreational activities while reducing adverse environmental impacts.

Objective 4. Ensure a wide range of housing in terms of structure, ownership, rental patterns, and price.

324.Finding: The BHD amendments support this policy providing flexibility for additional housing units in the multi-dwelling zones. These amendments provide flexibility for more units on sites in multi-dwelling zones (primarily in the new RM1 and RM2 zones), including within the Lents Town Center area. Amendments support a broader diversity of housing types by shifting from regulating development by unit density to instead regulating primarily by building scale, with flexibility for the number and types of units within this scale. In the RM1 zone, the most broadly-mapped multi-dwelling zone, the amendments allow for a wide range of housing types, from duplexes to fourplexes to courtyard apartments. This is a change from regulations in the current R2 zone, where only two units are allowed on a typical 5,000 square foot lot. The BHD amendments promote a range of affordable housing opportunities through expanded development bonuses for projects that include affordable housing, a new development bonus focused on projects with deeper levels of affordability (for projects in which at least half of units are affordable at no more than 60 percent of median family income), and through a bonus oriented to moderate-income family housing with three-bedroom units. This moderate-income family housing bonus is also intended to help expand ownership housing opportunities.

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Subarea Policy V – MAX LRT Corridor

Ensure that private development reinforces and is reinforced by the public light rail investment by encouraging development of intense commercial and dense residential uses near the MAX light rail stations.

Objective 2. Improve the pedestrian orientation of buildings and streets around light rail stations.

Objective 3. Increase housing densities within one-quarter mile of a transit stop to at least medium-density multifamily, as the appropriate opportunity arises, and apply transit-supportive zones to commercially-zoned land.

Objective 4. Increase housing densities within one-half mile of the light rail stations to at least the higher density single family designations as the appropriate opportunity arises.

Objective 5. Establish through connections at approximately 400-foot intervals from east to west and north to south directions as the opportunity exists.

325.Finding: The BHD amendments support this policy by providing flexibility for additional housing units in the multi-dwelling zones and by including approaches to facilitate additional street connections. Multi-dwelling zoning located in the MAX transit station areas plays an important role in providing opportunities for transit-supportive concentrations of housing in these locations. BHD amendments that shift from regulating development by unit density to regulating by building scale, with flexibility for more units, will further support these policies by expanding housing capacity in multi-dwelling zones located in the transit station areas. Policy direction for street connections in these areas is supported by BHD amendments intended to facilitate new multi-modal connections in the 122nd Avenue and 148th Avenue station areas, through requirements for sites to be large enough to accommodate new connections (as well as to support better site design) and by allowing development allowances to be calculated prior to street dedications to reduce barriers to including new connections as part of development. Other amendments support this policy by requiring pedestrian-oriented street frontages, such as street-oriented entrances and limitations on front garages and parking.

Subarea Policy VI – Suburban Neighborhoods

Enhance established suburban neighborhoods by improving connections to transit and shopping, reinforcing transit, providing new open space and focusing development on infill and opportunity sites.

Objective 2. Increase the density of areas that are currently zoned multifamily on streets with transit service. Locate higher densities on streets with more frequent transit service.

Objective 3. Redevelop large vacant or underused "opportunity" sites for high density housing.

326.Finding: The BHD amendments support this policy and its objectives through provisions providing flexibility for additional housing units. These amendments provide flexibility for more units on sites in multi-dwelling zones (primarily in the new RM1 and RM2 zone), the majority of which (86 percent) is along or within a quarter mile of streets with transit. Other amendments address the compatibility of infill development with existing residential neighborhoods through requirements for landscaped front setbacks, limitations on front garages and vehicle areas, and expanded requirements for outdoor space.

Subarea Policy VII – Mixed-Era Neighborhoods

Provide for the orderly development of new housing at urban densities and ensure that residential areas are served by convenient neighborhood commercial centers and transit.

Objective 2. Encourage new multifamily housing to locate along neighborhood collectors with transit service.

Objective 3. Encourage multifamily housing to be developed along 122nd Avenue.

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Objective 4. Promote new streets that form a network that accommodates an efficient development pattern, regular lot patterns, multi-modal capability, and multiple access for emergency vehicles

Objective 5. Use alternative street standards to achieve connectivity where standard city streets are not possible due to lot configuration, existing development, etc.

327.Finding: The BHD amendments support this policy and its objectives through provisions providing flexibility for additional housing units and approaches that facilitate the creation of new street connections. These amendments provide flexibility for more units on sites in multi-dwelling zones, primarily in the new RM1 and RM2 zones, which are the primary multi-dwelling zones located along the area's major corridors, such as SE 122nd. Policy direction for street connections in this area is supported by BHD amendments intended to facilitate new multi-modal connections in the 122nd/Midway Town Center area, through requirements for sites to be large enough to accommodate new connections (as well as to support better site design) and by allowing development allowances to be calculated prior to street dedications to reduce barriers to including new connections as part of development. These amendments are being proposed in conjunction with the Bureau of Transportation's Connected Centers Street Plan, which establishes narrower types of street connections designed to fit on constrained infill sites.

Southwest Community Plan (2000)

Land Use and Urban Form

Enhance Southwest Portland's sense of place as a community and a collection of distinct neighborhoods. Accommodate Southwest Portland's share of regional growth while protecting the environment in all areas. Encourage the realization of compact, transit and pedestrian-friendly, mixed-use centers while responding to the need for a range of housing types and prices. Outside of the mixed-use areas, allow infill housing opportunities which increase neighborhood diversity, stability and home ownership while limiting redevelopment.

328.Finding: The multi-dwelling zones in Southwest Portland are primarily clustered in and around the area's mixed-use centers and corridors, including the Hillsdale, West Portland, and Multnomah Village centers, and along the Beaverton-Hillsdale and Barbur corridors. The BHD amendments are consistent with this policy because they facilitate these areas becoming compact, transit and pedestrian-friendly places, in keeping with this policy direction. The BHD amendments help achieve this by providing flexibility for additional units in the multi-dwelling zones and by regulations intended to foster transit- and pedestrian-oriented places, such as through requirements for street-oriented entrances and limitations on front parking and garages. The BHD amendments are also consistent with this policy by requirements that support continuation of Southwest Portland's green characteristics through expanded requirements for landscaped front setbacks, increased requirements for residential outdoor space, and incentives for preserving large trees. BHD amendments address the need for a range of housing types and prices through amendments that expand options for the numbers and types of housing units on multi-dwelling zone sites. The BHD amendments promote a range of affordable housing opportunities through expanded development bonuses for projects that include affordable housing, a new development bonus focused on projects with deeper levels of affordability (for projects in which at least half of units are affordable at no more than 60 percent of median family income), and through a bonus oriented to moderate-income family housing with three-bedroom units. This moderate-income family housing bonus is also intended to help expand ownership housing opportunities.

I. Community-wide Objectives

Objective 1. Ensure compatibility of new development with Southwest Portland's positive qualities.

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Objective 2. Encourage innovative designs in public and private development that are in harmony with the natural character of Southwest Portland.

Objective 3. Ensure that zoning designations represent densities that are likely to be achieved.

(a) Focus new housing and employment opportunities in “mixed-use areas” in Southwest Portland: in town centers, main streets, and at designated areas along corridors.

(b) Encourage redevelopment that has clear public benefit, fewer adverse consequences, minimal environmental limitations and adequate infrastructure.

Objective 5. Support protection of historic and scenic resources in Southwest Portland.

Objective 6. Develop zoning, subdivision and design tools to promote infill development that is compatible with the desired character of established residential areas.

329.Finding: The BHD amendments support these policy objectives through provisions that promote design that integrates with Southwest Portland characteristics, by expanding housing opportunities in mixed-use centers and corridors, and by providing additional tools for preserving historic resources. These include amendments that support the continuation in multi-dwelling zones of Southwest Portland’s green characteristics through expanded requirements for landscaped front setbacks, increased requirements for residential outdoor space, requirements for common outdoor areas for large sites, and incentives for preserving large trees. Stormwater and other environmental impacts are limited by restrictions on the size of large surface parking lots and by provisions for ecoroofs and stormwater planters. The flexibility for additional units provided by other BHD amendments reinforces the policy direction for focusing housing opportunities in the area’s mixed-use centers, main streets, and corridors, given the location of multi-dwelling zoning in and around these areas. Economic analysis, summarized in the Recommended Draft Appendix C, indicates that the development allowances in the new RM1 and RM2 zones (current R2 and R1) that predominate in the area are feasible. Amendments support historic preservation by expanding options for transferring FAR from sites preserving historic resources and by allowing additional amounts of FAR to be transferred in conjunction with seismic upgrades to historic structures. These FAR transfer provisions are intended to provide incentives for preserving historic structures by providing additional ways of gaining value for preservation.

II. Additional objectives for mixed use areas

A. General Objectives

Objective 2. Create land use patterns that support transit and foster a positive environment for pedestrians in Southwest Portland’s town centers, main streets, and at designated areas along corridors.

Objective 3. Encourage development within main streets and town centers that enhances commercial vitality and the desired characteristics of these areas.

Objective 4 Encourage employment and housing growth in Southwest Portland’s town centers, main streets, and at designated areas along corridors, while effectively managing stormwater runoff and protecting creeks and waterways.

Objective 5. Ensure that plan designations and zoning in mixed-use areas are flexible enough:

(a) to allow a wide range of commercial, high density residential, and employment opportunities.

(b) that, when subsequent master plan processes are begun, such designations will not act as a hindrance to the planning effort.

Objective 6. Balance the need for higher density residential and mixed-use development with the preservation of single family detached homes on small lots in the town centers, main streets and corridors, to promote a diversity of housing options in these areas.

Objective 8. Enhance the environment for pedestrians in Southwest Portland’s town centers, main streets, and transit corridors

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330.Finding: The BHD amendments support these policy objectives through provisions that promote transit- and pedestrian-oriented development, by facilitating a diverse range of compact development in multi-dwelling zones in the areas mixed-use centers and corridors, and by providing options that help limit environmental impacts. The BHD amendments achieve this by regulations that foster transit- and pedestrian-oriented places, such as through requirements for street-oriented entrances, limitations on front parking and garages, and flexibility for greater numbers of housing units, allowing more people to live close to transit. Amendments allowing more housing in the multi-dwelling zones also enables more population to support the vitality of the area's commercial districts, while other amendments that expand front setback and outdoor area requirements support continuation of the green characteristics of the area's multi-dwelling zones. Stormwater and other environmental impacts are addressed in part by restrictions on the size of large surface parking lots and by provisions for ecoroofs and stormwater planters. Other amendments support continuation of existing houses in multi-dwelling zones by providing flexibility to add accessory dwelling units or to add units through internal conversions without having to meet minimum density requirements.

B. Town Center Objectives

Objective 1. When increasing residential and employment density in Southwest Portland, place the highest density within town centers.

Objective 2. Within the boundaries of town centers, create transitions along the edges that respect the planned density, design, scale and character of the contiguous neighborhoods.

331.Finding: The BHD amendments support these policy objectives by the fact that the area's largest areas of multi-dwelling zoning are concentrated in centers, including the Hillsdale and West Portland town centers, and by provisions that require large buildings to step down in height adjacent to single-dwelling zoning, providing transitions to lower-density neighborhoods. Amendments also support transitions by reducing the allowed height in the RM1 zone (current R2) to 35 feet, similar to heights allowed in single-dwelling zones, improving the ability of this zone to provide a transition to single-dwelling zones from the larger-scale commercial/mixed use zones located in the core areas of centers.

C. Main Street Objectives

Objective 1. Respect the planned density, design, scale and character of the contiguous neighborhood when increasing residential and employment density within main streets.

332.Finding: The BHD amendments support this policy objectives by provisions that require large buildings to step down in height adjacent to single-dwelling zoning, providing transitions to lower-density neighborhoods. Amendments also support transitions by reducing the allowed height in the RM1 zone (current R2) to 35 feet, similar to heights allowed in single-dwelling zones, improving the ability of this zone to provide a transition to single-dwelling zones. Other amendments contribute to integrating development in the multi-dwelling zones with existing residential areas by expanding requirements for landscaped front setbacks and outdoor space.

D. Corridor Objectives

Objective 1. Encourage transit-supportive concentrations of housing and employment density at appropriate locations.

Objective 2. Emphasize a high-quality pedestrian and bicycle environment and convenient access to public transportation along corridors.

333.Finding: The BHD amendments support these policy objectives by allowing increased housing density in the multi-dwelling zones and by provisions that foster transit- and pedestrian-oriented

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design. The BHD amendments provide flexibility for more units on sites in the RM1 and RM2 zones (current R2 and R1), which are the multi-dwellings located along Southwest Portland's corridors. The expanding housing options will allow more people to live close to the corridors' transit options. The BHD amendments also help foster transit- and pedestrian-oriented places through requirements for street-oriented entrances and limitations on front parking and garages.

Economic Development

Enhance Southwest Portland's sense of place as a community and a collection of distinct neighborhoods. Accommodate Southwest Portland's share of regional growth while protecting the environment in all areas. Encourage the realization of compact, transit and pedestrian-friendly, mixed-use centers while responding to the need for a range of housing types and prices. Outside of the mixed-use areas, allow infill housing opportunities which increase neighborhood diversity, stability and home ownership while limiting redevelopment.

334.Finding: The multi-dwelling zones in Southwest Portland are primarily clustered in and around the area's mixed-use centers and corridors. The BHD amendments are consistent with this policy because they facilitate these areas becoming compact, transit and pedestrian-friendly places, in keeping with this policy direction. The BHD amendments help achieve this by providing flexibility for additional units in the multi-dwelling zones and by regulations intended to foster transit- and pedestrian-oriented places, such as through requirements for street-oriented entrances and limitations on front parking and garages. BHD amendments address the need for a range of housing types and prices through amendments that expand options for the numbers and types of housing units on multi-dwelling zone sites. The BHD amendments promote a range of affordable housing opportunities through expanded development bonuses for projects that include affordable housing, a new development bonus focused on projects with deeper levels of affordability (for projects in which at least half of units are affordable at no more than 60 percent of median family income), and through a bonus oriented to moderate-income family housing with three-bedroom units. This moderate-income family housing bonus is also intended to help expand ownership housing opportunities.

Economic Development Objectives

Objective 3. Support opportunities for startup and in-home business and telecommuting as a way of reducing vehicle miles traveled while promoting economic diversification.

Objective 7. Encourage the provision of ground floor retail and services in office buildings and in multifamily housing projects.

335.Finding: The BHD amendments support these policy objectives by allowing ground-floor commercial uses in multi-dwelling zones along major corridors, such as SW Beaverton-Hillsdale Highway. This will allow small-scale retail and service uses as part of multi-dwelling development on these busy streets, and also provide opportunities for live-work arrangements that allow people to combine a street-fronting business with their home.

Housing

Provide a variety of affordable housing choices adequate to meet the needs of current and future Southwest residents. Regard the existing housing stock as one resource to meet this need. Encourage development of housing types that will increase home ownership opportunities for Southwest residents.

336.Finding: BHD amendments address the need for a range of housing types and prices through amendments that expand options for the numbers and types of housing units on multi-dwelling

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zone sites. The BHD amendments promote a range of affordable housing opportunities through expanded development bonuses for projects that include affordable housing, a new development bonus focused on projects with deeper levels of affordability (for projects in which at least half of units are affordable at no more than 60 percent of median family income), and through a bonus oriented to moderate-income family housing with three-bedroom units. This moderate-income family housing bonus is also intended to help expand ownership housing opportunities. Other amendments provide incentives for preserving existing affordable housing through a transfer of development rights incentive that is provided in exchange for keeping units affordable at 60 percent of area median family income.

Objective 1. Provide opportunities to achieve the development of new housing units over the next 20 years to accommodate new residents and the shift to smaller households.

Objective 2. Provide for diversity of size, type, and affordability of housing to meet the needs of young adults, small and large families, empty nesters, the elderly, and others.

Objective 3. Increase opportunity for building more detached single family housing by reducing minimum lot sizes and encouraging the construction of smaller size houses.

337.Finding: The BHD amendments support these policy objectives by allowing greater flexibility in the number and types of housing units on multi-dwelling zone sites. Amendments support a broader diversity of housing types by shifting from regulating development by unit density to instead regulating primarily by building scale, with flexibility for the number and types of units within this scale. In the RM1 zone, the most broadly-mapped multi-dwelling zone, the amendments allow for a wide range of housing types, from duplexes to fourplexes to courtyard apartments. This is a change from regulations in the current R2 zone, where only two units are allowed on a typical 5,000 square foot lot. The amendments also provide increased flexibility for clusters of detached houses on multi-dwelling sites, while the FAR limits mean that these houses will need to be smaller in exchange for greater density. Also consistent with these policy objectives, the amendments include a bonus for visitable or accessible units, providing an incentive for the creation of barrier-free units accessible to people of all ages and abilities.

Affordability and Home Ownership Objectives

Objective 5. Encourage public and private developers to vary the affordability, type and size of units in new housing developments to foster the development of inclusive communities.

Objective 7. Increase the supply of affordable rental housing of all types for families. This includes units with three or more bedrooms.

Objective 8. Increase Southwest Portland's supply of housing affordable to households below the median income.

Objective 9. Encourage the provision of an adequate supply of mixed-income housing so that those working in Southwest can live near where they work.

338.Finding: BHD amendments address the need for a range of housing types and prices through amendments that expand options for the numbers and types of housing units on multi-dwelling zone sites. The BHD amendments promote a range of affordable housing opportunities through expanded development bonuses for projects that include affordable housing, a new development bonus focused on projects with deeper levels of affordability (for projects in which at least half of units are affordable at no more than 60 percent of median family income), and through a bonus oriented to moderate-income family housing with three-bedroom units. This moderate-income family housing bonus is also intended to help expand ownership housing opportunities. These affordable housing bonuses allow for a mix of incomes, as none of the bonuses require more than half of units to meet affordability criteria. Other amendments provide incentives for preserving

existing affordable housing through a transfer of development rights allowance that is provided in exchange for keeping units affordable at 60 percent of area median family income.

Northwest District Plan (2005)

339.Finding: The BHD amendments affect the Northwest District Plan at two different levels. On one level are the citywide changes to the multi-dwelling zones that apply to the multi-dwelling zoning in the plan area. At a more specific level, are the historic district zoning map and zoning code changes that apply to the Alphabet Historic District. These findings cover both types of changes.

Policy 1: Land Use

Participate in the growth of the metropolitan region in a manner that protects and enhances the quality of life in the Northwest District. Enhance the district's sense of place as a distinct yet diverse community, with an active mix of housing and businesses.

340.Finding: The Northwest District Plan vision statement outlines a range of things that are important to the district's quality of life and distinct sense of place. Among these are its lively main streets with a mix of commercial services, upper-level housing and institutions; its distinct residential areas with differing mixes of single-family homes and multi-family housing – with a quieter character than the busy main streets; its variety of housing types meeting the needs of a diverse range of residents; its diversity of cultural and religious institutions and employment; its urban amenities such as parks; and its preserved architectural heritage of historic structures in the Alphabet Historic District. The BHD amendments contribute to these desired characteristics in a number of ways:

- Alphabet Historic District map changes will enhance the district's distinct sense of place by adjusting the allowed building scale (FAR) to better match the scale of the existing historic context. Map amendments apply the smaller-scale RM3 zone to areas of the historic district with current RH zoning north of NW Glisan Street to reflect the relatively small scale of historic buildings in this area, while the map amendments apply the larger-scale RM4 zone south of NW Glisan Street to correspond to the larger scale of historic building in that area. These map changes are explained in findings for Comprehensive Plan Policy 4.49.
- Amendments require front setbacks or courtyards in the multi-dwelling zones, which will integrate new development with the area's residential characteristics and will help contribute toward vision statement aspirations for keeping these areas distinct from the busy commercial main streets. Limitation on front garages and front parking will also continue the characteristics of the district's residential areas.
- New requirements for outdoor space in the RM3 and RM4 zones (current RH zone) will contribute to residential quality of life and allow for options, such as courtyards, that provide continuity with historic housing types in the district.
- BHD amendments that expand options for the numbers and types of housing in the multi-dwelling zones, combined with incentives for affordable units and family-sized units, which will contribute to vision statement aspirations for diverse housing for a diverse population.
- Allowances for inclusionary housing development bonus for projects in the mixed use zones in the Alphabet Historic District will facilitate a mix of ground-floor commercial uses and upper-level residential units along the area's main streets, contributing to the "active mix of housing and businesses" called for in this policy.

Objective A. Support land use strategies and developments that increase the amount of housing in the district.

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341.Finding: The BHD amendments expand options for the numbers and types of housing units on multi-dwelling zone sites. The BHD amendments also promote a range of affordable housing opportunities through expanded development bonuses for projects that include affordable housing.

Objective C. Concentrate a mix of higher intensity residential and commercial development along main streets and the Portland Streetcar line.

342.Finding: The BHD amendments expand development bonuses for affordable housing for mixed use zones within historic districts, which is the predominant zoning designation along the area's main streets, which will facilitate mixed-use development with upper level housing. The BHD amendments do not affect the Northwest Plan District requirements for active uses, such as commercial, along the area's main streets.

Objective F. Support small-scale developments that are oriented to pedestrian use.

343.Finding: This policy reflects the Northwest District Plan's design aspirations to continue the area's established patterns of development on relatively small sites, with residential structures in the area typically on small lots of about 5,000 or sometimes 10,000 square feet, in contrast to the full-block development common in the nearby Pearl District. The BHD amendments promote small-scale development through reduced side and rear setbacks, which facilitates compact development on small sites; and through requirements for large building facades to be divided into smaller components, which will help integrate larger buildings with patterns of the Northwest District. The BHD amendments enhance pedestrian orientation by requiring building entrances oriented to streets or courtyards, and by limiting front garages and front parking along street frontages.

Objective G. Promote development that includes useable public outdoor spaces such as plazas, play areas, gardens, and pocket parks.

344.Finding: The BHD amendments include a new requirement for outdoor area per unit in the RM3 and RM4 zones, which are mapped in a large portion of the Northwest District, which can be met by common areas such as courtyards. The BHD amendments also require shared common areas for large sites (20,000+ square feet), which will provide opportunities outdoor spaces such as plazas, play areas, and gardens for residents.

Policy 4: Parking

Provide and manage parking to serve the community while protecting and enhancing the livability and urban character of the district.

Objective A. Reduce the demand for automobile parking.

345.Finding: This policy and its objectives provides direction on managing parking resources, including on-street parking and shared parking facilities, in ways that preserve the pedestrian-friendly character of the district. The BHD amendments support this policy and its objectives in a number of ways, indicated in the findings below for each of this policy's objectives. Amendments requiring multi-dwelling development to meet Transportation and Parking Demand Management requirements, such as by providing residents with transit passes or bike share membership, align with Objective A's call for reducing demand for automobile parking.

Objective B. Provide for efficient use of on- and off-street parking through such means as "shared use" of parking facilities and minimizing the number and size of curb cuts.

346.Finding: BHD amendments limiting front garages and associated driveways align with this policy objective's call for minimizing the number and size of curb cuts, which will help preserve on-street parking and allow for more efficient use of this parking resource. Limitations on front garages and front parking also align with the policy's call for preserving the pedestrian-friendly character of the district.

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Objective C. Accommodate a limited amount of additional structured off-street commercial parking while preserving the overall pedestrian-friendly character of the district, and mitigating for negative impacts.

347.Finding: The BHD amendments do not affect off-street commercial parking, but amendments align with this policy in limiting front garages and front parking to foster pedestrian-friendly street frontages.

Objective H. Encourage new off-street parking to locate within structures.

348.Finding: BHD amendments support this objective by creating a new incentive for structured parking in the multi-dwelling zones by not counting structured parking, up to 0.5:1 FAR, against the maximum FAR limits, which supports the policy direction in Objective H.

Objective I. Limit the size of new surfacing parking lots.

349.Finding: BHD amendments support this objective by limiting the size of new surface parking lots (to a maximum of 30% of site area).

Policy 5: Housing

Retain the district's existing housing stock and mix of types and tenures. Promote new housing opportunities that reflect the existing diversity of housing and support a population diverse in income, age, and household size.

350.Finding: The Northwest District has all four types (RM1-RM4) of multi-dwelling zoning and the map designations, except for the historic district adjustments, conform to the current zoning patterns. The BHD amendments expand options for the numbers and types of housing units on multi-dwelling zone sites. The BHD amendments also promote a range of affordable housing opportunities through expanded development bonuses for projects that include affordable housing.

Objective A. Increase the number of housing units in the district, including rental and ownership opportunities for current and future district residents.

351.Finding: The BHD amendments expand options for the numbers and types of housing units on multi-dwelling zone sites, and include development bonuses for both rental and ownership affordable housing.

Objective B. Increase the supply of housing that is affordable, accessible to a full range of incomes, and provides for special needs housing.

352.Finding: The BHD amendments promote a range of affordable housing opportunities through expanded development bonuses for projects that include affordable housing.

Objective C. Retain the existing supply of rental housing units affordable to the district's low- and very low- income households.

353.Finding: This policy objective responds to concerns discussed in the Northwest District Plan regarding the potential loss of the area's existing (non-regulated) affordable rental apartments through conversion to more expensive apartments or to market-rate ownership housing. BHD amendments support this policy objective through a new allowance for FAR to be transferred from sites where existing affordable housing is preserved (must remain affordable to households earning no more than 60% of area median income).

Objective D. Encourage housing developments that accommodate a variety of living situations and support the district's diverse population.

354.Finding: The BHD amendments support this policy objective through expanded options for the numbers and types of housing units on multi-dwelling zone sites, especially with the shift to regulating density by FAR in the RM1 and RM2 zones. The BHD amendments also promote a range

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of affordable housing opportunities through expanded development bonuses for projects that include affordable housing and through a moderate-income bonus for three-bedroom units that are large enough for families.

Objective E. Encourage the development of mixed-use projects that include housing in all commercial and most employment zones.

355.Finding: The BHD amendments provide development bonuses for affordable housing for mixed use zones within historic districts, which is the predominant zoning designation along the district’s main streets, which will promote mixed-use projects that include housing.

Objective F. Encourage the renovation and rehabilitation of existing housing as a preferred alternative to clearance and redevelopment.

356.Finding: The BHD amendments support this policy objective and promote renovation of existing housing through allowances for FAR to be transferred to other sites in exchange for preserving historic structures, seismic upgrades to historic building, and for the preservation of existing affordable housing.

Objective H. Encourage an increase of ownership opportunities through new development rather than conversion of existing rental housing stock.

357.Finding: This policy objective is supported by BHD amendments that provide a deeper housing affordable bonus for new ownership housing, affordable to households earning up to 80% of area median income, as well as by a new allowance for FAR to be transferred from sites where existing housing is being preserved and kept affordable to households earning no more than 60% of area median income.

Objective I. Increase the supply of housing attractive to families with children.

358.Finding: The BHD amendments support this policy objective through a development bonus for projects with three-bedroom units that are affordable to households earning no more than 100% of area median income.

Policy 7: Urban Design

Respect the urban design principles and architectural qualities that define the district’s human-scaled, pedestrian-oriented character.

Objective A. Integrate new development with the existing urban fabric by acknowledging the scale, proportions, orientation, quality of construction and other architectural and site design elements of the building’s immediate area.

Objective C. Preserve and enhance the distinct character of different parts of the Northwest District.

359.Finding: This policy and its policy objectives A and C relate to urban design concepts explained in the “Desired Characteristics and Traditions” section of the Northwest District Plan, which outlines how the district’s architectural character and urban fabric varies in several distinct “urban character areas.” The Northwest District Plan indicates that this section should be referenced when the plan makes references to “the Northwest District’s architectural character and urban fabric.” The majority of the district’s multi-dwelling zoning, including areas of the Alhambra Historic District with current RH zoning where the new RM3 and RM4 zones are being applied, are located in the Nob Hill Residential Areas. The Desired Characteristics and Traditions statement for this area states:

“Most parts of the Nob Hill Residential Areas are located within the Alhambra Historic District, where historically and architecturally significant structures should be preserved. Throughout the Nob Hill Residential Areas, new development should utilize design elements that distinguish the residential side streets from the more intensely hardscaped main streets, with street frontages divided into distinct components that continue the established fine-grain urban pattern.

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Development should also acknowledge the scale, proportions, and street orientation of existing Pre-World War II structures and continue the areas' diverse range of building typologies."

The BHD amendments support this policy and objectives A and C, as they pertain to the multi-dwelling zones in the Nob Hill Residential Areas in several ways:

- Amendments requiring landscaped front setbacks or courtyards in the multi-dwelling zones will contribute to distinguishing residential side streets from the hardscape of the main streets.
- Amendments that promote street-facing courtyards and that require that large building facades are divided into small components will be consistent with the area's fine-grain urban pattern, which consists of development with building facades typically no wider than 50 to 100-feet in width.
- Requirements for street-oriented entrances and limitation on front parking and garages will be consistent with street- and pedestrian-orientation of the area's historic buildings.
- Alphabet Historic District map changes will foster new development that is more in keeping with the scale of historic buildings in the historic district. In the portion of the Alphabet Historic District north of NW Glisan Street and east of NW 21st Avenue, which currently has RH zoning with a 4:1 base FAR, City Council decided to assign the RM3 zone (with a 2:1 base FAR and 3:1 bonus FAR) to correspond to the scale of historic buildings in this area, where 90 percent of the historic properties in the RH zone in this area have existing FARs of 2:1 FAR or less, with smaller numbers of historic buildings with FARs up to around an FAR of 3:1 (this is documented in a map [Map 2: Existing Building Floor Area Ratios] that is included in material from the Planning and Sustainability Commission work session on April 9, 2019). In the portion of the Alphabet Historic District generally south of NW Glisan Street between NW 21st and NW 23rd avenues that currently has RH zoning with a 2:1 base FAR, City Council decided to assign the RM4 zone (with a 3:1 base FAR and a 4.5:1 bonus FAR in historic districts) to correspond to the larger scale of historic buildings in this area, which has a concentration of historic buildings with FARs ranging from more than 2:1 to around 4:1. The FAR map analysis found that larger historic buildings in the current RH zone are clustered in areas of the Alphabet Historic District south of NW Glisan Street, with smaller buildings more predominant in the RH zone north of this street. City Council decided to assign the larger scale RM4 zone and smaller scale RM3 zone to correspond to these historic development patterns.

Objective G. Encourage building designs that consider solar access impacts on streets and other public spaces.

360.Finding: The BHD amendments including increased front building setbacks along street frontages, which will reduce shadowing on streets from buildings and provide more opportunity for light.

Objective I. Discourage the creation of new vehicle areas between the fronts of residential buildings and streets.

361.Finding: The BHD amendments limiting front garages and parking along street frontages.

Policy 8: Historic Preservation

Identify, preserve, and protect historic resources and support development that enhances the historic qualities of the district.

Objective A. Promote restorations and renovations of residential and commercial structures that maintain the historic style, quality, and character of the original building.

Objective B. Encourage adaptive reuse of historic resources that maintain their historic character.

362.Finding: The BHD amendments support this policy and objectives A and C through map changes in the Alphabet Historic District that will adjust the allowed building scale (primarily FAR) to better

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match the scale of the existing historic context, which will promote development that relates to and enhances the historic qualities of the district. The changes also include a transfer program that grants an FAR transfer allowance of up to 50 percent of the base FAR for historic buildings that undertake seismic upgrades, which will support the renovation and reuse of historic buildings. BHD amendments that allow FAR to be transferred citywide to sites in both the multi-dwelling and mixed-use zones in exchange for preservation of historic buildings are also intended to facilitate FAR transfers to support restoration of historic buildings by providing economic value. BHD amendments allow development bonuses and FAR transfers to be used in historic districts, such as the Alphabet Historic District, but demolition review procedures requiring City Council approval of demolitions of contributing structures and landmarks in historic districts help protect historic structures from redevelopment pressures. Such demolitions are rarely approved by City Council and no contributing structure or landmark has been approved for demolition in the Alphabet Historic District since its designation in 2000.

Policy 9: Public Safety

Increase public safety by promoting measures that foster personal security and build a sense of community.

Objective A. Encourage site and building designs that incorporate “Crime Prevention Through Environmental Design” principles. These include designs that:

- bring more light and visibility to streets,
- create opportunities for those within buildings to observe activities taking place on the streets and in public open spaces, and
- avoid attractions to properties where potential harmful objects exist

Objective B. Encourage projects that support active and passive spaces that focus toward the street.

363.Finding: The BHD amendments support this policy and objectives A and B by requiring building entrances to be oriented to streets or courtyards; and limiting front garages and parking along street frontages, which bring more visibility to streets by allowing building users to more readily observe street activity.

Policy 14: Eastern Edge Subarea

Foster the development of the Eastern Edge as a transition between the more urban Central City and the Northwest District.

364.Finding: The subarea contains a mix of multi-dwelling, mixed-use commercial, and employment land use designations. The BHD amendments maintain the current land use pattern. The subarea includes small portions of the Alphabet Historic District, in which the map changes will adjust the allowed building scale (both building height and FAR) to better match the scale of the existing historic context.

Objective A. Support the established mixed-use urban character of this subarea.

365.Finding: The BHD amendments maintain the current land use pattern – the multi-dwelling, mixed-use commercial, and employment land use designations are unchanged.

Objective D. Protect existing housing from conversion to other uses.

366.Finding: The BHD amendments maintain the current land use pattern and do not introduce new uses to residential zones in the district, except for limited allowances for daycare facilities.

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Policy 15: Thurman-Vaughn Subarea

Enhance this mixed-use subarea by emphasizing housing along NW Upshur and NW Thurman Streets and commercial uses on the south side of NW Vaughn Street and in nodes at intersections along NW Thurman Street.

367.Finding: The BHD amendments maintain the current land use pattern.

Objective A. Enhance NW Thurman Street as a neighborhood-oriented main street that is primarily residential, with commercial uses clustered at intersections.

368.Finding: The BHD amendments maintain a small amount of the RM2 (current R1 zone) along NW Thurman Street. The BHD amendments allow for ground floor retail or office uses if the site is on a Civic and Neighborhood corridor. NW Thurman Street is designated as a Neighborhood corridor, so this provision allows up to 0.25 FAR of ground floor retail or office uses.

Objective B. Emphasize residential and live/work opportunities on NW Upshur Street.

369.Finding: The BHD amendments maintain the RM2 (current R1) and RM3 (current RH) zones along NW Upshur Street. The BHD amendments allow for ground floor retail or office uses if the site is on a Civic and Neighborhood corridor. NW Upshur Street is not designated as Civic or Neighborhood corridor, so this provision does not apply to this area. The RM3 zoning on NW Upshur allows for small amounts of retail and office uses provided the use does not have external doors or signs visible from the exterior of the building.

Part V. Comprehensive Plan and Zoning Code Amendment Criteria

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.

370. Finding: The findings in this exhibit demonstrate how the BHD amendments are consistent with the 2035 Comprehensive Plan, the Urban Growth Management Functional Plan, and the Statewide Planning Goals.

The City Council interprets this criterion to require the BHD amendments show consistency on balance. The City Council has applied all applicable policies and the findings in this exhibit demonstrate how the BHD amendments to the zoning code are, on balance, consistent with the 2035 Comprehensive Plan, the Urban Growth Management Functional Plan, and with the Statewide Planning Goals.

Findings related to the zoning code amendments' consistency with the purpose statements are contained in Part V

No new plan district has been proposed, therefore the criteria in 33.500.050 do not apply.

Part VI. Zoning Code Purpose Statements

Zoning Code chapters for which the only BHD amendments are updates to the multi-dwelling zone names are not included here, as the amendments make no substantive changes to these chapters. The Zoning Code chapters whose only amendments are updates to the multi-dwelling zone names and that are not plan districts with multi-dwelling zoning are: 33.229, 33.251, 33.285, 33.296, 33.470, 33.480, 33.575, 33.631, 33.634, 33.667, 33.805, 33.815, 33.846, 33.854, and 33.855.

33.110 Multi-Dwelling Zones

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 large scale institutional campuses and other nonresidential uses but not to such an extent as to sacrifice the overall residential neighborhood image and character.
- B. Development standards.** The six multi-dwelling zones are distinguished primarily by density 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. 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.

371.Finding: The BHD amendments are consistent with the purpose of the multi-dwelling zones because they retain the primary purpose of these zones as places for urban housing. The amendments provide new allowances for limited amounts of ground-floor commercial uses along major corridors and allow limited amounts of daycare uses more broadly, but sites that include these uses will still be subject to minimum density requirements for residential uses, thereby ensuring that development in the multi-dwelling zones includes residential units and will be subject to requirements for features such as landscaping that reflect the character of residential areas. Amendments to development standards support the purpose statement by limiting front garages, requiring landscaped setbacks, and expanding outdoor space requirements, which help reinforce the residential characteristics of areas with multi-dwelling zoning. Other amendments that regulate primarily by building scale and provide more flexibility for what happens inside buildings help implement purpose statement language on allowing flexibility for new development, while providing greater certainty about the scale of allowed development. The BHD amendments include changes to the purpose statement that add language about the zones allowing limited commercial and replace reference to zones being distinguished by density to being distinguished by their allowed scale. However, the overall purpose of the multi-dwelling zones as places for urban housing and retention of residential character remains.

33.130 Commercial/Mixed Use Zones

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.

372.Finding: The BHD amendments are consistent with the purpose of the Commercial/Mixed Use Zones, as they do not change the intended purpose of these zones in allowing for a mix commercial, activities, housing, and employment uses, or their role in serving surrounding areas as hubs of services and complete neighborhoods. The BHD amendments to Chapter 33.130 are primarily intended to providing consistency with regulations for development in the multi-dwelling zones and do not affect the ability of commercial/mixed use zones to support a wide range of uses. These BHD amendments include expanded allowances for FAR transfers from sites with historic resources, allowances for development bonuses to be used in historic districts, changes to step-down height regulations, changes to setbacks from multi-dwelling zones along major corridors, and revisions to outdoor common area standards, pedestrian standards, and front garage limitations – none of which impact the purposes of the commercial/mixed use zones.

33.140 Employment and Industrial Zones

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.

373.Finding: The BHD amendments are consistent with the purpose of the Employment and Industrial zones, as they consist of minor changes to existing development standards for residential development to bring consistency with similar regulations in the multi-dwelling and mixed use

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zones, such as standards for front garages, and the addition of references to newly defined housing types – triplexes and fourplexes.

33.150 Campus Institutional Zones

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.

374.Finding: The BHD amendments are consistent with the purpose of the Campus Institutional zones, providing minor changes to existing development standards for residential development to bring consistency with similar regulations in the multi-dwelling and mixed use zones, such as minor changes to transit street main entrance standards and the addition of references to newly defined housing types – triplexes and fourplexes.

33.218 Community Design Standards

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.

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375.Finding: The BHD amendments are consistent with the purpose of the Community Design Standards chapter, consisting of only of updates to the multi-dwelling zone names and corrections to outdated code references.

33.239 Group Living

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.

376.Finding: The BHD amendments are consistent with the purpose of the Group Living chapter, providing a minor update to outdoor common area dimension standards to be consistent with a similar regulation in the multi-dwelling zones.

33.258 Nonconforming Situations

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.

377.Finding: The BHD amendments to this chapter delete reference to maximum density standards that are being discontinued. The BHD amendments to this chapter also add regulations for sites that do not meet minimum density standards to provide flexibility to come closer to conformance through the addition of accessory dwelling units, adding units within an existing structure, adding units in the Residential Manufactured Dwelling Park zone, and for sites within flood hazard or potential landslide hazard areas. These amendments are consistent with the purpose statement intent to provide flexibility for non-conforming residential development in guiding development to become closer to conformance with regulations.

33.266 Parking, Loading, And Transportation and Parking Demand Management

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.

378.Finding: The BHD amendments reduce minimum parking requirements for projects on small sites up to 10,000 square feet in size in the multi-dwelling and mixed uses zones, with no off-street parking required for projects on such sites with up to 30 units, and also expand exemptions from minimum parking requirements for projects that provide affordable housing units in the multi-dwelling and mixed use zones citywide. The amendments also reduce minimum parking requirements on larger sites to a minimum 1 space per every 2 units ratio, instead of the current 1 to 1 ratio. A key tool in transportation demand management, as identified in the Transportation Planning Rule, is parking management. To reduce reliance on automobiles, the Transportation Planning Rule requires local governments within an MPO to achieve a 10 percent reduction in the number of parking spaces per capita over a planning period (660-012-0045). The reductions in minimum parking requirements and changes to achieve greater walkable form described above serve to achieve these aims. This is consistent with the purpose of this chapter section to balance parking with accommodating other modes of transport, such as walking, biking, or transit use. Reducing the need for on-site parking also reduces the need for curb cuts and driveways which present points of conflict for pedestrians and bicyclists and result in the loss of on-street parking. 86 percent of land and 95 percent of properties with multi-dwelling zoning is located within a quarter mile of transit, and the majority of the zones are located in or within a quarter mile of centers, providing a range of options for travel for residents in multi-dwelling zones and reducing the need for cars. The BHD amendments are consistent with the balanced approach of this purpose statement, given the location of most multi-dwelling and mixed use zoning close to transit and services.

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.

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379.Finding: The BHD amendments apply in the multi-dwelling zones the same maximum parking ratio (1.35 spaces per unit) that applies in mixed uses zones in locations close to transit. This amendment is consistent with the purpose of this section to limit the number of spaces to promote efficient use of land and encourage alternative modes of transportation, especially in areas close to frequent transit.

33.266.120 Development Standards for Houses and Duplexes

- A. Purpose.** The size and placement of vehicle parking areas are regulated in order to enhance the appearance of neighborhoods.

380.Finding: The BHD amendments to this section support this purpose statement, as they further limit front parking to strengthen the relationship of buildings to the public realm of streets and continue residential neighborhood patterns where street frontages are lined by front yards and gardens.

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 for sites on transit streets and in Pedestrian Districts:

Provide a pedestrian access that is protected from auto traffic;

Create an environment that is inviting to pedestrians and transit users.

Create a strong relationship between buildings and the sidewalk; and

Create a sense of enclosure on transit and pedestrian street frontages.

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.

381.Finding: The BHD amendments to this section support this purpose statement, as they limit vehicle areas to promote the desired pedestrian-friendly character of the multi-dwelling zones and limit large parking areas to reduce urban heat island impacts, supporting the intended role of multi-dwelling zones as settings for healthy living.

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

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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.

382.Finding: The BHD amendments to this section support this purpose statement, as applying transportation and parking demand management requirements to the multi-dwelling zones will encourage more efficient use of the transportation system and less dependence on automobiles in these zones, in addition to the mixed use zones where the requirements already apply.

33.270 Planned Developments

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.

383.Finding: The BHD amendments are consistent with purpose of the Planned Development chapter, primarily adding reference to a new planned development option for projects that do not meet the minimum required site frontage standard in Chapter 33.120, adding reference to the newly-defined triplex and fourplex housing types, and changing references to zone names based on amendments to Chapter 33.120.

33.405 Alternative Design Density Overlay Zone

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.

384.Finding: The BHD amendments delete the Alternative Design Density Overlay Zone (a-overlay) provisions for multi-dwelling zones because the Chapter 33.120 amendments provide much of the flexibility for additional density provided by the a-overlay, making them redundant. The BHD Chapter 33.120 amendments are consistent with the purpose of the a-overlay zone in that they provide this flexibility for additional density in conjunction with design-related standards that contribute to greater compatibility with residential neighborhoods, such as limitations on front parking and garages, and deeper front setbacks and expanded outdoor space requirements in some multi-dwelling zones.

33.415 Centers Main Street Overlay Zone

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.

385.Finding: The only BHD amendment to Chapter 33.415 is an amended Map 415-1 providing corrections and refinements to the mapping of the Pattern Areas, which indicates the applicability of some development standards. The BHD amendment is consistent with this purpose statement because it does not significantly change the chapter's regulations.

33.420 Design Overlay Zone

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.

386.Finding: The BHD amendments to Chapter 33.420 are technical, removing reference to Zoning Code regulations in other chapters that are being deleted and updating the multi-dwelling zone names, and do not conflict with this purpose statement.

33.445 Historic Resource Overlay Zone

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.

387.Finding: The BHD amendments to Chapter 33.445 are technical, removing reference to Zoning Code regulations in other chapters that are being deleted and updating the multi-dwelling zone names, and do not conflict with this purpose statement.

33.505 Albina Community Plan District

33.505.010 Purpose

The Albina Community plan district implements the Albina Community Plan. The plan district's provisions are intended to ensure that new higher density commercial and industrial developments do not overwhelm nearby residential areas. Infill housing compatibility and affordability is encouraged by eliminating off-street parking requirements for small multi-dwelling housing projects. The plan district's provisions also encourage the development of new housing along Martin Luther King Jr. Boulevard by allowing new housing projects to include ground level commercial uses that orient to King Boulevard.

388.Finding: The BHD amendments delete sections of the Albina Community Plan District chapter that will be redundant with BHD amendments that will apply citywide, including allowances for ground-floor commercial uses along major corridors (which will apply along Martin Luther King Jr. Boulevard) and reduced minimum parking requirements for small sites, and discontinuation of the lower minimum density standard for RH zoning along Martin Luther King Jr. Boulevard. While these plan district provisions are being deleted, the BHD amendments are consistent with this purpose statement in allowing limited amounts of ground-floor commercial uses along Martin Luther King Jr. Boulevard and reducing minimum off-street parking requirements. BHD amends this purpose statement to focus on the remaining plan district provision allowing attached houses on vacant lots in the R5 zone to provide opportunities for owner-occupied housing.

33.510 Central City Plan District

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.

389.Finding: The BHD amendments to Chapter 33.510 are technical, updating the multi-dwelling zone names, and do not conflict with this purpose statement. BHD amendments to Chapter 33.120 have limited impact on the Central City plan district because the Central City has only a small amount of multi-dwelling zoning that is affected by the BHD amendments. This includes two acres of current R2 zoning, 9 acres of current R1 zoning, and 28 acres of current RH zoning. The BHD amendments for the new RM1 and RM2 zones shift from regulating development from unit density to regulating

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by building scale, which will provide flexibility for more units, supporting the role of the Central City as a high-density urban area that includes a broad mix of residential uses. The BHD amendments are therefore consistent with this purpose statement.

33.520 Division Street Plan District

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.

390.Finding: The BHD amendments to Chapter 33.120 impact this plan district because it includes multi-dwelling zoning within its boundaries. The BHD amendments to Chapter 33.120 are consistent with this purpose statement because they include development standards intended to contribute to a transit- and pedestrian-oriented environment, such as requirements for street-oriented entrances, limitations on front parking and garages, and allowances for additional housing units that contribute to transit-supportive densities.

33.521 East Corridor Plan District

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.

391.Finding: The BHD amendments to Chapter 33.521 are technical, updating the multi-dwelling zone names and amending the commercial use allowances to be consistent with Chapter 33.120, and do not conflict with this purpose statement. The BHD amendments to Chapter 33.120 impact this plan district because it includes multi-dwelling zoning within its boundaries. The BHD amendments to Chapter 33.120 are consistent with this purpose statement because they include development standards intended to contribute to a transit- and pedestrian-oriented environment, such as requirements for street-oriented entrances, limitations on front parking and garages, allowances for additional housing units that contribute to transit-supportive densities, and amendments intended to facilitate the creation of new street and pedestrian connections.

33.526 Gateway Plan District

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.

392.Finding: The BHD amendments to Chapter 33.526 are technical, updating the multi-dwelling zone names and amending open area dimension standards to be consistent with Chapter 33.120, and do not conflict with this purpose statement. The BHD amendments to Chapter 33.120 impact this plan district because it includes multi-dwelling zoning within its boundaries. The BHD amendments to Chapter 33.120 are consistent with this purpose statement because they include development standards intended to contribute to a transit- and pedestrian-oriented environment, such as requirements for street-oriented entrances, limitations on front parking and garages, allowances for additional housing units that contribute to transit-supportive densities, and amendments intended to facilitate the creation of new street and pedestrian connections.

33.530 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.

393.Finding: The Glendoveer plan district includes some multi-dwelling zoning, but the plan district regulations only apply to the R7 single-dwelling zone. The BHD amendments to the multi-dwelling zones and related regulations do not affect this plan district and therefore are not in conflict with the plan district purpose statement.

33.532 Hayden Island Plan District

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.

394.Finding: The BHD amendments to Chapter 33.532 are technical, updating the multi-dwelling and mixed use zone names and associated figures, and do not conflict with this purpose statement. The BHD amendments to Chapter 33.120 impact this plan district because it includes a small amount of R2 and R1 (new RM1 and RM2) multi-dwelling zoning within its boundaries. The BHD amendments to Chapter 33.120 are consistent with this purpose statement because they facilitate a broader range of housing types by shifting to regulating by building scale, with more flexibility for the numbers and types of units.

33.534 Hillsdale Plan District

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.

395.Finding: The BHD amendments to Chapter 33.534 are technical, updating the multi-dwelling zone names, and do not conflict with this purpose statement. The BHD amendments to Chapter 33.120 impact this plan district because it includes multi-dwelling zoning within its boundaries. The BHD amendments to Chapter 33.120 are consistent with this purpose statement because they include development standards intended to integrate new development with the characteristics of residential areas, such as requirements for landscaped front setbacks, expanded requirements for outdoor spaces, limitations on front parking and garages, and requirements for large buildings to step down in height adjacent to single-dwelling zones.

33.536 Hollywood Plan District

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;

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- 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.

396.Finding: The BHD amendments to Chapter 33.536 are minor, updating the multi-dwelling zone names and amending the maximum parking ratio for household living uses to be consistent with BHD amendments, and do not conflict with this purpose statement. The BHD amendments to Chapter 33.120 impact this plan district because it includes multi-dwelling zoning within its boundaries. The BHD amendments to Chapter 33.120 are consistent with this purpose statement because they include development standards intended to contribute to a transit- and pedestrian-oriented environment, such as requirements for street-oriented entrances, limitations on front parking and garages, and allowances for additional housing units that contribute to transit-supportive densities.

33.537 Johnson Creek Basin Plan District

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.

397.Finding: The BHD amendments to Chapter 33.537 are technical, updating the multi-dwelling zone names and changing references to multi-unit housing types to correspond to new terminology, and do not conflict with this purpose statement. The BHD amendments to Chapters 33.120 and other chapters impact this plan district because it includes multi-dwelling zoning within its boundaries. The BHD amendments to Chapter 33.120 are consistent with this purpose statement because they increase requirements for outdoor spaces such as common areas, retain existing minimum landscaping standards, provide incentives for preserving large trees, and place limits on the size of large surface parking lots.

33.538 Kenton Plan District

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

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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.

398.Finding: The BHD amendments to Chapter 33.120 impact this plan district because it includes multi-dwelling zoning within its boundaries. The BHD amendments to Chapter 33.120 are consistent with this purpose statement because they include development standards intended to contribute to a transit- and pedestrian-oriented environment, such as requirements for street-oriented entrances and limitations on front parking and garages.

33.540 Laurelhurst/Eastmoreland Plan District

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.

399.Finding: The BHD amendments to Chapter 33.120 impact this plan district because it includes a small amount of R2 (new RM1) multi-dwelling zoning in Laurelhurst within its boundaries. The BHD amendments to Chapter 33.120 are consistent with this purpose statement because they do not affect the special front setback requirements of the plan district, and amendments for the RM1 reduce they height limits to 35 feet, instead of the current 40-foot maximum, which is more in keeping with the predominant single-dwelling zoning of the area, while retaining current building coverage and landscaping standards.

33.545 Lombard Street Plan District

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.

400.Finding: The BHD amendments to Chapter 33.120 impact this plan district because it includes multi-dwelling zoning within its boundaries. The BHD amendments to Chapter 33.120 are consistent with this purpose statement because they include development standards intended to contribute to a transit- and pedestrian-oriented environment, such as requirements for street-oriented entrances, limitations on front parking and garages, and allowances for additional housing units that contribute to transit-supportive densities.

33.550 Macadam Plan District

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.

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401.Finding: The BHD amendments to Chapter 33.120 impact this plan district because it includes multi-dwelling zoning within its boundaries. The BHD amendments to Chapter 33.120 are consistent with this purpose statement because they include development standards intended to contribute to a transit- and pedestrian-oriented environment, such as requirements for street-oriented entrances and limitations on front parking and garages, and include requirements for landscaped front setbacks and expanded outdoor area standards that are consistent with the landscaped character of the Macadam plan district.

33.560 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.

402.Finding: The BHD amendments to Chapter 33.120 impact this plan district because it includes a small amount of multi-dwelling zoning within its boundaries. The BHD amendments to Chapter 33.120 are consistent with this purpose statement because they do not affect the focus of this plan district on large parcels and include development standards that encourage a continuation of residential neighborhood characteristics, such as through requirements for landscaped front setbacks and expanded outdoor area requirements.

33.561 North Interstate Plan District

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.

403.Finding: The BHD amendments to Chapter 33.561 update the multi-dwelling zone names and delete an allowance for lower minimum densities in the RH zone, which changes are consistent with this purpose statement and its language related to accommodating additional density. The BHD amendments to Chapter 33.120 also impact this plan district because it includes multi-dwelling zoning within its boundaries. The BHD amendments to Chapter 33.120 are consistent with this purpose statement because they include development standards intended to contribute to a transit- and pedestrian-oriented environment, such as requirements for street-oriented entrances, limitations on front parking and garages, and allowances for additional housing units that contribute to transit-supportive densities.

33.562 Northwest Plan District

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.

404.Finding: The BHD amendments to Chapter 33.562 update the multi-dwelling zone names and delete an allowance for limited amounts of commercial uses along the streetcar alignment, because this allowance is being provided by amendments to Chapter 33.120 that will apply to Civic and Neighborhood corridors citywide, including the streetcar alignment. These amendments therefore continue the allowances of the plan district and are consistent with this purpose statement. The BHD amendments to Chapter 33.120 also impact this plan district because it includes multi-dwelling zoning within its boundaries. The BHD amendments to Chapter 33.120 are consistent with this purpose statement because they include development standards intended to contribute to a transit- and pedestrian-oriented environment, such as requirements for street-oriented entrances limitations on front parking and garages. Other BHD amendments support this purpose statement by allowing additional scale through development bonuses and FAR transfers in mixed-use zones in historic districts, including the Alphabet Historic District within the plan district, which supports purpose statement language calling for an urban level of mixed-use development and transit-supportive levels of development along the main streets and streetcar alignment.

33.563 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.

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.

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405.Finding: The BHD amendments to Chapters 33.120 and other chapters impact this plan district because it includes small amounts of multi-dwelling zoning within its boundaries. The BHD amendments to Chapter 33.120 are consistent with this purpose statement because they increase requirements for outdoor spaces such as common areas, retain existing maximum building coverage and minimum landscaping standards, and place limits on the size of large surface parking lots, which will help limit environmental impacts and aid stormwater management.

33.564 Pleasant Valley Plan District

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.

406.Finding: The BHD amendments to Chapter 33.537 are technical, adding two newly-defined housing types – triplexes and fourplexes – to the list of multi-unit housing types prohibited though a planned development, and do not conflict with this purpose statement. These two housing types are currently classified as multi-dwelling structures, which are currently prohibited, so the BHD amendments retain their current prohibited status and are consistent with the purpose of the plan district.

33.583 St. Johns Plan District

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.

407.Finding: The BHD amendments to Chapter 33.583 delete an allowance for lower minimum densities in the R1 zone, which is consistent with this purpose statement and its language related to accommodating urban levels of housing and promoting housing development. The BHD amendments to Chapter 33.120 also impact this plan district because it includes multi-dwelling zoning within its boundaries. The BHD amendments to Chapter 33.120 are consistent with this purpose statement because they include development standards intended to contribute to a pedestrian-oriented environment and housing opportunities, such as requirements for street-

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oriented entrances, limitations on front parking and garages, and allowances for additional housing on multi-dwelling zone sites.

33.612 Lots in Multi-Dwelling and IR Zones

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.

408.Finding: The BHD amendments to Chapter 33.612 update the multi-dwelling zone names, amend text to reflect the discontinuation of maximum density standards, and add Attached Duplex to Table 612-1 because this housing type had been missing from this table. The amendments are consistent with this purpose statement in providing more complete and updated information related to lot dimension standards.

33.825 Design Review

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.

409.Finding: The BHD amendments to Chapter 33.825 are technical, removing reference to Zoning Code regulations in other chapters that are being deleted and updating the multi-dwelling zone names, and do not conflict with this purpose statement.

33.930 Measurements

33.930.010 Purpose

This Chapter explains how measurements are made in the zoning code.

410.Finding: The BHD amendments to this chapter change the Measure Height section to explain revisions to height measurement in the multi-dwelling zones, which is consistent with this purpose statement.

Part VII. Comprehensive Plan Map Amendment Criteria

33.810.050 Approval Criteria

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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.

411. Finding: The City Council interprets that this criterion requires the BHD amendments to show consistency on balance. The City Council has applied all applicable policies and the findings in this exhibit demonstrate how the BHD amendments to the 2035 Comprehensive Plan Map are consistent with the 2035 Comprehensive Plan, the Urban Growth Management Functional Plan, the Statewide Planning Goals, and relevant area plans.

Part VIII. Zoning Map Amendments Approval Criteria

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.

412.Finding: All BHD Zoning Map amendments reflect and align with amendments to the 2035 Comprehensive Plan Map and are therefore consistent with that map. The Zoning Code amendments include the creation of four new multi-dwelling residential zones, all of which are corresponding zones to the new land use designations in Chapter 10 of the 2035 Comprehensive Plan.

The BHD Multi-Dwelling-Urban Center designation has two corresponding zones – RM3 and RM4. In general, the City Council has determined that the RM3 zone is the most appropriate zone for all sites with RH zoning with a 2:1 base FAR because the RM3 base FAR is 2:1. Further, City Council has determined that the RM4 zone the most appropriate zone for all sites with RH zoning identified on Map 120-1 through Map 120-18, which identify areas with RH zoning that have a 4:1 base FAR because the RM4 base FAR is 4:1. The exception to this methodology is in the Alphabet and Kings Hill historic districts, where City Council has decided to make adjustments to the zoning designations so that the base FAR better relates to the scale of existing historic buildings. Because both the RM3 and RM4 zones have the same new Comprehensive Plan Map Designation (Multi-Dwelling Urban Center), as is the case with these zones’ current RH zone designation, City Council made this decision to apply RM3 or RM4 zoning based on the intended characteristics of the new zones as they relate to the historic development patterns of these historic districts, as explained below. This approach is consistent with Comprehensive Plan Policy 4.49, which provides direction to “Refine base zoning in historic districts to consider the character of the historic resources in the district.”

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In the portion of the Alphabet Historic District north of NW Glisan Street and east of NW 21st Avenue, which currently has RH zoning with a 4:1 base FAR, City Council decided to assign the RM3 zone (with a 2:1 base FAR and 3:1 bonus FAR) to correspond to the scale of historic buildings in this area, where 90 percent of the historic properties in the RH zone in this area have existing FARs of 2:1 FAR or less, with smaller numbers of historic buildings with FARs up to around an FAR of 3:1 (this is documented in a map [Map 2: Existing Building Floor Area Ratios] that is included in material from the Planning and Sustainability Commission work session on April 9, 2019). In the portion of the Alphabet Historic District generally south of NW Glisan Street between NW 21st and NW 23rd avenues that currently has RH zoning with a 2:1 base FAR, City Council decided to assign the RM4 zone to correspond to the larger scale of historic buildings in this area, which has a concentration of historic buildings with FARs ranging from more than 2:1 to around 4:1. The FAR map analysis found that larger historic buildings in the current RH zone are clustered in areas of the Alphabet Historic District south of NW Glisan Street, with smaller buildings predominant in the RH zone north of this street. City Council decided to assign the larger scale RM4 zone and smaller scale RM3 zone to correspond to these historic development patterns. This assignment of zones is also consistent with the intended characteristics of the new RM3 and RM4 zones. The Characteristics of the Zones paragraph for the RM3 zone (33.120.030.C) indicates that the zone is intended for areas where the established residential character includes landscaped front setbacks, which is consistent with the characteristics of the majority of the historic district north of NW Glisan Street, which includes a mix of small apartment buildings and houses, typically with small landscaped front setbacks or courtyards. The Characteristics of the Zones paragraph for the RM4 zone (33.120.030.D) indicates that the zone is an intensely urban zone and is intended for buildings located close to sidewalks with little or no front setbacks, which corresponds to the characteristics of the larger buildings in the historic district south of NW Glisan Street. These characteristics are documented in project material that mapped building footprints and site configurations in the historic district.

For properties at the southern edge of the King's Hill Historic District, which currently have RH zoning with a 4:1 base FAR, City Council decided to assign the RM3 zone (with a 2:1 base FAR) to correspond to the scale of historic buildings on these properties, all of which have existing FARs of less than a 2:1 FAR (this is documented in a map [Map 2: Existing Building Floor Area Ratios] that is included in material from the Planning and Sustainability Commission work session on April 9, 2019). This assignment of the RM3 zone is also consistent with the intended characteristics of the new RM3 zones. The Characteristics of the Zones paragraph for the RM3 zone (33.120.030.C) indicates that the zone is intended for areas where the established residential character includes landscaped front setbacks, which is consistent with the characteristics of the properties being zoned to RM3 in the King's Hill Historic District, which consist primarily of house-type structures with landscaped setbacks. In other portions of the King's Hill Historic District, where there is a diverse range of historic buildings with differing sizes and characteristics, City Council decided to apply the RM4 zone (with a 3:1 base FAR and a 4.5:1 bonus FAR in historic districts) to correspond the scale of larger historic building in the historic district, which have FARs that range from 3:1 to 4.5:1. In a three-block area with RH zoning immediately to the east of this historic district, City Council decided to apply RM4 zoning with a 4:1 base FAR to be consistent with zoning patterns in the area. This area is in the Central City Plan District, which provides a base FAR of 4:1 for these three blocks. RM4 zoning most closely correspond to this and other development standards that apply in this area.

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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.

413.Finding: The BHD amendments expand the types of housing allowed, especially in the lower density RM1 and RM2 multi-dwelling zones, which make up 92 percent of the multi-dwelling zoned land in Portland. The change to regulating density by FAR will provide more flexibility for how many units are allowed inside the building, which will allow for a wider range of smaller housing types and sizes. In RM2 zone, which is often located along transit corridors, will allow for a higher density that is similar to adjacent mixed-use commercial zones. After accounting for the BLI constraints, the development capacity in BHD zones increases by about 14,000 units. As required by ORS 195.036, the BLI allocation model uses Metro’s population forecast to determine where new housing units are likely to be allocated. The BHD capacity and growth allocation model shows minor changes to the spatial distribution of housing units across Portland.

The adopted 2035 Comprehensive Plan includes the Citywide Systems Plan (CSP), which was adopted (Ordinance 185657) and acknowledged by LCDC on April 25, 2017. The CSP includes the Public Facilities Plan with information on current and future transportation, water, sanitary sewer, and stormwater infrastructure needs and projects, consistent with the requirements of Statewide Planning Goal 11.

In addition, the service limitations identified in the CSP have been incorporated into the adopted BLI development constraint analysis that identified parts of Portland that lack needed urban infrastructure. The BLI constraint analysis is the basis of a geographic evaluation of the BHD amendments to ensure that public facilities are planned to support the potential development resulting from these amendments.

The BHD changes increase the overall development capacity. However, not all of this capacity is expected to develop over the 2035 CSP planning period. The Buildable Lands Inventory considers other development constraints to determine the overall increase in available capacity, and then assigns growth based on household projections, housing type demand and development trends. The BHD capacity and growth allocation modeling determined that there would be a modest shift in the development pattern compared to the default baseline – 2035 Comp Plan. In general, more development is expected in the inner neighborhoods, where facilities are generally available and there are fewer areas with inadequate infrastructure. Impacts to city systems were evaluated based on the net change of development impact between the baseline zoning entitlement and the BHD changes as well as the location of where increased household development was forecast.

Water

Water demand forecasts developed by the Water Bureau anticipate that while per capita water demands will continue to decline somewhat over time, the overall demands on the Portland water

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system will increase due to population growth. The Portland Water Bureau has not experienced any major supply deficiencies in the last 10 years.

The water supply and water distribution system are sized to meet City fire suppression needs which far surpass the day-to-day demand from residential customers. The demand from higher density development in the multi-dwelling residential zones is unlikely to significantly affect the water system. While it is possible that the additional densities allowed through the BHD could exacerbate existing local capacity issues in isolated areas, the Water Bureau does not anticipate the amendments to cause significant problems for either current water users or the overall system. (see Water Bureau letter dated August 27, 2019)

The BHD map amendments primarily affect properties that already have multi-dwelling zoning. The two exceptions are properties at 1021 NE 33rd Avenue and 5631 SE Belmont Street, totaling a little over three acres of land, which are being rezoned from single-dwelling R5 to multi-dwelling RM1 zoning. These properties are adjacent to streets that have adequate water service. It is not in an area with substandard fire flow.

Police and Fire Protection

The Police and Fire Bureaus have not established any specific or quantifiable levels of service for new development.

As noted in the findings above, the BHD amendments are consistent with Statewide Planning Goal 11 (Public Facilities and Services) and the applicable 2035 Comprehensive Plan policies in Chapter 8 (Public Facilities and Services) and the findings in response to those goals and policies are incorporated by reference. Therefore, the public services for water supply, and capacity, and police and fire protection are capable of supporting the R2.5 rezoning.

- 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.**

Finding: Sanitary Sewer

The Bureau of Environmental Services evaluated the proposed changes in household allocation and found that sanitary flows from multi-dwelling structures represent a minor portion of the flows carried by any given pipe, and sanitary flows from additional dwelling units on those multi-dwelling zoned properties are unlikely to significantly affect the system. The Bureau of Environmental Services regularly analyzes sanitary and combined system, in conjunction with planning projections from the Bureau of Planning and Sustainability, to determine priority areas for both capacity and structural upgrades. Over time, these capital projects will address any localized issues. Moreover, all developments are required to connect to sanitary sewer service and meet current building and sanitation codes. Where local existing infrastructure is not adequate or available to serve proposed development, system extensions and/or upgrades will be required as part of the development review process. (see BES letter dated August 31, 2019)

The BHD map amendments primarily affect properties that already have multi-dwelling zoning. The two exceptions are properties at 1021 NE 33rd Avenue and 5631 SE Belmont Street, totaling a little over three acres of land, which are being rezoned from single-dwelling R5 to multi-dwelling RM1 zoning. These properties are in an area with sanitary sewer service and has no identified deficiencies.

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Stormwater

Stormwater is conveyed through the combined sewer system, pipes, ditches, or drainageways to streams and rivers. In some cases, stormwater is managed in detention facilities, other vegetated facilities, or allowed to infiltrate in natural areas. Safe conveyance of stormwater is an issue in some areas, particularly in the hilly areas of west Portland and some parts of outer southeast which lack comprehensive conveyance systems and where infiltration is limited by geology or high groundwater. Since 1999, the Stormwater Management Manual (SWMM) has provided policy and design requirements for stormwater management throughout the City of Portland. The requirements apply to all development, redevelopment, and improvement projects within the City of Portland on private and public property and in the public right-of-way. In some cases, solutions may not be technically or financially feasible. Stormwater impacts are assessed based on the amount of impervious area and building coverage that occurs on a parcel. The BHD changes do not significantly increase either the allowable building coverage or impervious area from existing zoning allowances. Further, reducing minimum on-site parking requirements and limits on surface parking areas could result in even less impervious area. Provisions that encourage the preservation of large trees through the transfer of development rights and required deep rear setbacks in East Portland, as well as allowing stormwater facilities to count toward minimum landscaping, provide additional environmental and stormwater benefits.

The BHD map amendments primarily affect properties that already have multi-dwelling zoning. The two exceptions are properties at 1021 NE 33rd Avenue and 5631 SE Belmont Street, totaling a little over three acres of land, which are being rezoned from single-dwelling R5 to multi-dwelling RM1 zoning. These properties are in locations that do not have identified stormwater constraints. They are not in locations with high water tables and have soils deemed suitable for infiltration.

- 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.

414.Finding: The adopted 2035 Comprehensive Plan includes the Transportation Systems Plan (TSP), which was adopted in three phases (Ordinance 187832, 188177, and 188957). Phase 1 and 2 was submitted as part Task Four of Periodic Review; and both were approved by LCDC Order 18 – WKTSK – 001897 on August 8, 2018, but are not yet acknowledged. Phase 3 of the Transportation System Plan was adopted as a post-acknowledgement plan amendment by Ordinance No. 188957, became effective on June 23, 2018. The TSP includes a congestion performance analysis of the 2035 Comprehensive Plan Map.

The BHD amendments do not change the functional classification of any existing or proposed transportation facility, nor do they change the standards implementing a functional classification system. Therefore, the amendments do not have a significant effect under (a) or (b).

The BHD amendments expand the types of housing allowed, especially in the lower density RM1 and RM2 multi-dwelling zones, which make up 92 percent of the multi-dwelling zoned land in Portland. The change to regulating density by FAR will provide more flexibility for how many units are allowed inside the building, which will allow for a wider range of smaller housing types and sizes. In RM2 zone, which is often located along transit corridors, will allow for a higher density that

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is similar to adjacent mixed-use commercial zones. After accounting for the BLI constraints, the development capacity in BHD zones increases by about 14,000 units. As required by ORS 195.036, the BLI allocation model uses Metro's population forecast to determine where new housing units are likely to be allocated. The BHD capacity and growth allocation model shows minor changes to the spatial distribution of housing units across Portland. This data was then evaluated by the Portland Bureau of Transportation (PBOT) (see PBOT memo, dated September 6, 2019).

With regard to (c), the PBOT analysis found that peak PM hour traffic resulting from the BHD amendments is not significant. The added traffic is widely spread across the City. The current and proposed housing types are consistent land uses within the context of the descriptions of the functional classifications of existing or planned transportation facilities. Therefore, the amendments do not have a significant effect under (A).

In the six areas where there is expected to be increased household growth, peak PM hour vehicle traffic is dispersed across the transportation network in these areas. With the exception of several "hot spot" streets of concern described below, this additional traffic is not expected to degrade the performance of existing or planned transportation facilities such that they would not meet the performance standards in the TSP. Therefore, the amendments do not have a significant effect under (B).

As part of the 2035 Comprehensive Plan process, PBOT and ODOT identified a list of streets of concern where future congestion may make it difficult for jurisdictional standards to be met. The modelling shows that the minor impacts are not large in terms of absolute numbers of added vehicles during peak PM hour (average 18 trips). These added trips could degrade the performance of these facilities. However, there are mitigating factors and strategies that should reduce the impact of these changes:

1. This is a high-level analysis that does not factor in redistribution of growth (reduction in the number of households in other parts of the system) nor does it reassign traffic that might be diverted to other less congested streets. These refinements to the analysis could result in lower added traffic to these segments;
2. The BHD amendments include mitigating strategies that serve to improve mode split performance and limit traffic impacts which were not able to be incorporated into the analysis model. First, minimum parking requirements are being reduced. BHD further promotes a walkable form through regulations on the amount of building façade that can be occupied with garages and prohibiting off-street parking between the building and the street.

3. Transportation Demand Management Strategies

The Transportation Planning Rule defines Transportation Demand Management as: "actions which are designed to change travel behavior to improve performance of transportation facilities and to reduce need for additional road capacity." Reducing demand for automobile trips is a key strategy for offsetting potential transportation impacts from BHD.

- Off-street Parking Management. A key tool in transportation demand management, as identified in the Transportation Planning Rule, is parking management. To reduce reliance on automobiles, the Transportation Planning Rule requires local governments within an MPO to achieve a 10 percent reduction in the number of parking spaces per capita over a planning period (660-012-0045). Consistent with this approach to reducing reliance on

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automobiles and promoting a walkable urban form, the BHD amendments eliminate minimum off-street parking requirements on small sites (up to 10,000 square feet) in the multi-dwelling zones. On larger sites, the minimum required parking ratio is reduced by half -- from one space for each unit to one space for every two units.

- **Pedestrian-supportive development.** The Transportation Planning Rule encourages pedestrian-friendly development that makes it safe and convenient for trips to be made by walking, and that facilitates less driving to meet daily needs. The BHD amendments include new requirements that will improve the pedestrian environment and encourage more pedestrian trips in multi-dwelling zones. It limits front garages and parking structures to 50 percent of buildings along streets. It also disallows parking from being located between buildings along streets and it requires building entrances to be oriented to streets or a courtyard connected to a street.
- **Improved street connectivity in East Portland centers.** The Transportation Planning Rule recognizes the importance of street connectivity in making it “more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs,” especially in centers. The BHD amendments facilitate street connections and improve connectivity in East Portland centers by requiring street frontages wide enough to provide space for new street connections and by calculating development allowances prior to street dedication.
- **Financial TDM incentives for larger apartments.** Portland City Council adopted an initial package of TDM measures with the 2035 Comprehensive Plan in 2016. These measures mandate certain multimodal financial incentives with new mixed-use buildings with more than 10 dwelling units (Portland City Code Chapter 17.107). The BHD amendments expand these measures to multi-dwelling zones in locations close to frequent transit, projects with buildings with 10 or more units will be required to use strategies that reduce transportation impacts, such as by providing residents with transit passes, bike share or car share memberships, and information on transportation options. This strategy will reduce transportation demand in multi-dwelling zone areas where transportation trips are expected to shift and on the overall transportation network.
- **On-street parking management.** The Transportation Planning Rule points to the designation of residential on-street parking districts as a tool that local governments within an MPO can use to reduce reliance on automobile trips (660-012-0045). Portland has had an Area Parking Permit Program in effect since 1981. In recent years, this program has expanded to include 17 zones with neighborhoods and businesses collaborating with PBOT to create the rules for their zone. Per City Council ordinance, the Area Parking Permit Program can impose a surcharge on parking permits. The money raised from the surcharge can then be used to fund Transportation Demand Management strategies that reduce automobile trips. This includes a Transportation Wallet program where participants can receive significantly reduced transit, bike share, and other mobility passes in exchange for forgoing an on-street parking permit. PBOT will continue to seek opportunities to work with neighborhoods to expand the Area Parking Permit Program to address areas where traffic and parking congestion are increasing.
- **“Smart Trips” education and outreach.** Another proven transportation demand management strategy is the provision of transportation options information and encouragement. Portland has been a national leader in this field through its Smart Trips program. Smart Trips incorporates an innovative and highly effective individualized

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marketing methodology, which hand-delivers packets and personalized emails to residents who wish to learn more about all their transportation options. Key components feature biking and walking maps, robust and sophisticated online, digital and paper resources, and organized activities which get people out in their neighborhoods or places of employment to shop, work, and discover how many trips they can easily, conveniently and safely make without using a car. Evaluations over the past 15 years show that Smart Trips reduces drive alone trips by about 9%. In recent years, Smart Trips has targeted people that are new to Portland and those who are moving within the city to new homes. Research shows that this is often the most effective time to encourage people to try new ways of getting around.

- Safe Routes to Schools program. Like Smart Trips, Portland's Safe Routes to Schools program reduces automobile trips through information, encouragement, and investments in infrastructure that make it safe for students to walk and bike to school. In 2018, the program reported that citywide 42% of K-5th grade trips and 40% of 6th-8th grade trips utilized active transportation. This program, which is an important tool for reducing auto trips during peak hours, will continue citywide under BHD. PBOT will continue to evaluate targeted Safe Routes to Schools programming in TAZs expected to see increased growth through the BHD amendments.
- Bicycle parking improvements. An additional citywide transportation demand strategy is the provision of bicycle parking (Transportation Planning Rule 660-012-0045 3(a)). Research has shown that the lack of a safe and secure place to park a bicycle is a key barrier for bicycling as transportation. Portland's existing bicycle parking code (Portland City Code Chapter 33.266.200) was primarily written in 1996. A Recommended Draft of the Bicycle Parking Code update has advanced to City Council for deliberation this fall. These changes will update the minimum required amount of short- and long-term parking, enhances security standards to help prevent bike theft, and accommodates a greater variety of bicycles. These changes will apply to multi-dwelling zones, and are anticipated to reduce some automobile trips from the transportation network.

4. Planning and infrastructure investments.

Additional transportation planning may also occur in and near the TAZs where the Housing Allocation analysis shows development increases. This planning can identify opportunities for improving multimodal networks, including access to transit. This planning can identify small scale capital projects – less than \$500,000 - that improve safety and comfort for people walking, bicycling, and taking transit. Projects that emerge through this planning can also be included in the future project lists for the citywide programs listed in the TSP.

5. Planned Capital Projects

The impacts of added auto trips from BHD are expected to be on identified hot spots on both PBOT and ODOT managed facilities. Through the process of adopting the 2035 Comprehensive Plan and the 2035 Transportation System Plan, PBOT and ODOT agreed to perform refinement planning in areas identified with potential safety and/or projected capacity issues. See Projected ODOT "Hot Spots" Refinement Plan and Other Agency Common Priority Projects, (TSP Chapter 6, page 281). Major refinement plans are necessary when a transportation need exists, but the mode, function, and general location of a transportation improvement have not been determined, and a range of actions must be considered before identifying a specific project or projects. These refinement plans are

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still pending, therefore, mitigating the increased traffic from the BHD amendments can be incorporated into that planning process.

Also, the additional auto trips from BHD can be analyzed, and to the extent possible, mitigated during the planning, design, and implementation of future planned capital projects in roadway segments identified as areas of concern (previously identified in the TSP as locations that may fail to meet mobility standards in 2035). The adopted TSP Project List identifies several improvement projects on or near the impacted facilities that could incorporate future measures to mitigate these minor effects.

The modelling shows that the overall impact of BHD on the citywide transportation system is not significant. It does, however, result in localized impacts on road segments that have previously been identified as areas of concern. These impacts are not large in terms of absolute numbers of added vehicles during peak PM hour and can be mitigated through a combination of transportation demand management strategies, planned capital projects, and targeted planning and infrastructure investments. Furthermore, as noted below in the findings for the 2035 Comprehensive Plan, the BHD amendments are consistent with the goals and policies of Chapter 9 (Transportation) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, the BHD amendments are consistent with the requirements of Statewide Planning Goal 12.

- 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.

415.Finding: David Douglas School District (DDSD) is the only school district in Portland with an adopted school facility plan. The Buildable Lands Inventory calculates available development capacity and predicts where new households will be allocated over the planning period. Comparing the BHD growth allocation to the current Comprehensive Plan allocation, the net change to households in the David Douglas School District is a reduction of 1,500 units (roughly a 12% decrease from 12,000 units previously forecasted). This shift is primarily due to how the BHD changes affect other parts of the city and reflect recent development trends that have more growth in the Central City and inner neighborhoods and slower growth in East Portland. The David Douglas School District has indicated that it can accommodate these changes into their future forecasting for their facility plan.

33.855.060 Approval Criteria for Other Changes

In addition to the base zones and Comprehensive Plan designations, the Zoning Map also shows overlay zones. 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;

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416.Finding: The Better Housing by Design project proposes expanding the Design (“d”) Overlay Zone to apply to all RH zoning (new RM3 and RM4 zones). The majority (84 percent) of the RH zone is already within the design overlay or in historic districts (such the Alphabet Historic District in Northwest Portland). Portland applies the design overlay to zones that allow large-scale development. This helps manage the design of significant amounts of change and to ensure that high-profile, larger-scale development is well designed. Most RH zoning is mapped in locations close to the Central City, in centers, or near light rail stations, places intended for significant housing density. The RH (RM3 and RM4) zoning allows buildings 65 to 100 feet tall, which matches or exceeds scale allowed in mixed use zones (EX and CM3) where the design overlay is always applied. The RM3 and RM4 zones will be among the zones where the d-overlay is always applied (along with the EX, RX, CX and CM3 zones). For most development outside the Central City, the design overlay zone provides projects with options to either go through a discretionary design review process or to use clear and objective design standards. As part of the d-overlay expansion, the d-overlay will be applied to properties with RM3 and RM4 zoning located in historic and conservation districts, although properties in these districts will continue to be subject to historic resources review instead of design review.

The Alternative Design Density (a) overlay zone provides opportunities for additional housing density. In the multi-dwelling zones where it applies, the a-overlay zone allows for bonus density in exchange for design review, as well as corner triplexes and flag lots in the R2 zone for projects meeting design standards. The BHD amendments remove the a-overlay zone from all multi-dwelling zones because the proposed base zone changes provide much of the flexibility for additional housing units provided by this overlay zone, making the a-overlay provisions redundant. The amendments also remove the a-overlay from all non-residential zones, where the a-overlay is occasionally mapped but provides no regulatory allowances.

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

417.Finding: Expansion of the Design (“d”) Overlay Zone is consistent with the purpose of this overlay zone to promote quality high-density development adjacent to transit facilities. Applying the d-overlay zone to all RM3 and RM4 (current RH) that does not already have this overlay zone is consistent with this purpose, as these zones are intended for high-density residential development and are mapped in areas close to transit facilities. Applying the d-overlay zone to the RM3 and RM4 zones is consistent with other applications of the d-overlay, as these zones allow buildings 65 to 100 feet tall, which matches or exceeds scale allowed in mixed use zones (EX and CM3) where the design overlay is always applied. As noted earlier in these findings, the BHD amendments are consistent with the goals and policies of the 2035 Comprehensive Plan and adopted area plans, which include multiple policies that call for guiding development to enhance the positive characteristics of Portland and its neighborhoods, for which purpose the d-overlay zone is an important implementation tool.

The purpose of the Alternative Design Density (“a”) 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 overlay zone provisions have gradually been shifted into base zone provisions since the overlay’s inception in 1993. In the multi-dwelling zones where it applies, the only remaining a-overlay provisions are allowance for 50 percent additional density in exchange for design review, and allowances for corner triplexes and flag lots in the R2 zone for projects meeting design standards. These a-overlay provisions for the

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multi-dwelling zones are being deleted, since the proposed multi-dwelling zone regulations will allow much of the flexibility for additional housing units provided by the a-overlay allowances. This is primarily due to the proposed shift to regulating development intensity by FAR in the new RM1 and RM2 zones (former R3, R2, R1), instead of by unit density. For example, the new RM1 zone will allow a triplex or a fourplex (or more units) on a 5,000 square foot lot, instead of the current R2 zone limit of two units. This new base zone flexibility makes the a-overlay provisions for the multi-dwelling zones redundant. Other BHD amendments address the intent of the a-overlay in encouraging compatibility with the positive qualities of residential neighborhoods. This is achieved by design-related BHD amendments that require continuation in new development of the characteristics of residential neighborhoods, such as through limiting front garages and parking, requiring street-oriented entrances, expanding requirements to landscaped front setbacks, requiring step-downs in building height adjacent to single-dwelling zoning, and expanding requirements for outdoor spaces. As noted earlier in these findings, the BHD amendments are consistent with the goals and policies of the 2035 Comprehensive Plan and adopted area plans, many of which call for allowing for housing density that is designed to integrate with the characteristics of residential areas.

- 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.

418.Finding: There are no changes to scenic viewpoints as a result of the BHD amendments. This criterion does not apply.

Better Housing by Design

AN UPDATE TO PORTLAND'S MULTI-DWELLING ZONING CODE



As Amended by
City Council

December 2, 2019

Volume 1:

Staff Report



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.
City of Portland, Oregon



The Better Housing by Design project is updating Portland’s multi-dwelling zoning rules to meet needs of current and future residents:

For more information ...

Visit the project website: www.portlandoregon.gov/bps/betterhousing

Email the project team: betterhousing@portlandoregon.gov

Call project staff: 503-823-4203

The Bureau of Planning and Sustainability is committed to providing meaningful access. For accommodations, modifications, translation, interpretation or other services, please contact at 503-823-7700, or use City TTY 503-823-6868, or Oregon Relay Service 711.

Traducción o interpretación	Chuyển Ngữ hoặc Phiên Dịch	翻译或传译	Письменный или устный перевод
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	الترجمة التحريرية أو الشفهية	ການແປພາສາ ຫຼື ການອະທິບາຍ	
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Summary

The ***Better Housing by Design As Amended by City Council*** report includes Zoning Code, Zoning Map, and Comprehensive Plan and Map amendments that will affect how development is regulated in Portland's multi-dwelling zones. The preceding *Recommended Draft* incorporated the Portland Planning and Sustainability Commission's (PSC) changes to the earlier *Proposed Draft* and served as the PSC's recommendation to City Council. The *As Amended* report includes amendments passed by City Council on November 21, 2019.

The major components of the Better Housing by Design amendments include the following:

- **Diverse housing options and affordability.** Amendments provide more flexibility for a diverse range of housing options – regulating development intensity by building size instead of numbers of units – and expand incentives for affordable housing and physically-accessible units.
- **Outdoor spaces and green elements.** Amendments expand requirements for outdoor spaces for residents, provide more options for innovative green options to meet landscaping requirements, reduce parking requirements, and limit large paved areas.
- **Building design and scale.** Amendments include design standards that limit front garages, require entrances oriented to the street, facilitate compact development, and provide new design options for development on major corridors.
- **East Portland standards and street connections.** Amendments include standards focused on improving outcomes in East Portland, including approaches to facilitate new street connections.

Other major components that are part of the *As Amended* report include a new array of multi-dwelling zones and related Zoning Map changes, corresponding changes to Comprehensive Plan land use designations, and amendments to commercial/mixed use zone regulations and other Zoning Code chapters to bring consistency with the Better Housing by Design proposals for the multi-dwelling zones.

Next Steps

City Council held public hearings on the *Better Housing by Design Recommended Draft* on October 2 and November 6 of 2019. City Council deliberated and voted on amendments to the *Recommended Draft* on November 21, 2019. City Council is scheduled to make a final decision on the Better Housing by Design provisions on December 18, 2019, with the effective date for the new regulations and map amendments scheduled for March 1, 2020. Project updates will be posted on the project website:

www.portlandoregon.gov/bps/betterhousing.



Acknowledgments

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Amanda Fritz
Jo Ann Hardesty

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Katie Larsell
Daisy Quiñonez

July 29, 2019

Mayor Wheeler and City Commissioners
City Hall
1220 SW 4th Ave
Portland, OR 97205

Dear Mayor Wheeler and City Commissioners,

The Planning and Sustainability Commission (PSC) is pleased to forward our Better Housing by Design Recommended Draft. The Better Housing by Design zoning code amendments make fundamental changes to Portland's multi-dwelling zones that will help Portland meet its future housing needs, including new incentives that prioritize affordable housing.

The Recommended Draft includes a range of zoning codes amendments that will expand the diversity of housing options in the multi-dwelling zones, provide new incentives for affordable housing, address needs for outdoor spaces and green elements, integrate development into neighborhoods, and provide approaches responsive to East Portland's needs and characteristics.

The Better Housing by Design Project works together with the Residential Infill Project as part of a broader initiative to update the zoning code to expand housing options and address housing affordability in Portland's residential zones. The Better Housing by Design Project focuses on multi-dwelling zones outside the Central City. These zones occupy only eight percent of Portland's land area, but are located in and around the city's centers and corridors and play an important role in providing housing opportunities close to services and transit.

The Better Housing by Design proposals represent years of work and public input. Notably, the proposals incorporate recommendations that emerged from community partnerships, including the East Portland Action Plan and work on Healthy Eating Active Living (HEAL) practices that involved a coalition of public health advocates, affordable housing providers, and tenants.

The Planning and Sustainability Commission held a public hearing on the Proposed Draft in June 2018, followed by a series of seven work sessions from September 2018 through April 2019. The Commission concluded its deliberations on the proposals on April 30, 2019, and voted unanimously on its recommendations to City Council. The PSC supported most of the staff proposals, but developed amendments based on public testimony and PSC deliberations before reaching its recommendations.



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Key Components of the Better Housing by Design Recommendations

Housing Diversity and Affordability

- New multi-dwelling zoning that regulates development by the size of buildings, with flexibility for the types and numbers of units inside, which provides opportunities for less costly units;
- Increased development bonuses for inclusionary housing projects to facilitate the development of new affordable housing units;
- A bonus for moderate-income, family-sized units;
- A new bonus for projects providing a deeper level of affordability (at least half of units must be affordable to households earning no more than 60 percent of median family income);
- A new “transfer of development rights” incentive to encourage the preservation of existing affordable housing;
- A new development bonus for physically-accessible units to expand housing options for Portlanders of all ages and abilities;
- New allowances for daycares in multi-dwelling zones to help meet the needs of residents;
- Allowances for limited amounts ground-floor commercial uses on major corridors, providing options for “live-work” arrangements in which residents can combine a business with their home; and
- Extension of affordable housing bonuses to historic districts in both multi-dwelling and mixed use zones, with revised zoning to better match the scale of historic buildings.

Outdoor Spaces and Design

- Requirements for courtyards or other common areas for large sites, so that residents in higher-density developments have access to outdoor spaces that support healthy, active living;
- New provisions for ecoroofs and other innovative green features;
- A new transfer of development rights provision to encourage the preservation of existing large trees;
- Limits on front garages and large surface parking lots so that new development contributes to pedestrian-oriented streets and limits urban heat islands;
- Reduced requirements for off-street parking; and
- Requirements for landscaped front setbacks and for large buildings to step-down in height next to lower-density zones to integrate higher-density development into neighborhoods.

East Portland and Street Connections

- New strategies to facilitate the creation of needed street connections, undertaken in partnership with the Bureau of Transportation’s Connected Centers Street Plan;
- New approaches specific to East Portland to improve design, ensuring that new development includes outdoor areas responsive to area characteristics and residents’ needs; and
- Requirements that development sites have enough space for street connections and to support better site design.



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Issues of Note

There was a large degree of support for the Better Housing by Design proposals among PSC Commissioners, with few very contentious items. The following are issues that were the focus of very divided public testimony or that were of particular concern to commissioners.

Density and Parking

Housing density and parking were the focus of the most divided public testimony. Public testimony expressed concern about allowing greater numbers of housing units and potential impacts on the availability of on-street parking. Conversely, there was also a large amount of public testimony supportive of greater housing density and eliminating parking requirements in the multi-dwelling zones, including requests for even greater development scale.

The Recommended Draft's provisions reflect PSC's belief that the multi-dwelling zones, located as they are in and around centers and corridors, are appropriate locations for greater housing density and reduced parking requirements. In addition, the proposals balance allowances for additional housing units with provisions that ensure the design of development integrates with neighborhood characteristics and includes outdoor space.

Zoning in Historic Districts

The PSC heard diverse testimony regarding the proposed zoning regulations for historic districts, some of which have the highest density zoning outside the Central City. The Historic Landmarks Commission provided testimony indicating their concern that the scale proposed in the highest-density zones would not meet compatibility-based approval criteria in historic districts. This concern about the proposed allowed scale in historic districts, particularly in the Alabaster and King's Hill historic districts just west of the Central City, was echoed in testimony from community members. However, other public testimony related the importance of providing opportunities for high-density housing in historic districts, given their central locations.

The PSC deliberated on how to best balance historic preservation objectives with providing options for housing development in historic districts. The Recommended Draft calibrates development allowances to the scale of historic districts, while providing additional development bonuses for projects that include affordable housing. These provisions:

- Expand development bonuses, primarily for affordable housing, in historic districts in both the multi-dwelling and mixed use zones (currently, development bonuses for affordable housing are not provided in mixed use zones in historic districts).
- Change the zoning map in the Alabaster and King's Hill historic districts so that the allowed building scale relates to the scale of larger historic buildings. In some locations the recommended zoning is smaller in scale than existing zoning, while in other locations the proposed zoning is larger in scale.
- Reduce the base FAR (regulating building scale) in the highest density multi-dwelling zone (RM4) when located in historic districts. This is balanced by providing greater development bonuses for inclusionary housing units, which will allow buildings providing affordable housing units to be as large as currently permitted by the base FAR. Projects in which at least half of units are affordable at 60 percent of median family income can be even larger than allowed by the standard bonus.



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- Allowances for additional building scale (FAR) to be transferred to other projects from sites with historic structures in conjunction with seismic upgrades, similar to the transfer that is allowed in the Central City.

Displacement and Housing Affordability

Portland has little vacant land in the multi-dwelling zones and detached, single-family houses are the most common type of existing development in these zones. Most development of new multi-dwelling housing will involve replacement of existing houses. The PSC is concerned about the displacement of residents, whether from redevelopment, increasing rents, or from the sale of homes. In the case of the Better Housing by Design proposals, the PSC believes that development in the multi-dwelling zones is important for allowing more people to live close to services and transit, and believe that the proposals include appropriate mitigation measures that will expand affordable housing options, including:

- Expanded bonuses for inclusionary housing;
- A new bonus for deeper housing affordability;
- A moderate-income family housing bonus for three-bedroom units;
- Incentives for preserving existing affordable housing through transfers of development rights; and
- Options for greater numbers of smaller, less costly units.

However, we are concerned that zoning code tools are not sufficient by themselves to fully address the critical issues related to displacement and housing affordability. The PSC urges the City Council to support the development and implementation of strategies to minimize displacement, especially of low-income and minority residents, and to expand programs to increase access to affordable housing options in Portland's neighborhoods.

In conclusion, we recommend the Better Housing by Design Zoning Code and Map Amendments for adoption by City Council because these amendments will play an important role in helping to meet the housing needs of Portlanders and will advance equity objectives. The amendments provide new regulatory tools that will expand housing options close to services and transit, facilitate the development of affordable housing, foster design that supports quality living environments for residents, and provide new tools for creating needed street connections in areas that lack them such as East Portland.

Thank you for the opportunity to participate in the review of this project and for considering our recommendations.

Sincerely,



Katherine Schultz
Chair



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Volume 2 (under separate cover)

Zoning Code Amendments *(also includes Comprehensive Plan Amendments)*

Volume 3 (under separate cover)

Additional Zoning Code Amendments

(consists of code amendments that provide consistency among zoning code chapters, eliminate redundant regulations, and update references to the multi-dwelling zones)

Appendices (under separate covers)

Appendix A: Guidance from the Comprehensive Plan

Appendix B: Code Modeling – Prototypes

Appendix C: Code Modeling – Feasibility Analysis

Appendix D: Better Housing by Design – Concept Report

Appendix E: Better Housing by Design – Assessment Report

Appendix F: Better Housing by Design – Displacement Risk Analysis

Appendix G: Connected Centers Street Plan

Section I: Introduction

Better Housing by Design: An Update to Portland's Multi-Dwelling Zoning Code is being led by the City of Portland's Bureau of Planning and Sustainability (BPS). This project is revising Zoning Code development standards in Portland's multi-dwelling zones (R3, R2, R1, and RH) outside the Central City. These medium to high-density residential zones play a key role in providing new housing to meet the needs of a growing Portland. The many types of housing built in these zones include apartment and condominium buildings, fourplexes, rowhouses, and houses.

The project's objective is to revise City regulations to better implement Comprehensive Plan policies that call for:

- Housing opportunities in and around centers and corridors.
- Housing diversity, including affordable and accessible housing.
- Design that supports residents' health and active living.
- Pedestrian-oriented street environments.
- Safe and convenient street and pedestrian connections.
- Design that respects neighborhood context and the distinct characteristics of different parts of Portland.
- Nature and green infrastructure that are integrated into the urban environment.
- Low-impact development that helps limit climate change and urban heat island effects.

This project includes a focus on East Portland to foster more positive development outcomes that reflect the area's distinct characteristics and needs. East Portland, largely located east of 82nd Avenue, includes large amounts of multi-dwelling zoning, often in areas that lack good street connections to local destinations and transit. Project staff have coordinated their work with the Portland Bureau of Transportation's (PBOT) Connected Centers Street Plan. PBOT's project is developing new approaches for creating street and pedestrian connections, with an initial focus on East Portland (see **Appendix G**).

What is in the As Amended Report?

The **Better Housing by Design As Amended** report includes proposals for Zoning Code, Zoning Map, and Comprehensive Plan and Map amendments that will affect how development is regulated in Portland's multi-dwelling zones, and also includes amendments to the commercial/mixed use zones to provide consistency across the two types of zones. The *As Amended* report incorporates City Council's amendments to the preceding *Recommended Draft*, which served as the Planning and Sustainability Commission's (PSC) recommendation to City Council.

The earlier *Proposed Draft* served as project staff's proposal to the PSC and was informed by public comments received during the *Discussion Draft* public review period. The Better Housing by Design proposals for code amendments are based on general concepts for code improvements outlined in the **Better Housing by Design Concept Report** (See Appendix D). These concepts were informed by Comprehensive Plan policies, direction from past planning projects, and community input from a series

of Stakeholder Working Group meetings and other public involvement activities (see Public Involvement, page 11). The *Concept Report* was also informed by the **Better Housing by Design Assessment Report** (see Appendix E), which provided background information on policies, recent construction activity in the multi-dwelling zones, zoning history, development and design issues, case studies, demographics, and housing market conditions.

The Better Housing by Design (BHD) proposals include the following major components:

- Modified Zoning Map with a new set of multi-dwelling zones.
- Modified Comprehensive Plan and Map with new multi-dwelling land use designations.
- Amendments to the Multi-Dwelling chapter of the Zoning Code (Chapter 33.120).
- Amendments to other Zoning Code chapters that regulate development in the multi-dwelling zones (including chapters 33.258 [Nonconforming Situations], 33.266 [Parking, Loading, And Transportation And Parking Demand Management], 33.612 [Lots in Multi-Dwelling Zones], 33.910 [Definitions], and 33.930 [Measurements]).
- Amendments to other base zone chapters, such as 33.130 (Commercial/Mixed Use Zones), that also allow multi-dwelling development to bring consistency with the BHD code amendments.
- Expansion of the Design (“d”) Overlay Zone to apply to all properties with RH zoning, and removal of the Alternative Design Density (a) overlay zone.

Why does this project matter?

Between now and 2035, 80 percent of the roughly 100,000 new housing units developed in Portland will be in multi-dwelling buildings. Nearly one-quarter of the total growth will be in multi-dwelling zones outside the Central City. Many of those buildings will be along transit corridors and in mixed use centers.

This housing development in and near centers and corridors helps to meet local and regional objectives for locating housing close to services and transit. It also means that a lot more Portlanders will be living in multi-dwelling buildings and that the design of this housing will be important for the quality of living environments for residents and neighborhoods.

The Better Housing by Design project’s draft zoning code amendments are intended to help ensure that new development in the multi-dwelling zones better meets the needs of current and future residents, and contributes to the positive qualities of the places where they are built.



Key objectives

The proposals in this document address four main topics related to Comprehensive Plan objectives:

- ***Diverse housing options and affordability*** to meet diverse housing needs.
- ***Outdoor spaces and green elements*** to support human and environmental health.
- ***Building design and scale*** that contributes to pedestrian-friendly streets and relates to context.
- ***East Portland standards and street connections*** that respond to the area's distinct characteristics and needs.

Successfully addressing these objectives through these proposals and other efforts will expand housing opportunities for Portlanders and will help to make residential living in Portland's multi-dwelling areas healthier, more connected and better designed.

Addressing equity

Multi-dwelling zones provide affordable housing opportunities. A large portion of Portland's new affordable housing is developed in the multi-dwelling zones. These medium- and higher-density zones will continue to play a critical role in providing a broad range of housing to meet the needs of all Portlanders.

The livability and quality of multi-dwelling housing has a disproportionate impact on the quality of life of people of color and low-income households. Larger proportions of these populations live in multi-dwelling housing than the general population.

This project has been informed by extensive outreach to people of color, low-income and immigrant households. It continues the work of past projects that focused on healthy housing in multi-dwelling areas. These projects identified the need for *residential open spaces, housing design supportive of healthy living, and better and safer connections to neighborhood destinations* – especially in East Portland.

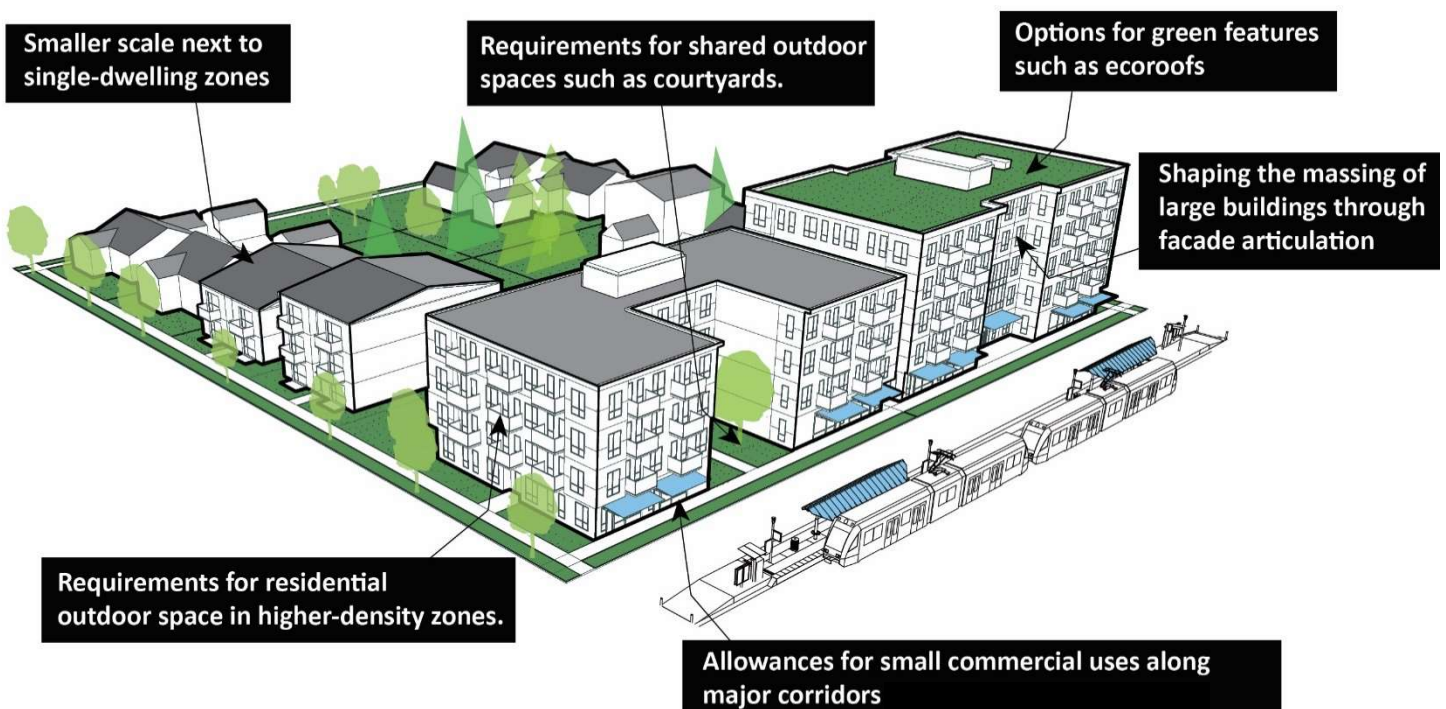


Examples of the wide range of housing types built in the multi-dwelling zones

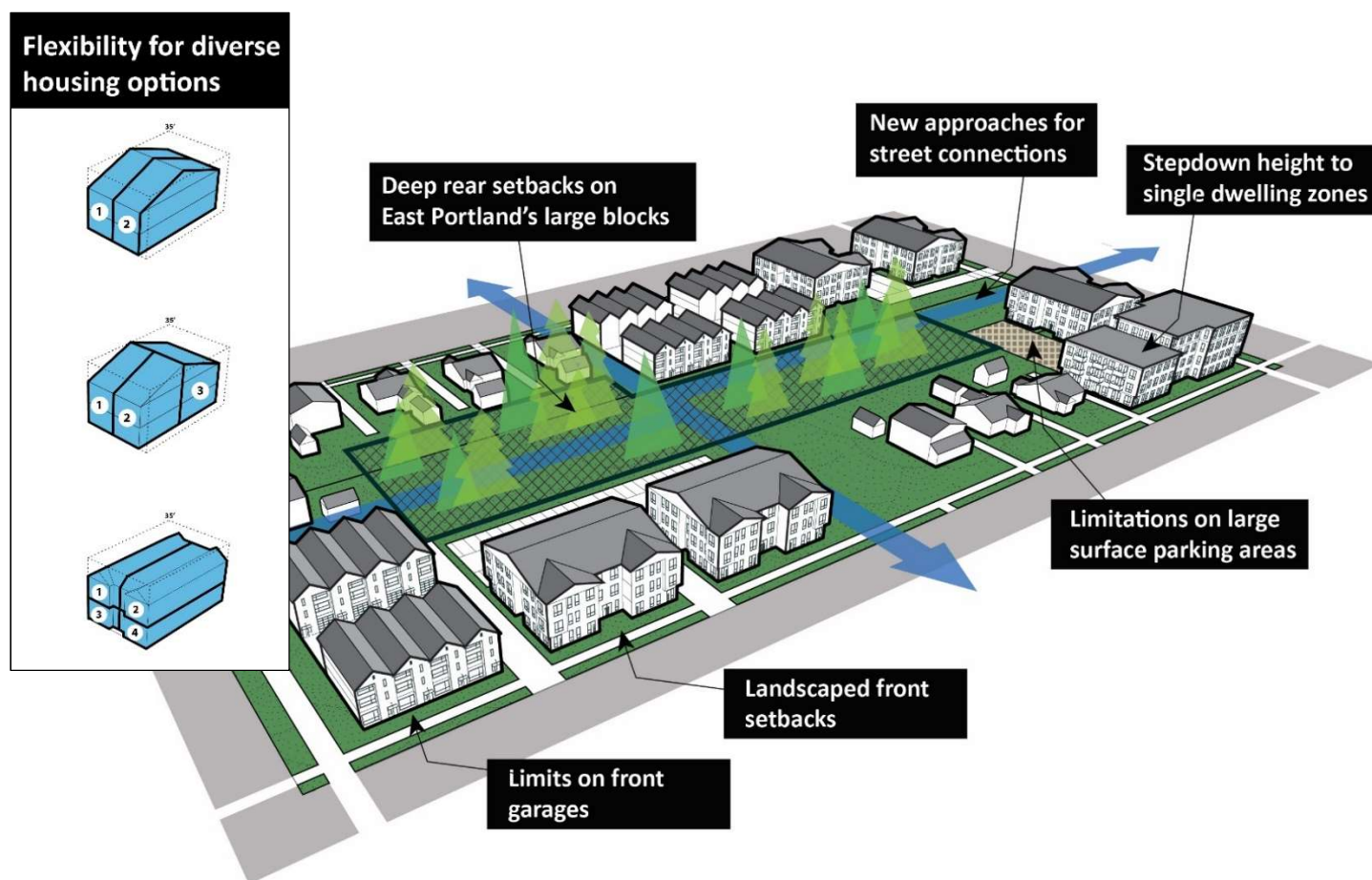
Major Proposed Changes

The Better Housing by Design proposals include major changes to how the zoning code shapes development in the multi-dwelling zones. The proposals:

- **Provide a revised set of zones that relate to different types of places.** Have smaller scale buildings in zones that transition to single-dwelling zones. Allow larger buildings and small commercial uses along major corridors. The existing R3 and R2 zones are combined into a single new zone (RM1) that limits building height to 35 feet (two- to three-stories) to relate to the scale of single-dwelling zones.
- **Regulate development intensity by building scale (how big the building is) not the number of units in the building.** This provides flexibility for a greater diversity of housing and expands housing options close to services and transit.
- **Add incentives for affordable housing and accessible units.** Use expanded development bonuses and “transfers of development rights” (TDR) to encourage development of new and preservation of existing affordable housing. Also provide a development bonus for projects with physically-accessible units to expand housing options for people of all ages and abilities.
- **Require outdoor spaces.** This includes requirements for courtyards or other shared outdoor areas for projects on large sites and new requirements for outdoor spaces in the higher-density zones.

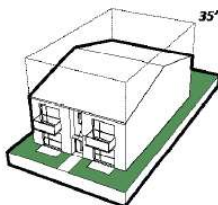
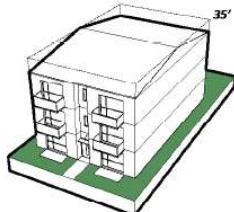

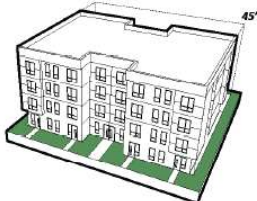
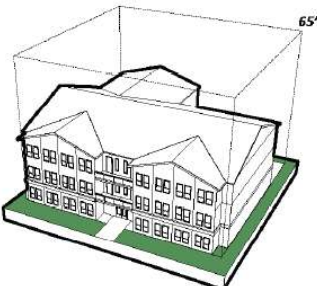

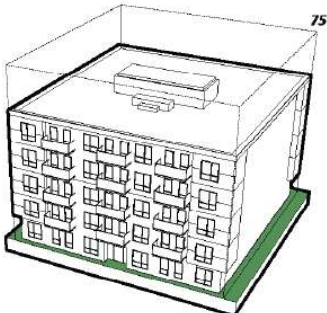
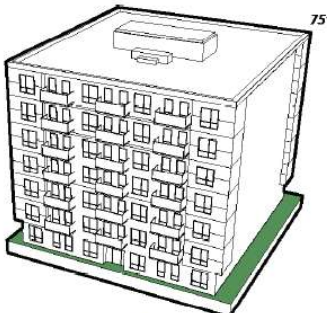


- **Encourage innovative green features and tree preservation.** Allow eco roofs and raised courtyards to meet landscaping requirements, and offer a TDR allowance for projects that preserve large trees.
- **Limit front garages and surface parking.** These changes, coupled with less required parking, reduce the prominence of paving and vehicle areas and create more pedestrian-oriented places.
- **Require landscaped front setbacks.** This will help integrate higher-density development with the green street frontages typical of Portland's residential areas.
- **Shape the scale and design of large buildings.** Require facades of larger buildings to be divided into smaller components and for buildings to step down in height when next to single-dwelling zones.
- **Expand the design review overlay zone to all the high-density residential zones (RH – to become RM3 and RM4).**
- **Apply standards specific to East Portland for better design suited to the area's characteristics.** Require deeper rear setbacks so the centers of the area's large blocks are greener and less built up. Require narrow sites to be combined into larger sites for better site design. Change regulations to make it easier to include street connections with new development.



Summary of the Proposed Multi-Dwelling Zones

The proposed framework for the multi-dwelling zones includes four new zones that are based on existing zones, but have been refined to relate to different types of places, varying by scale and other development standards. The intensity of development in each zone is regulated by floor area ratio or “FAR” (an FAR of 1 to 1 means 5,000 square feet of building floor area is allowed on a site with 5,000 square feet of land). Each zone includes a base FAR that will apply to most development, as well as a bonus FAR for projects that provide community benefits, such as affordable housing.

	Base FAR	Bonus FAR
New Zone: RM1 Former Zones: R2 and R3 This is a low-scale zone that provides a transition to lower density residential areas, often located at edges of centers or along neighborhood corridors or other areas to provide continuity with the scale of established residential areas. Maximum Height: 35 feet Maximum Building Coverage: 50%	 1 to 1	 1.5 to 1
New Zone: RM2 Former Zones: R1 This zone is applied in and around a variety of centers and corridors to contribute to the intended urban scale of these locations, while providing transitions in scale and characteristics to lower scale residential neighborhoods. Maximum Height: 45 feet Maximum Building Coverage: 60% (70% on Corridors)	 1.5 to 1	 2.25 to 1
New Zone: RM3 Former Zones: RH [2:1 FAR] This is a high-density zone applied in locations close to the Central City and in centers and major corridors. It allows for a mid-rise scale of buildings (up to six stories), and calls for landscaped front setbacks to integrate with established residential neighborhoods. Maximum Height: 65 feet Maximum Building Coverage: 85%	 2 to 1	 3 to 1
New Zone: RM4 Former Zones: RH [4:1 FAR] This is a high-density, more intensely urban zone applied in locations close to the Central City and in centers and major corridors. It is intended to provide a mid-rise or high-rise scale of up to seven or more stories. Maximum Height: 75 - 100 feet Maximum Building Coverage: 85%	 4 to 1*	 6 to 1*

* In historic districts, the RM4 base FAR is 3 to 1 and the bonus FAR is 4.5 to 1.

Section 2: Direction from the Comprehensive Plan

Portland's Comprehensive Plan provides policy direction regarding development in the multi-dwelling zones. The 2035 Comprehensive Plan guides how and where land is developed to prepare for and respond to population and job growth. The Better Housing by Design project is proposing amendments to some of the Comprehensive Plan's most important implementation tools – the Zoning Code and Zoning Map.

Project staff developed the Better Housing by Design amendments to be consistent with the Comprehensive Plan's guiding principles, goals, and policies. The following summarizes how these amendments will help implement the guiding principles and summarizes major policy direction relevant to development in the multi-dwelling zones. More detail on Comprehensive Plan policy direction is provided in **Appendix A: Guidance from the Comprehensive Plan**.

Guiding Principles

The 2035 Comprehensive Plan includes five guiding principles to ensure that implementation of the plan is balanced, integrated and multi-disciplinary. The Better Housing by Design project helps advance the five guiding principles in the following ways (more detail is provided in the Proposal and Analysis section of this report):

1. Economic Prosperity

Support a low-carbon economy and foster employment growth, competitiveness, and equitably-distributed household prosperity.

This project supports this principle by expanding opportunities for commercial uses in multi-dwelling zones along corridors and near transit stations, and by expanding housing options in locations where residents can be served by and support commercial services. The amendments contribute to more equitably distributed household prosperity with incentives for the creation of affordable housing. They also do this by supporting the development of compact housing close to services, which helps people spend less on transportation and utilities, and by expanding allowances for “live-work” arrangements in which households can have a small home-based business.

2. Human Health

Avoid or minimize negative health impacts and improve opportunities for Portlanders to lead healthy, active lives.

This project furthers this principle by increasing opportunities for the housing people need to live secure and healthy lives. The proposals also contribute to human health by ensuring new housing includes residential outdoor spaces that support healthy living and social interaction, through limiting large paved areas that contribute to urban heat island impacts, by facilitating active mobility by allowing more people to live close to services, and by supporting the development of a wide range of housing that can meet the diverse needs, abilities, and economic conditions of Portlanders.

3. Environmental Health

Weave nature into the city and foster a healthy environment that sustains people, neighborhoods, and fish and wildlife. Recognize the intrinsic value of nature and sustain the ecosystem services of Portland's air, water, and land.

This project helps implement this principle by providing incentives for tree preservation, requiring outdoors spaces that expand opportunities for trees and other green elements, limiting paved surfaces, supporting the use of eco roofs and other green infrastructure, and by expanding options for the development of energy-efficient compact housing in locations supportive of low-carbon transportation options (such as transit, walking, and bicycling).

4. Equity

Promote equity and environmental justice by reducing disparities, minimizing burdens, extending community benefits, increasing the amount of affordable housing, affirmatively furthering fair housing, proactively fighting displacement, and improving socio-economic opportunities for under-served and under-represented populations. Intentionally engage under-served and under-represented populations in decisions that affect them. Specifically recognize, address, and prevent repetition of the injustices suffered by communities of color throughout Portland's history.

This project advances this principle by providing incentives for the creation of new affordable housing and for preserving existing affordable housing. The proposals also contribute to equity through development bonuses for “visitable” housing that is physically-accessible to people with a range of abilities, through provisions that address the need for street connections and outdoor spaces in East Portland, by increasing opportunities for home-based businesses and services along East Portland's corridors, and through focused engagement with low-income renters and other historically under-represented populations to help shape the project's proposals.

5. Resilience

Reduce risk and improve the ability of individuals, communities, economic systems, and the natural and built environments to withstand, recover from, and adapt to changes from natural hazards, human-made disasters, climate change, and economic shifts.

The project's proposals support this principle by helping to focus growth in and around centers and corridors to avoid sensitive natural areas and hazards, contributing to complete neighborhoods that support neighborhood resilience and a low-carbon economy, supporting a diversity of housing options responsive to changing demographics and household needs, and limiting urban heat islands that will be an increasing threat in a warming climate.

Comprehensive Plan Policies Related to the Multi-Dwelling Zones

A wide range of Comprehensive Plan policies provide guidance regarding development and intended outcomes in the multi-dwelling zones. These policies played a major role in shaping the Better Housing by Design project proposals and are listed in detail in Appendix A. In summary, policies especially relevant to the multi-dwelling zones call for development to:

- Accommodate housing growth, especially in and around centers, corridors, and transit station areas.
- Contribute to providing a diversity of housing types, including an adequate supply of affordable housing and physically-accessible housing.
- Provide healthy and safe environments for residents, with design that supports active living.
- Provide pedestrian-oriented environments that are accessible to people of all ages and abilities.
- Contribute to a network of safe and accessible street and pedestrian connections, especially around centers and transit stations.
- Use design that responds to and enhances the positive qualities of context, including the distinct characteristics of Portland's five neighborhood pattern areas.
- Integrate nature and green infrastructure into the urban environment, avoid environmental impacts, and reduce impervious surfaces and urban heat island effects.
- Use resource-efficient design and development approaches.

The Proposal and Analysis section of this report provides a summary of the policy basis for each of the proposals.

Section 3: Public Involvement

The concepts for multi-dwelling zone code improvements that were a basis for the *Better Housing by Design Concept Report* (see Appendix D) and the subsequent proposals for zoning code amendments were informed by a range of public involvement activities.

Stakeholder Working Group Meetings

A series of five Stakeholder Working Group (SWG) meetings were held from March through May 2017. These meetings included participants with a range of perspectives and experience, including community group representatives, development professionals, tenant advocates, neighborhood residents, affordable housing providers and age-friendly advocates.

These meetings served as a forum for discussing issues and potential solutions, and to help inform project staff as they developed concepts. Each meeting covered a different set of topics; three of the meetings focused on development and street connectivity issues in Eastern Portland. Participants in the SWG meetings were not appointed, and meetings were open to any interested community members. This approach provided flexibility for a variety of participants with interest and experience in the specific topics and geographies for each meeting.



Community Walks in the Jade District and Rosewood Neighborhood Centers

Walks with community stakeholders were held in the Jade District and Rosewood neighborhood centers during October and November 2016. Participants shared perspectives on multi-dwelling development and street connectivity issues in these areas, which served as study areas for both the Better Housing by Design project and PBOT's Connected Centers Street Plan project.

Roundtable Discussions with Development Professionals

Three roundtable discussions were held with affordable housing providers, designers, and builders and developers in January and February 2017. These discussions allowed staff to hear from development professionals about what is working or not working well with Portland's multi-dwelling regulations and how they can be improved. Staff also solicited feedback on potential new directions and implementation ideas.

Initial Public Workshop

Project staff held a public workshop on February 25, 2017, to introduce the project to the broader public and provide an initial opportunity to discuss issues related to multi-dwelling development and street connectivity. The event was held at PCC Southeast at SE 82nd and Division to accommodate community members who live in Eastern Portland.

Public Open Houses on Draft Concepts

On June 1 and June 3, 2017, staff held public open houses to present the draft code concepts and hear initial public input prior to the release of the *Concept Report*. Again, one of the open houses was held at PCC Southeast for the convenience of East Portlanders.

Meetings with Community Groups

Project staff met with a range of community groups to introduce project issues and potential solutions, and to receive feedback, including:

- Neighborhood district coalitions
- Jade District/APANO
- The Rosewood Initiative
- Anti-displacement PDX
- Urban League
- East Portland Action Plan Housing Subcommittee

Ongoing Communication

Regular communications about the Better Housing by Design project were made available through the project website, monthly e-mail updates to the project mailing list, Bureau of Planning and Sustainability newsletters, social media sites (Facebook, NextDoor and Twitter) and media releases.

WHAT STAFF HEARD

Among the many issues raised by community members during the concept development phase were:

- Participants in SWG meetings emphasized the need to address Portland's housing challenges by **prioritizing affordable housing and expanding housing opportunities**. Other important priorities were having development contribute to **pedestrian-friendly streets and usable outdoor space** for residents. Points of contention in these meetings and other community meetings included differing perspectives on off-street parking and compatibility with neighborhood characteristics.
- East Portland community members emphasized the importance of including **areas for play and gathering** as part of multi-dwelling development, especially given the many families living in apartments in the area and the lack of parks. They also emphasized the need for **designing pedestrian connections for safety**.
- Development professionals emphasized the need for **predictable regulations and allowing development flexibility**. Some indicated that development and density standards in the multi-dwelling zones complicated development; that it was easier to do multi-dwelling development in commercial zones than in the multi-dwelling zones. Many also indicated that it was important to reduce the cost of creating new streets because providing street connections affected the feasibility of projects and housing affordability.

More complete information on public input, including summary notes and submitted comments from the project's public events, are included in the *Concept Report Appendices*.

DISCUSSION DRAFT

The *Discussion Draft*, published on January 22, 2018, served as the first opportunity for the public to review and comment on draft zoning code regulations, which were developed by staff based on ideas for code improvements in the project's *Concept Report*. The public review period for the *Discussion Draft* was from January 22 through March 19, 2018. During this period, staff used a variety of approaches for community members to learn about the *Discussion Draft* proposals and provide comments, including:

- **Two public open house events**, held on January 31 and February 8, 2018. The first event was held in central Portland, while the latter was held in the Gateway District for the convenience of East Portlanders.
- **A Stakeholder Working Group meeting** was held on February 22, 2018 to review and discuss the *Discussion Draft* proposals.
- **An East Portland Residential Outdoor Spaces workshop** was held on March 14, 2018, to provide an opportunity for East Portland community members to have an in-depth discussion on proposals for deep rear setbacks and outdoor spaces in East Portland.
- **A display in the lobby of the 1900 SW Fourth Avenue Building** was set up from March 7 through March 20, 2018 to publicize the *Discussion Draft* proposals and opportunities to provide comments.
- A **news blog post** was featured on the Better Housing by Design project website.
- **E-mail updates** were sent to the project mailing list.
- **An online questionnaire** provided a convenient way to comment on specific *Discussion Draft* proposals.
- **Presentations and discussions were held at 20 meetings** of community groups and other organizations.

More than 350 attendees participated in public events and meetings where the *Discussion Draft* proposals were presented and discussed. Staff received 76 comment submittals from individuals and organizations.

PROPOSED DRAFT

Comments received during the *Discussion Draft* public review period informed the *Proposed Draft*, which served as staff's proposal to the Planning and Sustainability Commission (PSC). The *Proposed Draft* was posted on the project website on May 11, 2018—32 days before the PSC's public hearing on June 12, 2018. As part of the Proposed Draft publication and legislative process requirements, the following legal notices were sent:

- **Form 1 Notice**
State notice sent to the Oregon Department of Land Conservation and Development.
- **Legislative Notice** (344 notices)
City notice sent to interested parties, recognized organizations, affected bureaus, TriMet, Metro and ODOT.
- **Measure 56 Notice** (33,630 notices)
State Ballot Measure 56 notice sent to owners of each property where there is a proposed change to the base zoning of the property or where there are limits or prohibition of land uses previously allowed in the affected zone.

In addition to these legal requirements, information about the PSC hearings was featured in blog posts on the project website, e-updates to project mailing list, and media releases and posts by BPS on Twitter and Facebook.

The PSC received 270 pieces of testimony on the *Proposed Draft* from individuals, organizations, and neighborhood associations through the Map App, mail, email, and verbally. Over 30 people testified in person during public hearing held on June 12, 2018.

After the Planning and Sustainability Commission considered public testimony, they held a series of seven work sessions from September 2018 through April 2019 to consider changes to the *Proposed Draft*. The PSC concluded its deliberations on April 30, 2019, and voted unanimously on its recommendations to City Council. The PSC's *Recommended Draft* continued most of the major proposals of the *Proposed Draft*, but included amendments based on public testimony and PSC deliberations.

Recommended Draft Amendments

Changes from the *Proposed Draft* incorporated into the *Recommended Draft* include the following:

- Allow all FAR bonuses and transfer allowances to be used in historic and conservation districts, in both multi-dwelling and commercial/mixed use zones (the *Proposed Draft* excluded some bonuses and all FAR transfer allowances from being used in historic districts).
- Allow an additional amount of FAR to be transferred from sites with historic resources in conjunction with seismic upgrades in both the multi-dwelling and mixed use zones.
- Change the visitability standards into a bonus (instead of a requirement) providing 25 percent additional FAR when at least 25 percent of units meet accessibility standards.
- Allow daycares (up to 3,000 square feet) on all multi-dwelling zone properties, not just along major corridors.
- Exempt required bicycle parking from FAR calculations in the multi-dwelling and mixed use zones, as is the case for vehicle parking.
- In the RM2, RM3, and RM4 zones, change the step-down height across local service streets from single-dwelling zones to 45 feet (instead of 35 feet).
- Retain the existing 100-foot building height allowance in the RM4 zone within 1,000 feet of transit stations and expand this height allowance to also apply within 500 feet of frequent transit lines (outside historic districts).
- In the Inner Pattern Area, allow for zero side setbacks in multi-dwelling zones along Civic and Neighborhood corridors when abutting mixed use zoning or other multi-dwelling zone properties.
- Modify the garage and structured parking limitation standards to be similar to proposed single-dwelling zone standards. The *Recommended Draft* includes amendments to parking location regulations for small housing types that were originally proposed by the Residential Infill Project.
- Allow detached accessory structures in required setbacks, regardless of housing type or site size.
- Increase the small site threshold from 7,500 square feet to 10,000 square feet. Applies to exceptions to setback landscaping, requirements for alley access, as well as to exceptions to minimum parking requirements in the multi-dwelling and mixed use zones.

- In the RM4 zone in historic districts assign base and bonus FARs of 3:1 and 4.5:1, instead of the earlier proposed base and bonus FARs of 4:1 and 6:1, so that new buildings are similar in scale to larger historic buildings in this zone.
- In the RH zone in historic districts, modify the assignment of the new RM3 and RM4 zones to better match the scale of historic buildings. In some areas, this means allowing greater scale than is currently allowed, while in other locations, the changes will allow less building scale than is the case currently. These mapping changes affect the Alphabet and King's Hill historic districts.
- Other amendments to Chapter 33.130 (Commercial/Mixed Use Zones) to provide constancy with proposed regulations in the multi-dwelling zones, including:
 - Allow historic preservation FAR transfers citywide (instead of current two-mile maximum distance).
 - Modify the commercial/mixed use zones parking standards to require 1 space for every 2 units for larger sites outside frequent transit buffers.
 - In the CM2 and CM3 zones, change the step-down height across local service streets from single dwelling zones to 45 feet (instead of 35 feet). Also, eliminate requirements for height step downs in the CM3 zone in locations adjacent to the RM2 zone.
 - In the Inner Pattern Area, allow for zero setbacks from property lines abutting properties with multi-dwelling zoning along Civic and Neighborhood corridors.

Recommended Draft to City Council

City Council held public hearings on the *Better Housing by Design Recommended Draft* on October 2 and November 6 of 2019. City Council deliberated and voted on amendments to the *Recommended Draft* on November 21, 2019. The amendments passed by City Council are incorporated into the *Better Housing by Design As Adopted by City Council* report. City Council is scheduled to make a final decision on the Better Housing by Design provisions on December 18, 2019, with the effective date for the new regulations and map amendments scheduled for March 1, 2020.

Amendments passed by City Council and incorporated into the *As Adopted* report include:

- Amendments to the Deeper Housing Affordability Bonus to provide affordable ownership housing options for households earning up to 80 percent of area median income.
- Expanded exemptions from minimum parking requirements for projects providing affordable units in multi-dwelling and mixed-use zones citywide.
- Limitations on the use of development bonuses or FAR transfers on sites where a historic building has been demolished in the multi-dwelling and mixed-use zones.
- Exemption for indoor common areas, such as community or recreation rooms, from FAR calculations in both the multi-dwelling and mixed-use zones.
- Allowances for FAR to be transferred between sites in the multi-dwelling and mixed-use zones to facilitate transfers from sites preserving historic buildings, existing affordable housing or large trees.

Section 4: Proposal and Analysis

This section summarizes major Zoning Code and Zoning Map amendments proposed by the Better Housing by Design project. This section briefly describes each proposal and provides an explanation of the problems and policy issues the proposal is intended to help address. The proposed regulatory changes are intended to better implement Comprehensive Plan policies and to improve development outcomes in the multi-dwelling zones.

Following an overview of the proposed framework of multi-dwelling zones and Zoning Map amendments, the Zoning Code proposals in this section are organized by the following major topics and implementing approaches:

Diverse Housing Options and Affordability to meet diverse housing needs.

1. Regulate by building scale instead of unit density.
2. Prioritize affordable housing by increasing inclusionary housing development bonuses and through a family housing bonus.
3. Promote physically-accessible housing through a visitable units bonus.
4. Provide incentives for preserving trees and existing affordable housing and for seismic upgrades to historic buildings through transfers of development rights.
5. Allow small-scale commercial uses on major corridors and daycares.



Outdoor spaces and green elements that support human and environmental health.

6. Require residential outdoor areas in high density zones.
7. Require shared common areas for large sites.
8. Allow alternatives to conventional landscaping.
9. Limit large surface parking lots and asphalt paving.
10. Reduce parking requirements, especially on small sites.



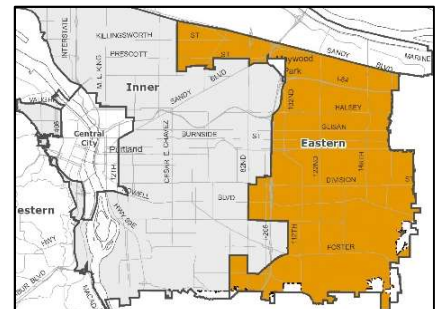
Building design and scale that contributes to pedestrian-friendly streets and relates to context.

11. Limit front garages and parking along street frontages.
12. Require building entrances to be oriented to streets or to courtyards.
13. Require front setbacks that reflect neighborhood patterns and provide privacy.
14. Simplify side setback regulations to reduce barriers to compact development.
15. Require building height transitions to single-dwelling zones.
16. Require large building facades to be divided into smaller components.
17. Provide design options that support urban development along major corridors.



East Portland standards and street connections that respond to the area's distinct characteristics and needs.

18. Continue East Portland mid-block open areas through requirements for deep rear setbacks.
19. Require street frontages wide enough for quality site design and to provide space for new street connections in East Portland centers.
20. Calculate development allowances prior to street dedication to facilitate street connections.



New Zoning Framework

The Better Housing by Design proposals include new names for the multi-dwelling zones to reflect proposed changes to the zones. The most significant change from current regulations is a proposal to move from regulating development intensity by **unit density** to an approach that regulates by **building scale** – primarily floor area ratios [FAR] in combination with building height limits and other development standards. FAR is the relationship of allowed building floor area to the size of the site – an FAR of 1 to 1 means that 10,000 square feet of building floor area is allowed on a site that is 10,000 square feet in area. This change primarily affects the smaller-scale zones (R3, R2, R1) and will bring consistency with the FAR-based approach already used in the other multi-dwelling zones and in the commercial/mixed use zones. See pages 28 – 29 regarding the proposed scale-based approach.

The current zone names for the smaller scale zones are based on unit density (e.g., R2 – “Residential 2,000” corresponds to a maximum density of 1 unit per 2,000 sq. ft. of site area), which will be less relevant with the proposal to regulate by development scale/FAR. The new approach uses zone names that are consistent with the naming convention used for the commercial/mixed use zones, in which larger zone name numbers correspond to allowances for larger-scale development. The new approach also divides the current RH zone into two separate zones (RM3 and RM4) that reflect the different FARs and development standards that apply within the RH zone (which includes two separate levels of FAR: 2 to 1 and 4 to 1). The proposed zones and their general characteristics and locations are as follows:

The RM1 zone, which combines the former R3 and R2 zones, is a low-scale zone that provides a transition to single-dwelling residential areas, often located at the edges of centers or along neighborhood corridors, or other areas intended to provide continuity with the scale of established residential areas.

The RM2 zone, formerly the R1 zone, is a medium-scale zone applied in and around a variety of centers and corridors and has similar allowed building height (up to four stories) as the predominant commercial/mixed use zones in these areas. Proposals allow for additional building coverage (up to 70 percent) for properties adjacent to civic or neighborhood corridors.

The RM3 zone, formerly the RH zone (2 to 1 FAR), is a high density, mid-rise zone applied in locations close to the Central City and in centers and major corridors, and includes requirements for front landscaping to integrate with established residential neighborhoods.



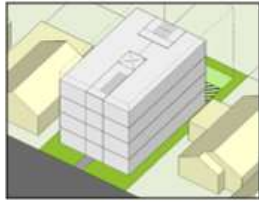
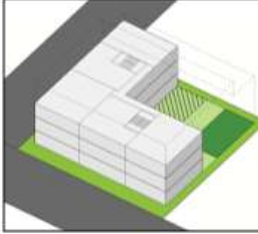

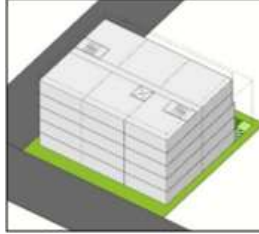
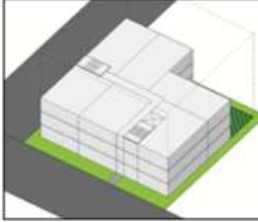


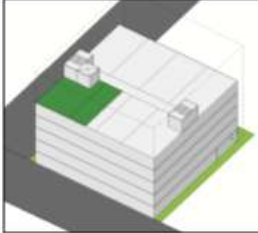

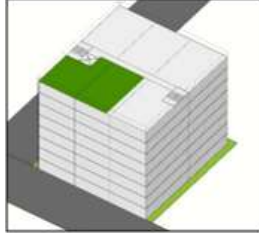
The RM4 zone, formerly RH zoning mapped for an FAR of 4 to 1, is an intensely urban, mid- to high-rise zone applied in locations close to the Central City and in centers and major corridors. In historic and conservation districts, the base FAR is 3 to 1 (bonus FAR is 4.5 to 1).

The RX zone is the most intensely urban residential zone and is applied within the Central City and the Gateway Regional Center.

The RMP zone is applied to manufactured dwelling parks. No changes are proposed to the names or major standards of the RX and RMP zones (not shown on Proposed Multi-Dwelling Zones table).

The new zones continue most of the current zones’ basic development parameters, such as building height, coverage, and landscaping (see page 55 for a comparison of current and proposed development standards). The most fundamental changes are the new FAR approach for the smaller-scale zones and the merging of the R3 and R2 zones into the new RM1 zone (see page 21). Another significant change involves refinements to the additional scale (FAR) allowed through development bonuses for projects that provide affordable housing, family-sized units (three bedrooms), visitable units, or through transfers of development rights.

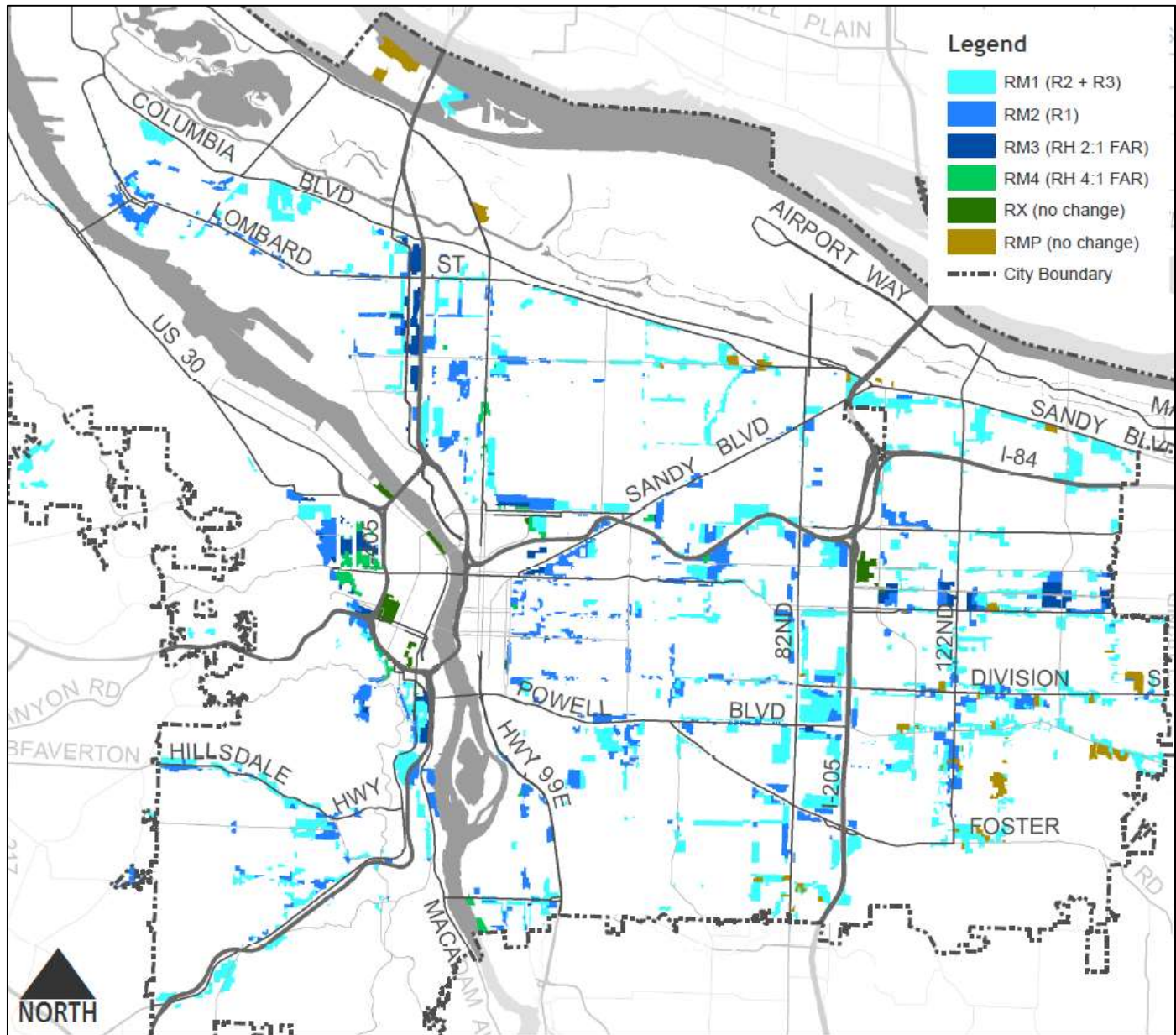
Summary of the Proposed Multi-Dwelling Zones

New Zone	Existing Zone	Max. Height	Max. Building Coverage & Landscaping	Base FAR	Bonus FAR	Special Bonus for Deeper Housing Affordability
RM1	R2 & R3	35 ft.	50% Coverage 30% Minimum Landscaping	1 to 1 	1.5 to 1 	2 to 1 FAR 
RM2	R1	45 ft.	60% Coverage (70% on major corridors) 20% Minimum Landscaping	1.5 to 1 	2.25 to 1 	3 to 1 FAR 
RM3	RH	65 ft.	85% Coverage 15% Minimum Landscaping	2 to 1 	3 to 1 	4 to 1 FAR 
RM4	RH	75/100 ft.	85% Coverage 15% Minimum Landscaping	4 to 1 	6 to 1 	7 to 1 FAR 

Notes on Base and Bonus FAR

- The **base FARs** represent the maximum FAR that projects could achieve “by right” (staff anticipate that the majority of smaller projects will be built within the base FAR). The base FAR limits do not allow for the full building height and site coverage to be utilized. This allows for additional scale to be provided through FAR bonuses and density transfers for projects that provide affordable housing or other community benefits.
- The **bonus FARs** are equivalent to a 50 percent increase beyond the base FAR. They can be achieved by projects providing affordable units, either voluntarily or through mandatory inclusionary housing (required for buildings with 20 or more units – see page 31). For projects with fewer than 20 units, this bonus can also be achieved through transfers of development rights from sites where historic resources, trees, or existing affordable housing are being preserved; or can be achieved in part by bonuses for moderate income family-sized units and for visitable units (see pages 30 - 35).
- The **special bonus for deeper housing affordability** will be available to projects with at least 50 percent of units generally affordable to those earning no more than 60 percent of MFI (see page 31). Besides the larger amount of bonus FAR, projects will be eligible for 10 feet of additional height and an additional 10 percent of site coverage. Staff anticipate this bonus will primarily be used by affordable housing developers.

Zoning Map Amendments: New Base Zones



This map shows amendments to the Zoning Map based on the proposed zoning framework, including the new zone names. The map changes primarily involve areas that already have multi-dwelling zoning. There are no significant expansions to where multi-dwelling zones are mapped (with the exception of a small number of properties where multi-dwelling zoning is being applied, in part to support historic preservation objectives). Proposed zoning assigns the new zoning that most closely matches existing zoning (with some exceptions in historic districts to the assignment of the RM3 and RM4 zoning that replaces the RH zone, see pages 25-26).

The Zoning Map changes and the new zoning framework also require corresponding amendments to the Comprehensive Plan and Map (see page 24). No changes are proposed to the mapping of the RX and RMP zones.

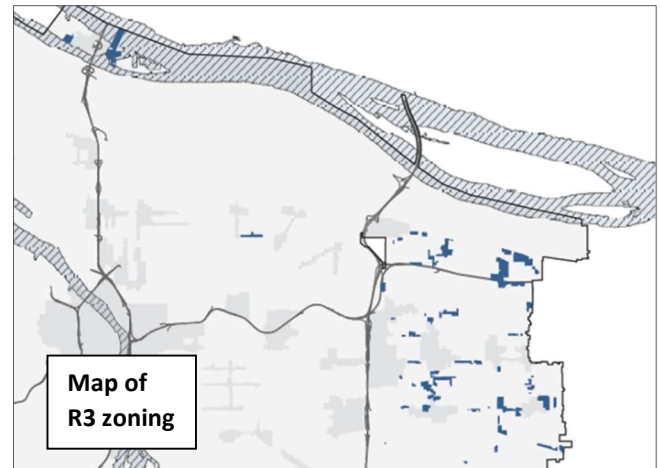
See the online Map App (www.Portlandmaps.com/bps/mapapp) and select **Better Housing by Design** to view how the Zoning Map changes will affect individual properties.

Zoning Map Amendments: Merging of R3 and R2 Zones

The R3 and R2 zones are being combined into the new RM1 zone for a variety of reasons:

- The R3 and R2 zones allow a similar scale of development and both are intended for development compatible in scale with single-family housing. The allowed building height for the new zone will be 35 feet, which is the same as the R3 zone and a slight reduction from the 40-foot height allowed in the R2 zone. 35 feet of building height is sufficient for the two- to three-story scale intended for the new zone and will allow for a wide range of middle-housing types (such as duplexes, fourplexes, and courtyard apartments) that historically were located among single-family houses. This height is also consistent with maximum heights in the R2.5 single-dwelling zone and the CM1 mixed-use zone, which are similarly intended to be compatible with the scale of single-dwelling residential neighborhoods.
- Other development standards – such as building coverage, setbacks, outdoor area and landscaping – vary little between the two zones (see box).
- The R3 zone (a remnant of Multnomah County zoning) applies in a relatively small amount of area (517 acres out of the 5,160 acres of multi-dwelling zoning), primarily in East Portland and East Hayden Island.
- The R3 zone has produced only a small amount of new residential units over the past 10 years. 180 units were built in that zone during this period, compared to the total amount of 8,730 units built in all of the multi-dwelling zones.
- The R3 zone, as currently regulated, allows less density than the R2.5 single-dwelling zone. The R3 zone currently allows up to one unit per 3,000 square feet of site area, while the R2.5 zone allows one unit per 2,500 square feet of site area. This means that on a 5,000-square foot lot, the R3 zone allows only one unit, while the R2.5 zone allows two units on the same size lot. This lesser density for the R3 zone compared to single-dwelling zones will be increased by the Residential Infill Project, which proposes new regulations that allow four units on a 5,000-square foot lot in the R5 and R2.5 single-dwelling zones.
- R3 zoning in East Portland is often located along Civic Corridors (such as SE Stark, SE Division, and 122nd Avenue), identified by the Comprehensive Plan as areas for higher-density housing.
- As part of the shift to a scale/FAR-based approach, staff considered an FAR of .75 to 1 for the R3 zone. Code modeling (see Appendix B) showed little difference in development scale with the 1 to 1 FAR proposed for the R2 zone. This .75 to 1 FAR is also less than the FARs for multi-unit developments proposed for the R2.5 single-dwelling zone by the Residential Infill Project.
- Recent development in the R3 zone has been similar to what has been built in the R2 zone, with the majority of development in both zones consisting of clusters of detached houses, townhouses, duplexes, and small apartment buildings.

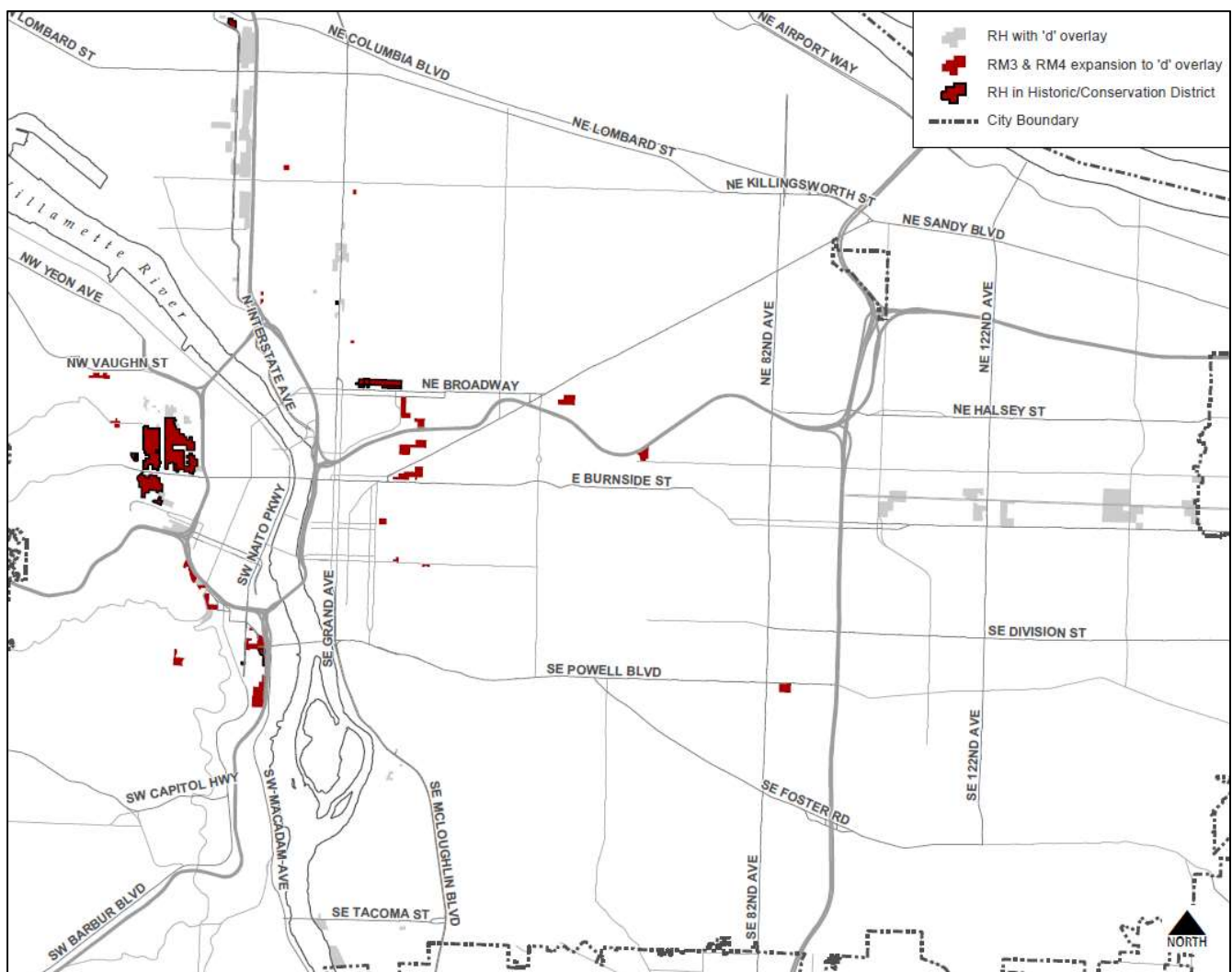
	R3	R2
Maximum Height	35'	40'
Max. lot coverage	45%	50%
Min. front setback	10'	10'
Required outdoor area	48 SF/unit	48 SF/unit
Landscaping	35%	30%



Zoning Map Amendments: Design Overlay Zone Expansion

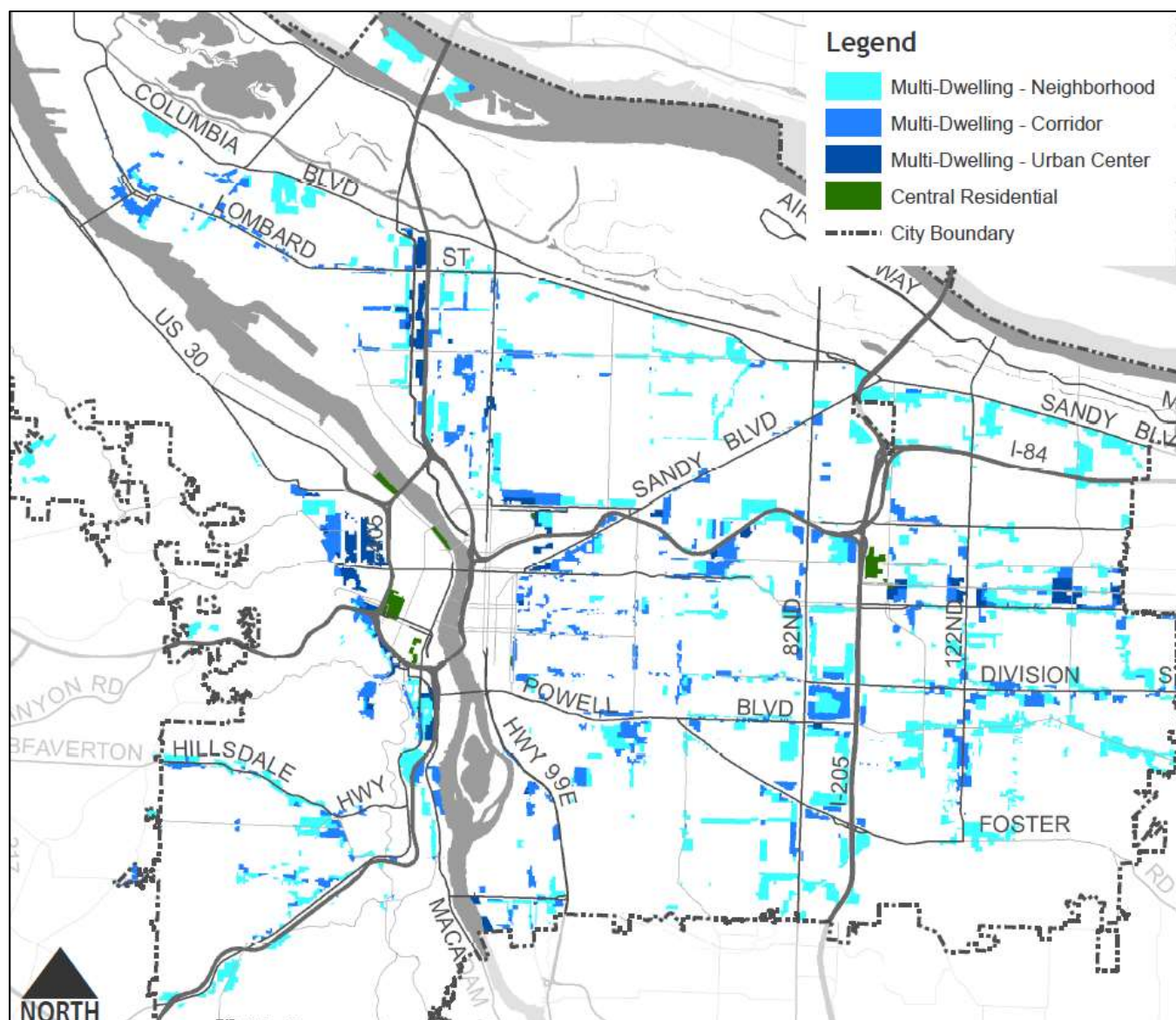
The Better Housing by Design project proposes expanding the design (“d”) overlay zone to apply to all RH zoning (new RM3 and RM4 zones). The majority (84 percent) of the RH zone is already within the design overlay or in historic districts (such the Alphabet Historic District in Northwest Portland). As part of the d-overlay expansion, the d-overlay will be applied to properties with RM3 and RM4 zoning located in historic and conservation districts, although properties in these districts will continue to be subject to historic resources review instead of design review.

Portland applies the design overlay to zones that allow large-scale development. This helps manage the design of significant amounts of change and to ensure that high-profile, larger-scale development is well designed. Most RH zoning is mapped in locations close to the Central City, in centers, or near light rail stations, places intended for significant housing density. The RH (RM3 and RM4) zoning allows buildings 65 to 100 feet tall, which matches or exceeds scale allowed in mixed use zones (EX and CM3) where the design overlay is always applied. The RM3 and RM4 zones will be among the zones where the d-overlay is always applied (along with the EX, RX, CX and CM3 zones). For most development outside the Central City, the design overlay zone provides projects with options to either go through a discretionary design review process or to use clear and objective design standards.



This map shows areas where the design overlay zone is proposed for expansion (dark red), as well as areas with RH zoning that are already within the design overlay (light shading).

Comprehensive Plan Map: Amendments



The *As Amended* report includes changes to Comprehensive Plan land use designations and the Comprehensive Plan Map to correspond to the proposed new multi-dwelling zones and the shift to regulating development intensity by FAR (instead of unit density). The new Comprehensive Plan multi-dwelling designations use location-related names, similar to the approach used for the mixed use designations (See Volume 2 for complete Comprehensive Plan amendments). The Comprehensive Plan Map amendments assign to each property the new designation that corresponds to existing designations (no change to Central Residential or Manufactured Dwelling Park designations).

Current Comp Plan Name (and zone)	New Comp Plan Name	Corresponding New Zones
Multi-Dwelling – 3,000 (R3)	Multi-Dwelling – Neighborhood	RM1
Multi-Dwelling – 2,000 (R2)	Multi-Dwelling – Corridor	RM2
Multi-Dwelling – 1,000 (R1)	Multi-Dwelling – Urban Center	RM3, RM4
High-Density Multi-Dwelling (RH)	Multi-Dwelling – Urban Center	RM3, RM4
Central Residential	Central Residential	RX (<i>no change</i>)
Manufactured Dwelling Park	Manufactured Dwelling Park	RMP (<i>no change</i>)

Historic Districts: Zoning Map and Zoning Code Amendments

Amendments to the Zoning Map generally assign the new zoning that most closely matches existing zoning. The exception to this involves the assignment in historic districts of the new high-density RM3 and RM4 zones, which replace the current RH zone. The historic districts where the majority of the current RH zoning (and future RM3 and RM4 zoning) is located are the Alphabet Historic District in Northwest Portland and the King's Hill Historic District, just west of the Central City. Amendments address the fact that current zoning allows building scale that is substantially larger than historic buildings in some parts of these districts, while disallowing new buildings to be as large as historic buildings in other areas. The Comprehensive Plan includes policies that call for zoning that is responsive to the characteristics of historic districts, while other policies prioritize close-in locations for higher-density housing, including affordable housing.

Amendments to the Zoning Map and development standards in high-density multi-dwelling zones in historic districts balance historic preservation objectives with providing options that address the need for affordable housing. The amendments calibrate development allowances to the scale of historic districts, while providing additional development bonuses for projects that include affordable housing. The amendments:

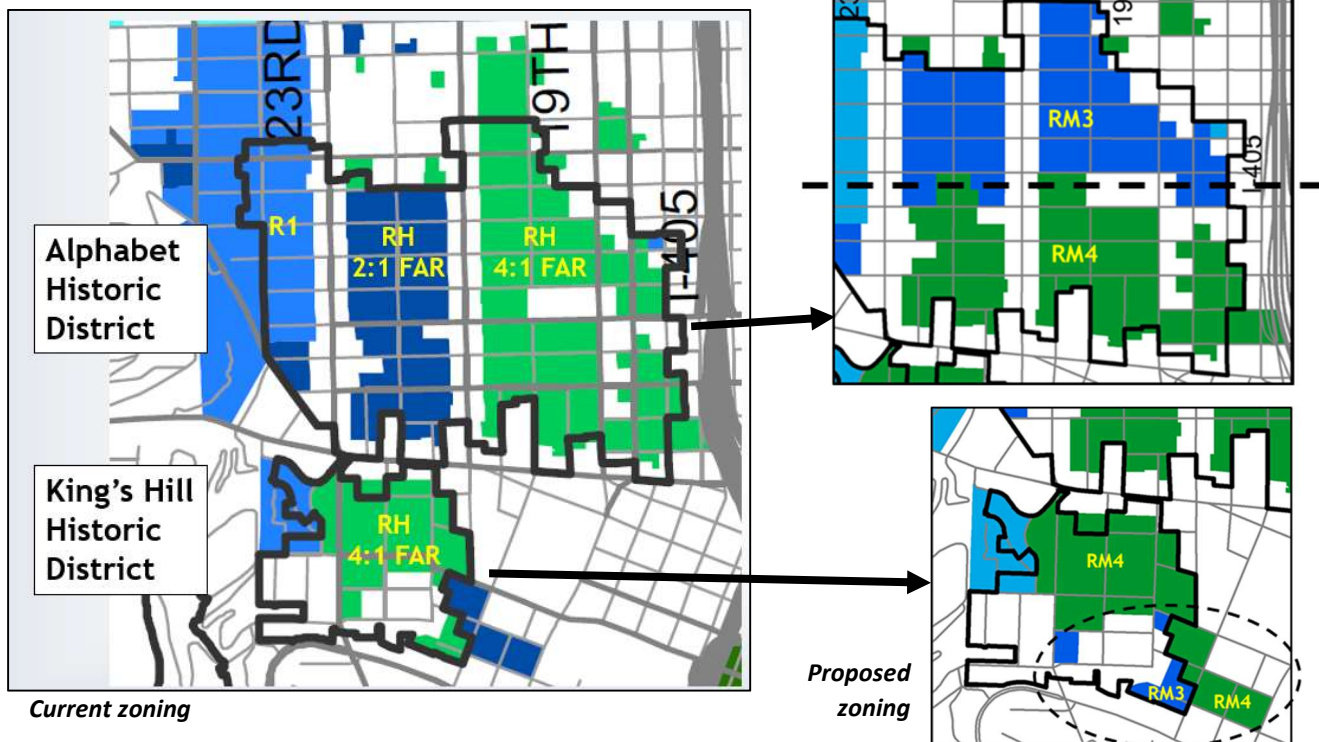
1. **Expand development bonuses for affordable housing in historic districts in both the multi-dwelling and mixed use zones.** Currently, development bonuses for affordable housing are not provided in mixed use zones in historic districts, even when inclusionary housing is mandatory for larger projects. The amendments make affordable housing bonuses available in historic and conservation districts in both the multi-dwelling and mixed use zones. *See also pages 19, 30-31, and 54.*
2. **Change the Zoning Map in the Alphabet and King's Hill historic districts so that the allowed building scale relates to the scale of larger historic buildings.** In some locations the recommended zoning is larger in scale than existing zoning, while in other locations the proposed zoning is smaller in scale. All properties affected by these zone changes currently have RH zoning, but are being assigned the new RM3 and RM4 zones based on the scale of the historic context. *See also next page.*
3. **Reduce the base FAR (regulating building scale) in the highest density multi-dwelling zone (RM4) when located in historic districts,** from a current base FAR of 4 to 1 to instead provide a base FAR of 3 to 1. This is balanced by allowances for buildings to achieve a bonus FAR of 4.5 to 1, available to projects providing affordable housing units. This means that larger buildings subject to mandatory inclusionary housing requirements will be able to be as large as currently allowed by the base FAR. Projects in which at least half of units are affordable at 60 percent of median family income can be even larger than allowed by the standard bonus (up to an FAR of 6 to 1). *See also next page.*
4. **Provide an incentive for seismic upgrades to historic buildings.** Amendments allow additional building scale (FAR) to be transferred to other projects from sites with historic structures in conjunction with seismic upgrades, to help defray the costs of these upgrades. *See also pages 34-35.*

Historic buildings in the Alphabet Historic District, west of NW 21st, which are twice the scale allowed by their current RH zoning (base FAR of 2 to 1). The RM4 zoning (base FAR of 3 to 1 in historic districts) proposed for this area will allow new development to be similar in scale when affordable units are provided through inclusionary housing regulations.



Historic Districts: Zoning Map and Zoning Code Amendments

(continued)



Zoning Map Changes: Alphet and King's Hill historic districts

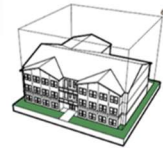

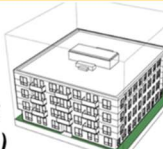



Alphet Historic District: the proposed zoning provides a north-south split between the larger-scale RM4 zoning to the south and the smaller-scale RM3 zoning to the north, instead of the east-west split of the current RH zoning. This change is more reflective of the historic development scale than existing zoning, as larger historic buildings are concentrated in southern portions of the district.

King's Hill Historic District: the proposed zoning switches the mapping of smaller scale (RM3) and larger-scale (RM4) zoning in and around southern portions of the district to be more responsive to development patterns. In this area, small properties in the historic district with mostly low-scale historic buildings (2-3 stories) are being assigned the smaller scale RM3 zone, while properties just to the east in the Central City that have larger buildings are being assigned RM4 zoning (this also aligns with the FAR of 4 to 1 assigned to this area in the Central City Plan District).

Right. Range of proposed base and bonus FARs in the RM3 and RM4 zones, highlighting the differing RM4 FAR allowances in historic districts (current zone is RH for all).

Below. In the RM4 zone in historic districts, base and bonus FARs of 3:1 and 4.5 to 1 will match the range of larger historic multi-dwelling buildings in historic districts, such as these examples in the Alphet and King's Hill historic districts. Larger scale will be allowed through the deeper affordability bonus for buildings in which at least half of units are affordable.



	Base FAR	Bonus FAR	Deeper Affordability Bonus
RM3	 <p>2 to 1</p>	 <p>3 to 1</p>	4 to 1
RM4 (historic districts)	 <p>3 to 1</p>	 <p>4.5 to 1</p>	6 to 1
RM4 (outside historic districts)	 <p>4 to 1</p>	 <p>6 to 1</p>	7 to 1

Amendments to Zoning Code Regulations

The proposals for Zoning Code amendments on the following pages are organized as follows:

- **Topic:** The major topic associated with the proposals (from topics listed on page 17).
- **Proposals:** Brief listing of the proposals.
- **Issues Addressed:** Issues and policies being addressed by the proposals.
- **Proposal Approach:** Information on the proposed regulatory approach and intended outcomes.

Note regarding zone names. Text about the current zones uses current zone names. Text regarding the proposals uses the new zone names, accompanied by the corresponding current zone names in parentheses – such as RM1 (R2/R3).

Relationship to Volume 2 and Volume 3

The Staff Report proposal descriptions on the following pages are summaries and do not include the full Zoning Code language and regulatory details. **Volume 2** includes the full regulatory details of these and other code amendments, along with staff commentary. For the convenience of reviewers, Volume 2 includes an index that cross references the proposals in the Staff Report and the Volume 2 code sections, indicating the page numbers where the specific Zoning Code text and commentary can be found.

Volume 3 includes additional Zoning Code amendments needed to provide consistency among similar regulations located in different Zoning Code chapters, including amendments to the commercial/mixed use zones. Volume 3 also includes amendments to plan district regulations made redundant by the proposed multi-dwelling regulations and updates references to the names of multi-dwelling zones.

Other Documents with Information Related to the Zoning Code Amendments

Appendix B: Code Modeling – Prototypes

This document includes code modeling of the physical outcomes of the draft base and bonus FARs and other development standards for each of the multi-dwelling zones. This modeling indicates that the base and bonus FARs can be achieved within the parameters set by other proposed development standards, such as maximum building heights, site coverage limits, setbacks, and outdoor space and landscaping requirements.

Appendix C: Code Modeling – Feasibility Analysis

This document summarizes an economic analysis of the economic feasibility of the proposed base and bonus FARs. It includes two parts, the second of which includes additional prototypes with more units and no parking.

Appendix F: Displacement Risk Analysis

This analysis investigates the extent to which the proposed zoning changes might increase the likelihood of the redevelopment of existing multi-dwelling housing.

Diverse Housing Options and Affordability

Proposals

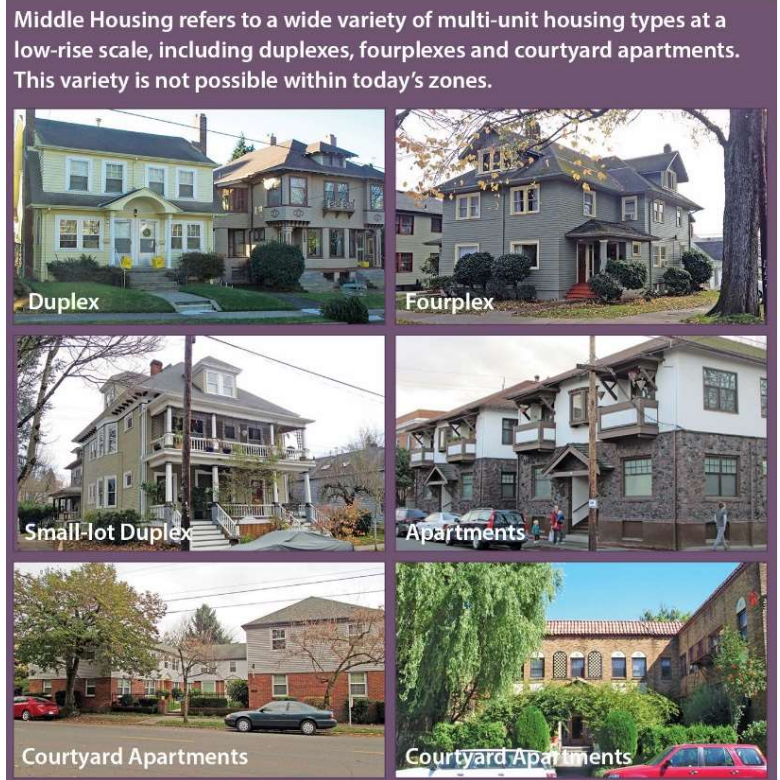
1. Regulate by building scale/FAR instead of unit density – RM1 and RM2 zones.

Issues Addressed

Comprehensive Plan policies call for a broad range of housing options, with more intense development in centers and corridors.

Low-rise multi-dwelling zones, such as the R2 zone, provide transitions in scale between higher-density areas and single-family residential areas. Historically, low-rise multi-dwelling areas provided a diversity of “middle housing” types, such as duplexes, fourplexes, townhouses and courtyard apartments. These two- to three-story housing types provide housing density at a scale not much taller than single-family houses. Many of these, however, could not be built today in Portland’s most common multi-dwelling zone, R2, because they exceed unit density limits. Other issues in the medium-density zones (R3, R2 and R1) include:

- Density-based regulations often result in large townhouse-type units whose multiple levels and stairs are not accessible to people with mobility limitations.
- The lack of housing unit variety also limits the range of affordability levels.
- In the R1 zone, often located along transit corridors and allowing four-story buildings, density regulations similarly limit housing options, even in transit-rich locations.



R1 zone development

Old and new buildings along transit corridors. Similar scale, but the older apartments accommodate more households. The 2015 example was built to the maximum allowed density of the R1 zone.



1920s – 34 units on a 10,000 square-foot site



2015– 18 units on an 18,000 square-foot site

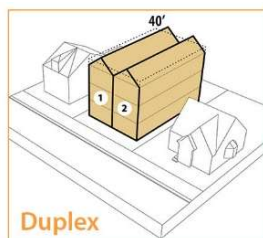
Proposal Approach

1. Regulate by building scale/FAR instead of unit density – RM1 and RM2 zones.

RM1 (R2/R3)

Current approach (R2):

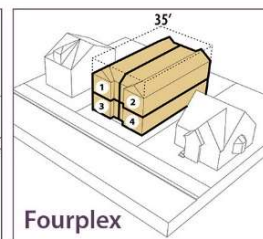
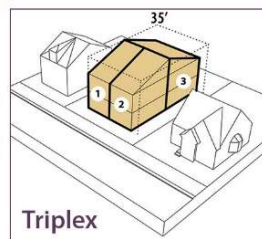
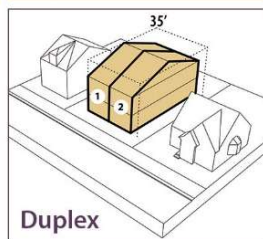
- ▶ 40-foot height limit.
- ▶ Density limited to one unit per 2,000 square feet of site area (two units on a 5,000-square foot site).
- ▶ Often results in large townhouse units.



The proposal for the R2 (new RM1) zone would allow greater flexibility within a smaller building envelope. This would create options for more and different types of housing units.

Proposed approach:

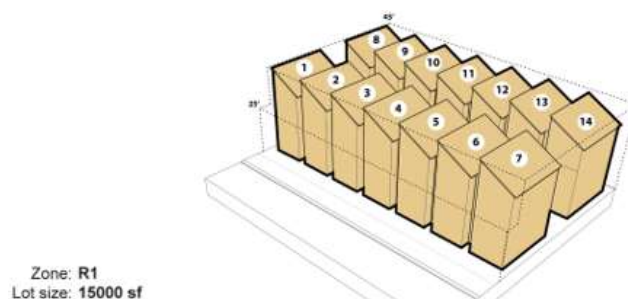
- ▶ Reduce allowed height to 35 feet.
- ▶ Provide flexibility for what happens inside the allowed building scale (FAR of 1 to 1). Graphics show 2-4 units, but more units would also be allowed within the same building scale.



RM2 (R1)

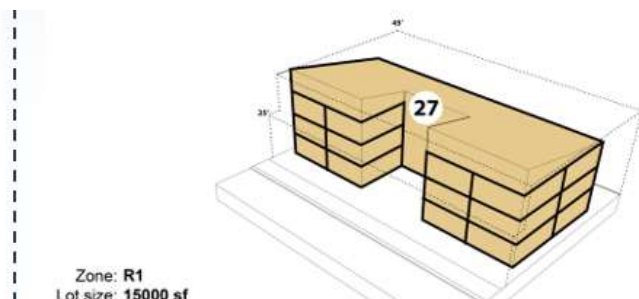
Current approach:

- ▶ 45-foot height limit.
- ▶ Density limited to one unit per 1,000 square feet of site area.
- ▶ Often results in townhouse units.



Proposed approach:

- ▶ 45-foot height limit (unchanged)
- ▶ Provide flexibility for what happens inside the building (FAR of 1.5 to 1).



The RM3 and RM4 zones (current RH) already are regulated by FAR, rather than by unit density. No change to the corresponding base FARs of the RH zone (2 to 1 or 4 to 1) is proposed, except in historic districts, where the base FAR will be 3 to 1 instead of the current RH zone FAR of 4 to 1 (see pages 25-26).

The RM1-RM4 zones are also provided with bonus FAR allowances (see next pages and page 19).

The RMP zone, applied to manufactured dwelling parks, will be the only multi-dwelling zone not regulated by FAR. Unit density remains a more practical way of regulating the types of detached structures found in manufactured dwelling parks.

Diverse Housing Options and Affordability

Proposals

2. **Prioritize affordable housing by increasing inclusionary housing development bonuses and through a family housing bonus.**
 - A. **Increase the inclusionary housing development bonus to 50 percent beyond the base FAR.**
 - B. **Provide a higher-level of FAR bonus for projects providing deeper housing affordability.**
 - C. **Provide an FAR bonus of 25 percent for projects with three-bedroom units.**

Issues Addressed

Comprehensive Plan policies call for a diverse supply of affordable housing that can accommodate the housing needs of a broad range of households and income ranges, but there is currently a shortage of housing affordable to low- and moderate-income households. In Better Housing by Design project community discussions, participants identified affordable housing as the greatest priority for development bonuses.

Currently, through a system of development bonuses, buildings can be larger or include more units if they provide specific amenities or affordable units (see table below). The existing amenity bonuses can be combined to provide up to 50 percent more development than usually allowed. Projects do not have to include any affordable housing to achieve this increase.

In the multi-dwelling zones, the amount of development bonus for projects providing affordable units through the new inclusionary housing regulations is currently limited to 25 percent (compared to more than 60 percent in the mixed use zones). This limits the ability to provide an attractive incentive for affordable housing, especially for buildings with fewer than 20 units that are not required to provide affordable units. Mandatory inclusionary housing applies to buildings with 20 or more units and requires a minimum of 20 percent of units to be affordable to households earning no more than 80 percent of median family income (MFI).

Existing Development Bonuses	Proposed Approach
Affordable housing (inclusionary housing)	Prioritize by increasing amount of development bonus to 50 percent additional FAR.
Three bedroom units	Continue, in order to provide an incentive for family-sized units.
Outdoor recreation facilities	Remove as development bonuses, but address through new requirements for shared outdoor spaces (see pages 38 - 39).
Play areas for children	
Large outdoor areas	
Storage areas	Remove as development bonuses. <i>(In stakeholder discussions, community members felt these were lesser priorities than other outcomes, especially affordable housing)</i>
Sound insulation	
Crime prevention	
Solar water heating	
Tree preservation	Remove as a development bonus, but address through a new transfer of development rights allowance for tree preservation (see pages 34 - 35).

Proposal Approach

2A. Increase the inclusionary housing development bonus to 50 percent beyond the base FAR.

This amount of FAR increase will be available to projects providing affordable housing units through either voluntary or mandatory inclusionary housing provisions. The 50 percent bonus brings greater consistency with the inclusionary housing bonus provided in the mixed use zones and will increase the feasibility of projects that include affordable housing. Projects using this bonus will need to meet inclusionary housing requirements for 20 percent of units to be affordable to those earning no more than 80 percent of MFI, or 10 percent of units affordable at 60 percent of MFI (lower unit percentages apply through December 2020). The 50 percent increase in FAR for qualifying projects will be available in all the multi-dwelling zones and is illustrated on page 19 of this report.

2B. Provide a higher-level of development bonus for projects providing deeper housing affordability.

This new voluntary provision will provide a development bonus allowing 100 percent additional FAR. It will also allow 10 feet of additional height and an additional 10 percent of building coverage for qualifying projects (see illustrations on page 19). To qualify, projects will generally need to have at least 50 percent of on-site units affordable to households earning no more than 60 percent of MFI, a significantly greater amount and level of affordability than required by inclusionary housing. In conjunction with Title 30 (Affordable Housing) provisions, this bonus also provides an affordable home ownership option for projects in which at least half of the units are ownership units affordable to households earning no more than 80 percent of MFI.

Staff anticipate that this bonus will primarily be used by affordable housing developers, rather than the larger number of profit-dependent development projects. The minimum required percentage of 50 percent will allow developments to include some market-rate units to help offset the costs of the affordable units and allow for income diversity. Both this bonus and the standard inclusionary housing bonus will involve the Housing Bureau in administration and will require units to remain affordable for a term of 99 years for rental units (10 years for ownership units).

2C. Provide a development bonus of 25 percent for projects with three-bedroom units.

This development bonus is a refinement of the existing bonus for three-bedroom units. It will provide 25 percent additional FAR for projects in which at least 50 percent of units have three bedrooms and are affordable to households earning no more than 100 percent of MFI. This affordability level is intended to encourage moderate-income family housing, a segment of the housing spectrum not addressed by the other affordable housing development bonuses. The existing three-bedroom bonus has no income restrictions, which does not address the current shortage of family-sized units affordable to low- and moderate-income households, especially in areas close to services.

The term of affordability for this bonus will be for a shorter period than the other bonuses (minimum of 10 years). This responds to affordable housing developers' concerns that this bonus will not work for their ownership housing projects if it is for permanent or long-term affordability. A goal of some affordable ownership housing programs is to provide opportunities for minority and lower-income households to gain equity through homeownership. The Housing Bureau will be involved in certifying projects as qualifying for this development bonus.

Other existing development bonuses are being discontinued to prioritize affordable housing as a development outcome. Also, the proposal to regulate development intensity by FAR provides much of the density flexibility that was offered by the amenity bonuses, while the existing development bonuses for outdoor spaces and tree preservation are being replaced by new proposed approaches (see table on page 30).

Diverse Housing Options and Affordability

Proposals

3. Promote physically-accessible housing through a visitable units bonus.

Issues Addressed

Comprehensive Plan polices call for fostering a built environment that works for people of all ages and abilities. Also in support of this, housing policies call for a diverse supply of accessible housing to meet the needs of older adults and people with disabilities, especially in and around centers and corridors where residents can live close to transit and services. Increasing the supply of housing that works for people of all abilities will become increasingly important, given that Metro projects growth by over 100 percent in the numbers of residents aged 65 and older in the Portland area over the next 20 years.

Portland's multi-dwelling zoning, located as it is in and around centers and corridors, play an important role in helping to meet these policy objectives for physically-accessible housing. Multifamily buildings with four or more units, built under the commercial building code, are generally required to provide some physically accessible or adaptable units when buildings have single-level units or elevators. However, in the current R2 zone (proposed RM1), which accounts for more than half of Portland's multi-dwelling zoning, more than 75 percent of new units built over the past 10 years have been residential building code structures, such as houses, duplexes, attached houses, and townhouses, for which the residential building code has no requirements for physically-accessible units.



The visitable units bonus provides incentives for projects with units designed for improved access for people of all abilities. The bonus provides additional floor area to accommodate the larger spaces needed for accessible design, as well as to help defray the added costs involved (providing an accessible ramp on a lot raised 3 feet above sidewalk level can cost more than \$30,000).

Proposal Approach

Visitable Units Bonus. This voluntary bonus will provide 25 percent additional scale (FAR) for projects in which at least 25 percent of units meet standards for visitable or accessible units. The level of physical accessibility for units to qualify for this bonus vary by housing type.

For residential building code types of housing not usually subject to requirements for accessibility, such as houses, duplexes, attached houses, and townhouses, units would need have the following features to accommodate people with mobility limitations on the same level as the unit's entrance:

- No step, barrier free access to the unit.
- A bathroom with a sink and toilet (with wall reinforcement for grab bars).
- Living area of at least 200 square feet.
- Doorway clearances of 31¾ inches.
- Lighting controls at an accessible level (no higher than 4 feet).

(The standards are for Type C visitable units in ICC A117.1)

Single-level units in multi-dwelling structures (typically built under the commercial building code) would need to meet building code standards for Type A units to qualify for this bonus. Standards for Type A units require a higher level of accessibility than the Type B units that the building code mandates for multifamily buildings with single-level units. Type B unit standards accommodate access for people with mobility limitations but do not have requirements for larger clearances that work better for people using wheelchairs. Standards for Type A units include requirements for a higher-level of accessibility, with greater clearances and accessibility features to accommodate wheelchair users in bathrooms and kitchens (the building code only requires 2 percent of units on sites with more than 20 units to be Type A units). Linking qualification for this bonus to Type A units provides an incentive for multi-dwelling projects to include greater numbers of the more accessible Type A units.

Using references to building code standards to qualify for this bonus facilitates efficient implementation, as it allows Bureau of Development Services building code staff – already familiar with such standards – to use their expertise to review proposals.

This table summarizes the range of proposed FAR bonus and transfer options. Only the inclusionary housing bonus (for affordable units) would achieve the full amount of the standard FAR bonus of a 50 percent increase. Other bonuses would need to be combined to achieve this amount. Also intended to prioritize affordable housing, the only bonus allowing more than a 50 percent increase in FAR is the deeper housing affordability bonus.

FAR Bonus and Transfer Options		
Base FAR	+50%	+100%
Base FAR	Bonus FAR Up to 50% above base	Bonus FAR 100% above base
<ul style="list-style-type: none"> ▪ Allowed by right ▪ Varies by zone 	<ul style="list-style-type: none"> ▪ Inclusionary housing: full 50% bonus ▪ Moderate income family housing: 25% bonus (at least half of units must have 3 bedrooms affordable at 100% of MFI) ▪ Visitable units: 25% bonus (at least 25% of units must meet visitability standards) ▪ FAR transfers from sites preserving: <ul style="list-style-type: none"> ▪ Existing affordable housing ▪ Trees ▪ Historic resources 	<ul style="list-style-type: none"> ▪ Special bonus for deeper housing affordability (At least half of units must be affordable at 60% MFI)

Diverse Housing Options and Affordability

Proposals

- 4. Provide allowances for unused development capacity to be transferred to other sites from properties where trees or existing affordable housing are being preserved; and provide increased transfer allowances for seismic upgrades to historic buildings.**

Issues Addressed

Current regulations allow for unused development capacity to be transferred from sites with historic landmarks to other sites in multi-dwelling zones within two miles. This acts as an incentive for historic preservation, allowing value to be obtained from the unused development capacity. Current regulations also allow for density to be transferred to other sites within the same block or across a street, with no relationship to a specific preservation outcome. This latter option will be discontinued in order to prioritize preservation of historic resources, trees, and affordable housing.

Besides historic preservation, other types of preservation supported by Comprehensive Plan policies include preservation of trees and preservation of existing affordable housing. Current multi-dwelling regulations include a tree preservation development bonus, which allows for additional housing density on the same site where trees are preserved. However, this bonus has rarely been used (only twice over the past 10 years), because it can be difficult to both preserve trees and fit additional units on the same site.

Tree preservation is a significant concern in East Portland, where Douglas fir groves are a valued part of the area's character and are often located on properties with multi-dwelling zoning. While Title 11 of the City Code requires tree preservation, in the multi-dwelling zones developers often choose to instead pay into the Tree Planting and Preservation Fund, to avoid the complexity of building around existing trees, especially with higher-density projects.

There is no existing allowance for development potential to be transferred to another site in exchange for preserving existing affordable housing units, although the loss of existing affordable housing is a significant community concern and contributes to displacement of residents.

While there are existing allowances for transferring unused development capacity from sites with historic resources, there are no allowances targeted toward providing incentives for seismic upgrades to historic buildings. The need for seismic upgrades to Portland's many unreinforced masonry buildings (URMs) has become a critical issue. This is an especially important issue for Portland's historic resources, as nearly 600 historic buildings (typically brick or concrete) are URMs and seismic upgrades are costly. As part of the Central City 2035 zoning code updates, an FAR transfer allowance was adopted for the Central City to provide allowances for additional FAR to be transferred from sites with historic buildings, beyond the amount of unutilized FAR, in conjunction with seismic upgrades to these historic structures. This additional amount of transferable FAR is intended to provide an incentive for seismic upgrades to historic buildings by helping to defray the costs of these upgrades, but this provision does not apply outside the Central City.

Proposal Approach

- **Tree preservation.** Allow for unused development capacity to be transferred to sites with multi-dwelling or commercial/mixed use zoning in exchange for preserving large trees (12 inches or more in diameter). The amount of development potential (floor area) that could be transferred would be related to the size and number of preserved trees and the allowed density of the site where the trees are being preserved.
- **Affordable housing preservation.** Allow for unused development capacity to be transferred to sites with multi-dwelling zoning or commercial/mixed use zoning in exchange for preservation of existing affordable housing units. The existing affordable housing units would need to remain affordable for households earning no more than 60 percent of MFI. The Housing Bureau will be involved in certifying compliance (the details of the term of affordability will be determined by the Housing Bureau, but will be for a minimum of 30 years).
- **Historic preservation.** Expand eligibility for transfers of development rights from individual historic landmarks to also apply to sites that are contributing resources in Historic or Conservation districts (consistent with the approach in the commercial/mixed use zones).
- **Seismic upgrades to historic buildings.** Allow an additional amount of development scale (beyond the amount of unused development capacity), equivalent to 50 percent of the base FAR, to be transferred from sites with historic resources in conjunction with seismic upgrades (will apply in both the multi-dwelling and mixed use zones).

All these options will allow for FAR to be transferred to a receiving site with multi-dwelling or commercial/mixed use zoning citywide (except the Central City – which has separate provisions for FAR transfers). This is a change from existing regulations for FAR transfers, which are currently limited to a two-mile transfer distance and do not allow for transfers between sites in the multi-dwelling and commercial/mixed use zones. This is being done to increase the feasibility of FAR transfers by increasing the numbers of potential receiving sites. Staff anticipate that FAR transfers will only be used by relatively small projects, since buildings with 20 or more units qualify for inclusionary housing development bonuses and will not be able to receive additional FAR from transfers.

Maximum increase from transfers and development bonuses.

The proposals will limit the total amount of FAR that can be added to a site, from both transfers and from development bonuses, to 50 percent beyond the base FAR. An exception is provided for projects using the special bonus for deeper housing affordability, which could receive up to a 100 percent increase in FAR.

The amendments allow for the use of development bonuses and FAR transfers on sites located in Historic and Conservation districts in both the multi-dwelling and commercial/mixed use zones, but place limits on the use of bonuses and FAR transfers on sites where a historic building has been demolished.



Historic house and Douglas fir trees in East Portland.

Diverse Housing Options and Affordability

Proposals

5. Allow small-scale commercial uses adjacent to Civic or Neighborhood corridors and allow daycare uses in all locations.

Issues Addressed

Currently, commercial uses are prohibited in most multi-dwelling zones, and are conditional uses (subject to a discretionary review process) near light rail stations in the RH zone. Along busy corridors, allowing limited ground-floor commercial uses could help address the negative impacts from traffic to residents of housing, such as in the multi-dwelling zones located along East Portland's multi-lane corridors. In these locations, the livability of ground-level residential living spaces located along busy street frontages is compromised by traffic noise and privacy impacts. Allowances for small commercial uses in these locations would provide opportunities for ground-level businesses that could benefit from being located along busy, high-visibility street frontages.

These allowances would also allow more opportunities for neighborhood commercial services and daycare facilities in areas that lack walkable access to services and that could benefit from additional small businesses and local services, such as East Portland. Allowances for small commercial uses would also provide opportunities for “live-work” arrangements, which can support household prosperity by allowing additional opportunities for home-based businesses.



This proposal would allow small commercial uses in multi-dwelling zones along major corridors, such as outer SE Division (left) and major streets near light rail stations, such as the 148th Avenue light rail station (right).

Proposal Approach

5. Allow small-scale commercial uses adjacent to Civic or Neighborhood corridors and allow daycare uses in all locations.

In the RM1 and RM2 (R3/R2, R1) zones, allow ground floor retail or offices uses up to an FAR of .25 to 1 per site. This will allow up to 2,500 square feet of commercial use floor area on a 10,000-square foot site. Each commercial use is limited to 1,000 square feet (enough for a small retail space, café, or office).

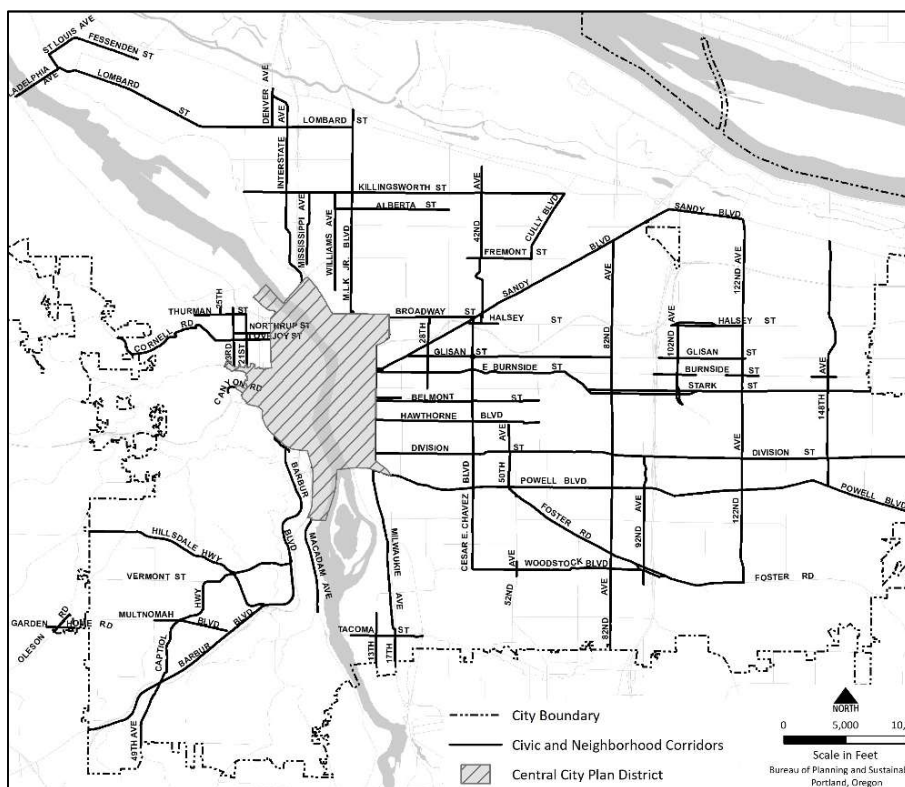
In the RM3 and RM4 (RH) zones, allow ground floor retail or offices uses up to an FAR of .4 to 1 per site. This will allow up to 4,000 square feet of floor area on a 10,000-square foot site. The commercial use allowances are more generous than for the lower-scale zones to reflect the more intensely urban character of the RM3 and RM4 zones. Each commercial use is limited to 2,000 square feet.

Projects using these allowances would need to meet the minimum residential unit densities of their zone, which will prevent purely commercial projects. Exterior commercial activities will not be allowed, except for outdoor seating. The proposals remove existing conditional use allowances in the RH zone for commercial uses within 1,000 feet of a transit station in order to prioritize corridors as appropriate locations for commercial uses (rather than local service streets). However, the proposed allowances will allow small commercial uses in multi-dwelling zones along corridors near light rail stations (for example, near the 148th Avenue light rail station in East Portland, the proposal will allow commercial uses in multi-dwelling zones along 148th Avenue and portions of Burnside).

Allow daycare facilities up to a size of 3,000 square feet in multi-dwelling zones regardless of location to expand opportunities for this needed service close to residents (larger facilities could be approved through a conditional use approval process).



Small commercial uses at the ground levels of rowhouses along busy corridors.



Outdoor Spaces and Green Elements

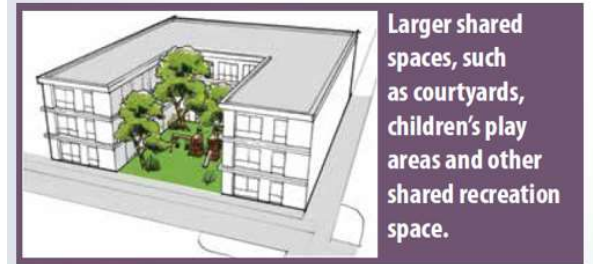
Proposals

6. Require 48 square feet of outdoor area per unit (36 square feet for small sites up to 20,000 square feet) in the RM3 and RM4 (RH) zones.
7. Require shared common areas, such as courtyards, for large sites more than 20,000 square feet.

Issues Addressed

Comprehensive Plan policies call for housing to include features that support healthy living, such as usable outdoor spaces for recreation, gardening and other activities. Currently, most of the multi-dwelling zones require outdoor space (48 square feet per unit), which can be private spaces or combined into larger shared spaces, such as courtyards.

However, the high-density residential zone (RH) requires no outdoor spaces. In some situations, such as in East Portland where the RH zone is located close to light rail stations and where many families live, parking lots are the only places for children to play.



Types of residential outdoor areas



Shared common areas. Apartment residents have identified the need for larger outdoor areas for activities such as children's play and growing food, which are difficult to fit into private outdoor spaces such as balconies. Currently, shared common areas that are large enough to provide these opportunities are not required and often not provided with new multi-dwelling development.

Apartment residents have also identified the need for indoor community spaces, which can offer activity space during poor weather, for gatherings, or after school study. There are no existing allowances for indoor community spaces to count toward requirements related to recreational spaces or common areas.



Proposal Approach

6. Require 48 square feet of outdoor area per unit (36 square feet for small sites up to 20,000 square feet) in the RM3 and RM4 (RH) zones.

This requirement is consistent with standards for similar development in mixed-use zones. The smaller required amount for small sites is intended to be responsive to the complexities of including outdoor spaces with high-density development on compact sites. The outdoor space can be in the form of private outdoor areas or combined into shared common areas, such as courtyards or play areas.

Indoor community facilities. Amendments also allow indoor community spaces, such as indoor recreation facilities or community rooms, to be used to meet outdoor area requirements in all the multi-dwelling zones.



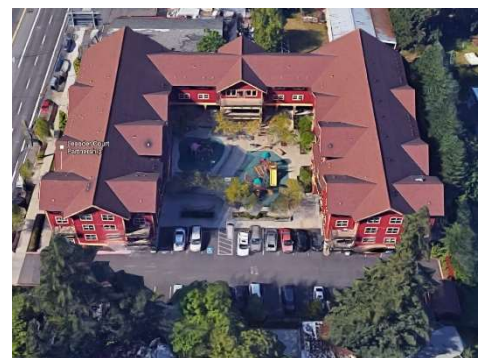
Examples of private and shared outdoor areas included in development typical of the RH zone.

7. Require shared common areas, such as courtyards, for large sites more than 20,000 square feet.

This requirement will apply to all the multi-dwelling zones, except for RMP and RX (this zone is only located in the Central City and Gateway and is subject to special plan district regulations). The proposal will require common areas equivalent in size to 10 percent of total site area, with a minimum width of 20 feet to ensure they are a usable size. The required common area will count toward meeting the per-unit outdoor space requirements.

This requirement will only apply to larger sites, which can more easily accommodate shared outdoor area than can smaller sites. The proposal provides flexibility by allowing the required common area to be at ground level or in the form of a raised courtyard or shared rooftop deck. Up to half of the required common area may also be in the form of indoor common areas. An exemption is provided for street-oriented housing types, such as townhouses, when larger individual outdoor space (at least 200 square feet) is provided for each unit.

Related proposals change maximum setback standards to provide flexibility for courtyards open to the street, which are prevented in some situations by requirements for 100 percent of building frontages to be located close to the street.



Historic and contemporary examples of multi-dwelling housing with courtyards that are approximately 10 percent of site area.

Outdoor Spaces and Green Elements

Proposals

8. Allow alternatives to conventional landscaping.
9. Limit large surface parking lots and asphalt paving.
10. Reduce parking requirements, especially on small sites.

Issues Addressed

Comprehensive Plan policies call for integrating green elements, such as eco roofs and vegetated stormwater facilities, into the urban environment. Policies also call for limiting impervious surfaces (e.g., concrete, asphalt paving) and reducing urban heat island effects, which can be caused by large amounts of paved surfaces.

Lack of allowances for innovative green site design. Current regulations require multi-dwelling development to include landscaped areas. However, these regulations do not allow many innovative types of green features to count toward meeting required landscaping, which must be at ground level. For instance, eco roofs, raised landscaped courtyards and raised stormwater planters do not meet these requirements.

Large paved areas and urban heat islands. Due to climate change, Portland is expected to experience hotter, drier summers with more high-heat days. This can result in heat-related health problems, especially in locations with large amounts of pavement, which can cause urban heat islands. Modeling of urban heat island effects indicates that development with large amounts of asphalt paving can be more than five degrees hotter than comparable development with more landscaping (see Concept Report Appendices). This modeling shows that other surfaces with higher levels of reflectivity, such as concrete, also increase temperatures, but to a lesser amount (modeling showed that concrete increased temperature by approximately three degrees).

While the multi-dwelling zones limit the amount of building coverage, there is not a similar limit on the amount of paved surfaces, such as parking lots. Multi-dwelling development with large amounts of surface parking are a common development type in East Portland.

Contributing to the large amounts of surface parking in some areas is that 40 percent of multi-dwelling zoning is outside the 500-foot distance from frequent transit that qualifies projects for reduced parking requirements, and must provide at least one parking space for each unit. At higher densities, this results in large amounts of paving when provided in the form of surface parking (which is less costly than structured parking). This parking makes it difficult to include other features, such as outdoor area for residents.



Building with eco roof and raised courtyard

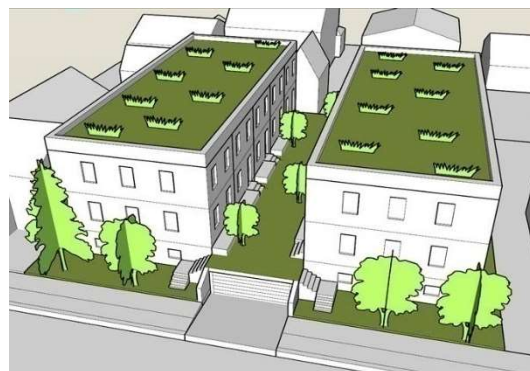


Apartment development in East Portland providing parking at the current required ratio of one space for each unit, resulting in 37 percent of the site paved for parking.

Proposal Approach

8. Allow alternatives to conventional landscaping.

Amendments allow eco roofs, raised courtyards and raised stormwater planters to be used to meet up to 50 percent of required landscaping. The other 50 percent of required landscaping would need to be at ground level to better accommodate required trees.



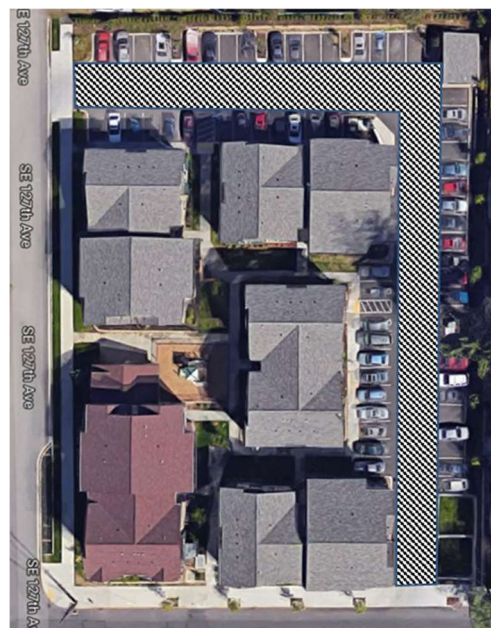
9. Limit large surface parking lots and asphalt paving.

Amendments limit surface parking areas to 30 percent of a site. Because of the greater heat impacts of asphalt, asphalt paving is limited to 15 percent of total site area. For a project seeking to maximize the amount of surface vehicle areas and fully utilize the 30 percent coverage, half of this area could be paved with asphalt and the rest could be paved with concrete, paving blocks, or other materials. Another option would be to tuck parking under buildings.

10. Reduce parking requirements, especially on small sites.

For small sites (up to 10,000 square feet) do not require parking.

This will facilitate small multi-dwelling structures, such as fourplexes and courtyard apartments, that can more readily be integrated into neighborhood patterns when no off-street parking is required (including parking with multi-dwelling structures on small sites often results in garages occupying much of the ground level). This will also allow small-lot development, such as attached houses, to not include off-street parking, facilitating pedestrian-oriented buildings not dominated by front garages.



Site with 30 percent of area used for surface parking. The hatched area shows the maximum 15 percent of site area that could be paved with asphalt.

For larger sites, reduce the minimum required parking ratio to 1 parking space per every 2 units. This parking ratio already applies to the RH (RM3 and RM4) zone, and will now also apply to the other multi-dwelling zones and to the mixed-use zones. The existing reduced parking requirements for projects located close to frequent transit will continue to apply. The vast majority (95 percent) of properties with multi-dwelling or mixed-use zoning is within a walkable, quarter-mile distance of streets with frequent transit service.

Amendments also exempt projects that include affordable units from minimum parking requirements in both the multi-dwelling and mixed-use zones citywide to reduce costs and support the economic feasibility of projects that provide affordable housing (to qualify for this parking exemption, units must meet the requirements of the inclusionary housing or deeper housing affordability bonuses).



Recent five-plex project with no off-street parking, allowing it to fit into the neighborhood context.

Building Design and Scale

Proposals

11. Limit front garages and parking along street frontages.
 - a. Limit front garages and parking structures to 50 percent of building street frontages.
 - b. Disallow parking from being located between buildings and streets.
12. Require building entrances oriented to streets or to courtyards.

Issues Addressed

Comprehensive Plan policies call for development to contribute to pedestrian-friendly street frontages and respond to neighborhood context. However, current regulations in the multi-dwelling zones have few limits on front garages and, in some cases, no requirements for front entrances. This can negatively affect the pedestrian environment of streets.

Existing regulations limit front garages from occupying more than 50 percent of the width of detached houses, but provide an exemption that allows houses to always have a 12-foot wide garage. This means that there is not an effective limit on front garages for the narrow-lot houses common in some of the multi-dwelling zones. Currently, there are also no limits on the front garages of attached houses or any multi-dwelling housing types.

Multi-unit buildings especially should contribute to the street.



Plans, policies, and design guidelines call for street frontages that enhance neighborhood context.



Front entrances oriented to streets are currently required for houses and attached houses, but are not required for apartment buildings and other multi-dwelling housing types.



Front garages are currently allowed to occupy the majority of the street frontage of buildings, compromising the pedestrian environment of streets and neighborhood context, and resulting in driveways and curb cuts that reduce opportunities for street trees and on-street parking.

Proposal Approach

11a. Limit front garages and parking structures to 50 percent of building street frontages.

The amendments limit garages and structured parking from occupying more than half of the street-facing facades of all housing types. This promotes arrangement such as:



Rear parking or options with no off-street parking



Front garages taking up less than half of street frontages



The limitation will also apply to ground-level parking structures



For attached houses, the limit will apply to the combined frontage of attached units, allowing for a mix of units with and without front garages, and preserving some on-street parking (as in image at lower right). Exceptions to the front garage limitation are provided for structured parking that is partially underground or along secondary street frontages.

11b. Disallow parking from being located between buildings and streets.

Amendments will limit vehicle parking from being located in front of buildings. Off-street surface parking will need to be located to the rear or to the side of buildings in most situations. Related proposals require parking to be accessed from alleys where they exist (applies to multi-dwelling development on small sites up to 10,000 square feet) and limit surface vehicle areas from occupying more than 40 percent of street frontages (a reduction from the current 50 percent allowance).

12. Require building entrances oriented to streets or to courtyards connected to streets.

This will apply to all types of development in the multi-dwelling zones.



Building Design and Scale

Proposals

13. Require front setbacks that reflect neighborhood patterns and limit privacy impacts.
14. Simplify side and rear setback regulations and reduce barriers to development on small sites.
15. Require building height transitions to single-dwelling zones.
16. Require large building facades to be divided into smaller components.

Issues Addressed

Comprehensive Plan policies encourage compact development that integrates with neighborhood patterns and transitions in scale to lower density zones.

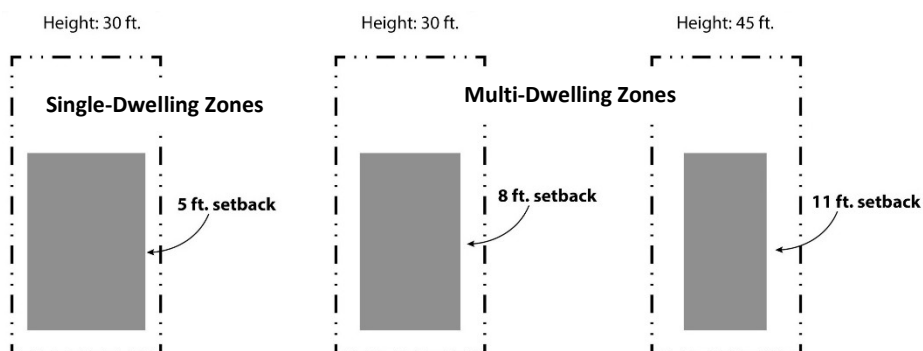


Front setbacks and building scale

Lack of front setback requirements in the higher density zones (R1 and RH) sometimes result in abrupt changes from the green street frontages of residential neighborhoods, and can impact residents' privacy.

Also creating abrupt transitions, buildings of four or more stories can be built next to properties with single-dwelling zoning.

Recent amendments to the commercial/mixed use zones added requirements for height step downs to lower-scale zones and requirements for large facades to be divided into smaller components, but these do not apply in the multi-dwelling zones.



Barriers to small-site development

Existing regulations in the multi-dwelling zones require side and rear setbacks ranging from 5 to 14 feet (depending on building size), which complicates compact development on small sites. The graphics compare the 5-foot setback that applies in single-dwelling zones to the greater setbacks required in the multi-dwelling zones, even for similar-scale buildings, leaving less space for housing or central courtyards.



Examples of historic multi-dwelling buildings on small lots. Current side setback requirements make similar development difficult to build today.

Proposal Approach

13. Require front setbacks that reflect neighborhood patterns and limit privacy impacts.

In the RM2 and RM3 (R1 and RH) zones, this proposal will require 10-foot front setbacks. This will help integrate new development with established residential neighborhood patterns. This setback also provides space for small trees that contribute to greener street environments and help limit urban heat islands. Context-responsive exceptions are provided for:

- Smaller setbacks to match adjacent existing buildings.
- Buildings with ground-floor commercial uses (no setback).
- Reduced front setback (5-feet less than usual requirement) when residential units are raised 2 feet above sidewalk level to limit privacy impacts.
- Buildings with landscaped courtyards facing the street can have building wings with reduced front setbacks.

14. Simplify side and rear setback regulations and reduce barriers to development on small sites.

Require 5-foot minimum side and rear setbacks to facilitate development on small sites in the multi-dwelling zones and provide space for more usable open areas, such as central courtyards. For buildings more than 55-feet tall in the RM3 and RM4 (RH) zones, a 10-foot setback will be required to limit impacts of bigger buildings.

Related proposals to facilitate development on small sites include allowances for small accessory structures (such as storage sheds) to be located in setbacks, more flexible landscaping requirements, and reduced off-street parking requirements (see page 41).

15. Require building height transitions to single-dwelling zones.

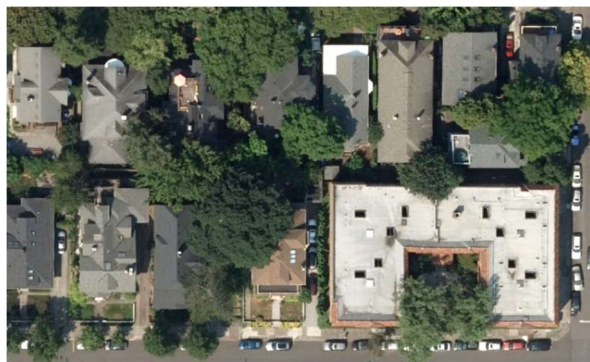
In the RM2, RM3, and RM4 (R1 and RH) zones, this proposal requires taller buildings to step down in scale when located next to single-dwelling zones, with building heights limited to 35 feet (three stories) within 25 feet of properties with single-dwelling zoning.

16. Require large building facades to be divided into smaller components.

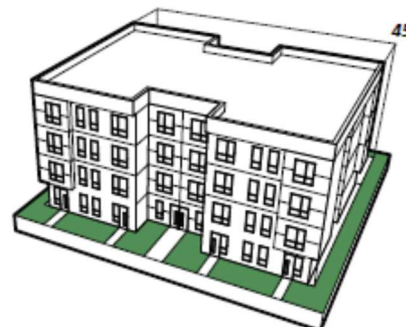
This proposal will require at least 25 percent of large building facades to be offset. This will apply to building over three stories tall in the RM2 (R1) zone and over four stories tall in the RM3 and RM4 (RH) zones.



Landscaped front setbacks can help continue established neighborhood patterns, even with higher-density developments.



Small side setbacks allow for the diversity of housing on small sites shown on this block – a mix of small apartment buildings, houses, and a courtyard apartment building.



Building Design and Scale

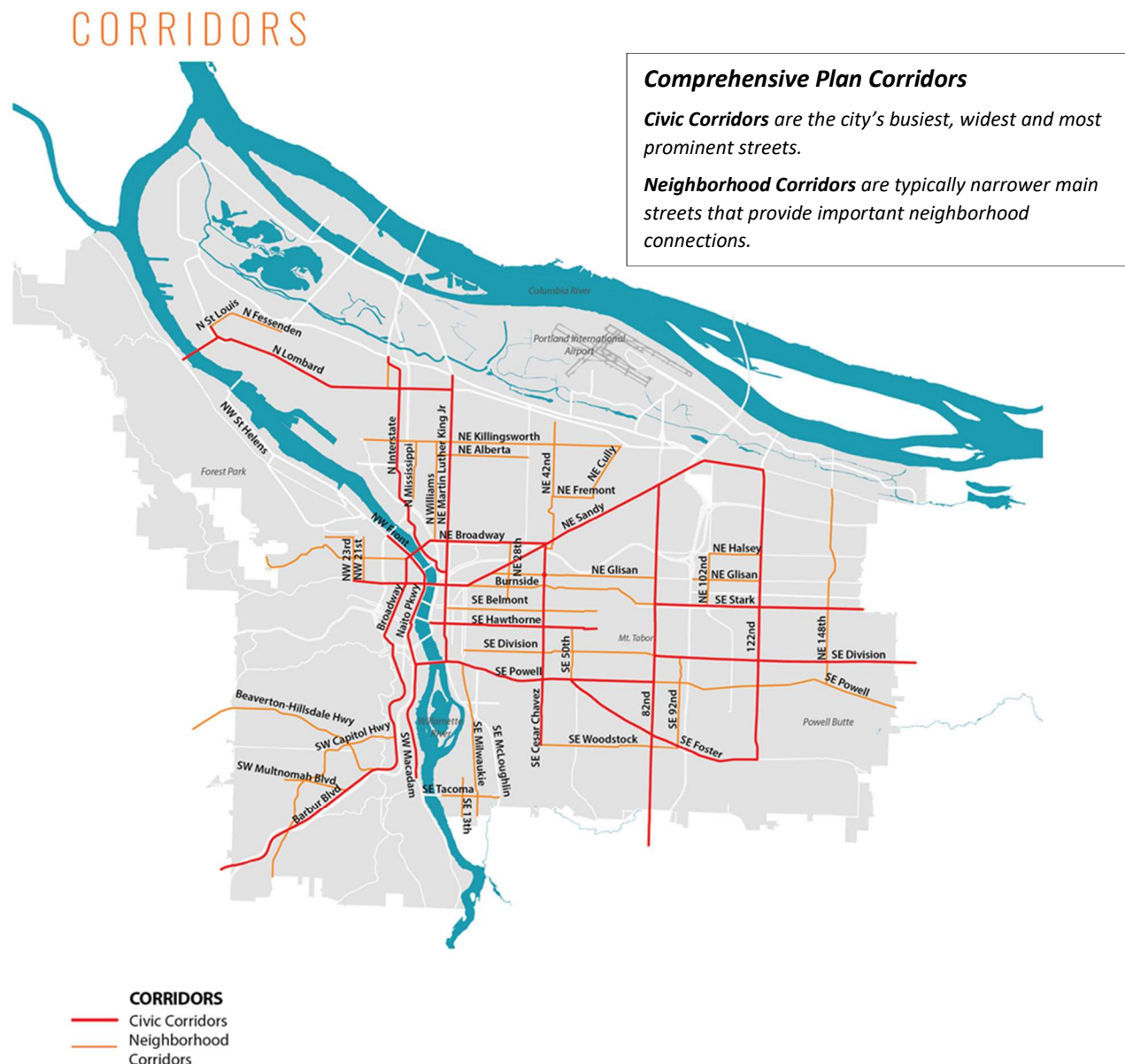
Proposals

17. Provide design options that support urban development along major corridors.

- a. Allow for a continuous frontage of buildings along major corridors with no requirements for setbacks between properties along corridors.
- b. Allow buildings up to 100-feet tall in the RM4 zone close to frequent transit lines.

Issues Addressed

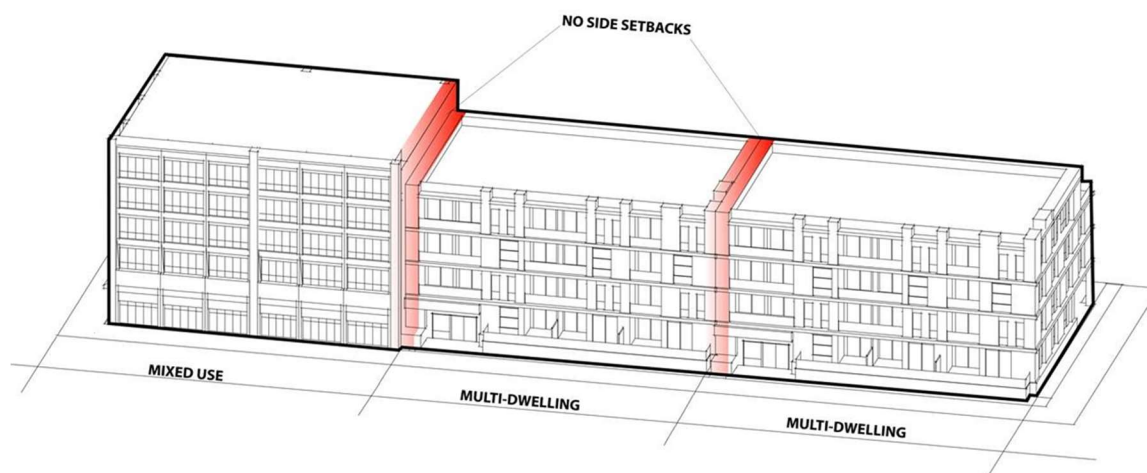
Comprehensive Plan policies call for fostering Civic and Neighborhood corridors as distinctive urban places that have transit-supportive densities of housing (as well as commercial services and employment). However, current regulations in the multi-dwelling zones apply the same way regardless of whether sites are located along these corridors or on neighborhood side streets.



Proposal Approach

17a. Allow for a continuous frontage of buildings along major corridors with no requirements for setbacks between properties along corridors.

In the RM2, RM3, and RM4 zones in inner neighborhoods, amendments will allow for no setbacks between properties located along Civic or Neighborhood corridors. This allowance will only apply in the Inner Pattern Area (see map on next page), which has an established pattern of zero side setbacks between buildings along traditional main streets. This will allow for a continuous frontage of buildings in both commercial and most multi-dwelling zones along Civic and Neighborhood corridors. In the RM2 zone, the most predominant multi-dwelling zoning along corridors, proposals also allow for greater building coverage along these corridors than in other locations (70 percent of a property can be covered by buildings, instead of the usual 60 percent limitation). Properties in the RM1 zone are not included in this no setback allowance, because this lower-scale zone is intended to continue characteristics of single-dwelling neighborhoods.



Allowances in the Inner Pattern Area allow for zero setbacks between properties along Civic and Neighborhood corridors to provide for a more continuous frontage of buildings along these important corridors, which are typically well served by transit and commercial services.

17b. Allow buildings up to 100-feet tall in the RM4 zone close to frequent transit lines.

In the RM4 zone, which is the largest scale multi-dwelling zone outside the Central City, current regulations allow buildings up to 100 feet tall (ten stories) in locations within 1,000 feet of light rail stations (outside these locations the height limit is 75 feet). Amendments expand this 100-foot height allowance to also apply within 500-feet of frequent transit lines (where buses come at least every 20 minutes during peak hours). This height allowance along frequent transit lines will not be provided in historic or conservation districts, where this height is only provided close to light rail stations. The additional height is not accompanied by increased FAR, which will provide opportunities for buildings to be taller and less boxy than buildings limited to 75-foot height when built to the proposed RM4 base and bonus FARs of 4 to 1 and 6 to 1. The expanded allowance for 100-foot height will increase the amount of land area where this height is allowed from the current 25 acres to a total of 78 acres. Design review will be required for development of this scale.



1960s high rise buildings in the RM4 zone. Except near light rail stations, current base zones outside the Central City (including this location) provide no options for such development today.

East Portland Standards and Street Connections

Proposals

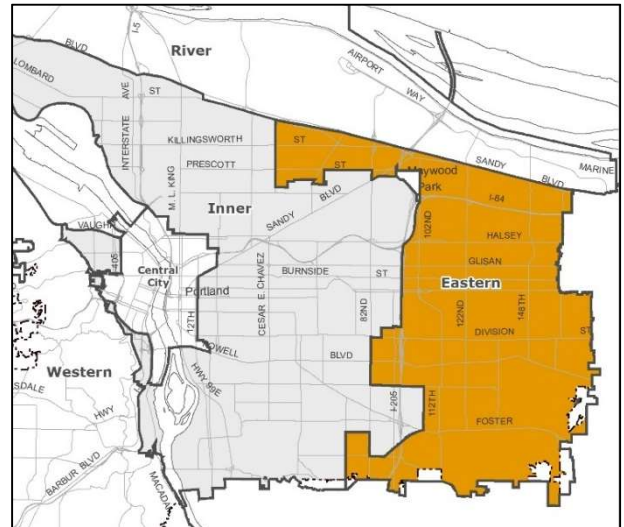
18. Continue East Portland mid-block open areas through requirements for deep rear setbacks.

Issues Addressed

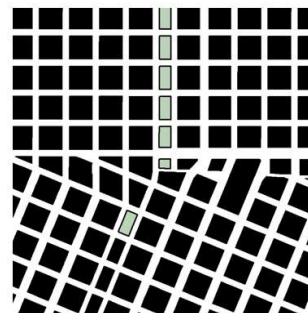
Comprehensive Plan policies call for development to be responsive to the characteristics and needs of different parts of Portland, with their distinct built and natural patterns. For the Eastern Portland pattern area, policies call for respecting the area's stands of Douglas firs and the positive aspects of its large blocks. Policies also recognize the need for more street connections to make it easier for people to get to community destinations.

New multi-dwelling development in Eastern Portland has contributed to meeting housing needs. But it has not always met expectations in terms of design, and few new street connections have been created.

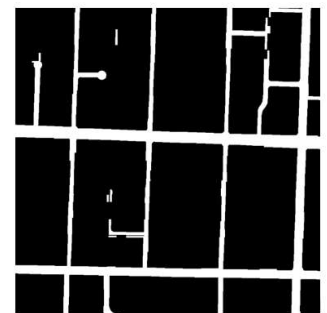
A distinct feature of the area is its large blocks (often 400 to 600 feet wide at their narrow dimension, compared to 200-feet wide in Inner neighborhoods, and sometimes more than 1,000 feet in length). Properties in the multi-dwelling zones are frequently 200 to 300 feet in depth. This results in poor street connectivity, but these blocks sometimes feature groves of Douglas firs and green mid-block areas that are valued by community members.



Downtown



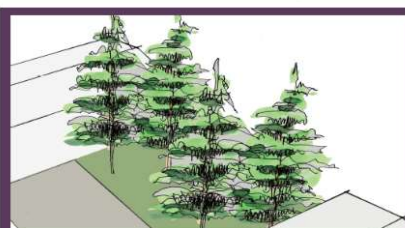
East Portland



Ten blocks in downtown Portland can fit into one large East Portland block.



Common open space areas



Space for large trees



Landscaped front setbacks



Mid-block open space



New multi-dwelling development on the area's deep lots often leaves little unbuilt or unpaved space.

Site elements that East Portland residents say are important to include with multi-dwelling development. These are addressed by various Better Housing by Design amendments..

Proposal Approach

18. Continue East Portland mid-block open areas through requirements for deep rear setbacks.

This proposal will apply only to sites with multi-dwelling zoning in Eastern Portland (map on previous page). It will require a rear setback equal to 25 percent of the site depth. This is responsive to the area's large blocks and community interest in continuing some of the area's mid-block characteristics, such as rear yards and tree groves. Keeping mid-block areas more open could also help leave space for connections through the area's large blocks to help improve connectivity. Exceptions to this requirement include:

- Sites no more than 100 feet deep and corner sites are exempt from this special setback (sites where a new street connection is being proposed will typically be exempt).
- Buildings serving as indoor community space can be located within the setback.
- Parking areas can occupy up to half the setback area. This is intended to work in conjunction with other regulations that discourage parking from being located toward the front of sites.
- Sites providing large common areas (minimum of 10 percent of site area) elsewhere on the site are exempt.



Large blocks with multi-dwelling zoning in East Portland, with Douglas fir groves located at the centers of the blocks.



Current approach

Development extends to rear of lots



Proposed approach

Development arranged to provide mid-block outdoor area at rear of site (same housing unit sizes and density as current approach example)

This proposal is a significant change from current regulatory approaches and will require changes to typical site design arrangements (units will more often need to be grouped or attached). However, code modeling of this proposal indicates that this requirement will not prevent the scale of development intended for multi-dwelling zones in East Portland (see **Appendix B**). Project staff held a workshop on March 14, 2018, with East Portland community members to discuss this proposal. Workshop participants supported the proposal, but requested an exception for projects that provide common areas or courtyards that are more central to units (see page 52). Staff incorporated this exception into the Better Housing by Design proposals.

East Portland Standards and Street Connections

Proposals

19. Require street frontages wide enough for quality site design and to provide space for new street connections in East Portland centers.
20. Calculate development allowances prior to street dedication to facilitate street connections.

Issues Addressed

Comprehensive Plan policies call for centers to become well-connected places where it is easy to get around by foot or bicycle. Centers in East Portland have deficient street connectivity, making it difficult for residents to access local destinations and transit.

New development provides opportunities for creating new street connections. However, the narrow sites common in East Portland are often too narrow to fit even a partial street connection, resulting in no new connections when development occurs on these sites. Also, when new street connections are provided, current regulations reduce the amount of housing units that can be built, which creates a disincentive to providing street connections.

Properties in the multi-dwelling zones in East Portland are often both narrow and very deep (sites 60-feet wide and 200-feet or more in depth are common), making it difficult to achieve quality site design. In recognition of some of the design challenges related to development on East Portland's narrow sites, Comprehensive Plan Policy 3.94 calls for land in Eastern Portland to be combined into larger sites before development occurs.

Some of the problems with East Portland's narrow sites are:

- Driveways and other vehicle areas often occupy a large proportion of site area (20-foot wide driveways are typically required for deep sites).
- Lack of space for street connections (38 feet is typically need for a half-street connection).
- Little opportunity for buildings to be oriented to public streets.
- Limited room for usable outdoor spaces or for trees.
- Lack of efficiencies of scale and infrastructure.



60-foot wide by 300-foot deep site in the R1 zone in East Portland.



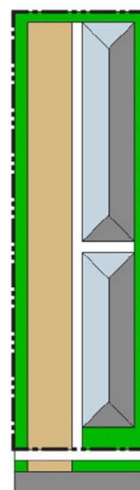
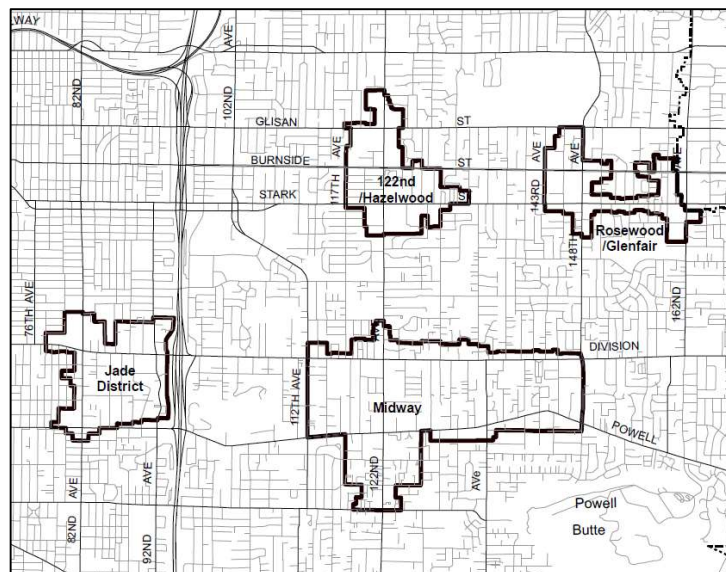
Full street connections are too wide to fit into many lots in Eastern Neighborhoods (50-foot wide street shown).

Proposal Approach

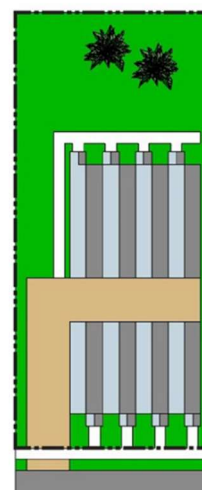
19. Require street frontages wide enough for quality site design and to provide space for new street connections in East Portland centers.

This proposal will apply to sites with multi-dwelling zoning located in the Jade District, 122nd/Hazelwood, Rosewood/Glenfair neighborhood centers and in and around the Midway town center (see map). Within these areas, for multi-dwelling zone sites more than 160-feet deep, the proposal requires a minimum street frontage of 90 feet for development of new units to take place. Exceptions are provided for projects approved through a Planned Development Review or that are surrounded by fully-developed properties.

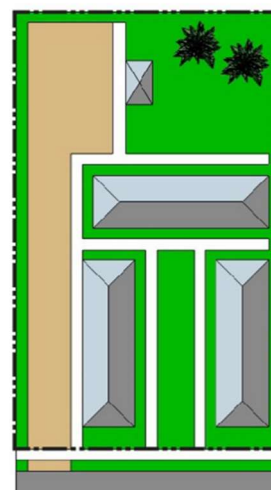
This minimum street frontage width will provide enough space for a variety of site configurations, more efficient site design and partial street connections (if needed), as well as allow for driveways to take up less than a quarter of the site width. While there are many benefits to larger sites, a tradeoff is that requiring narrow sites to be combined adds time, cost, and complexity to development.



60'-wide site



90'-wide site



120'-wide site

20. Calculate development allowances prior to street dedication to facilitate street connections.

This proposal will apply citywide. It allows FAR to be calculated before street right-of-way is dedicated, to reduce disincentives to providing street connections.

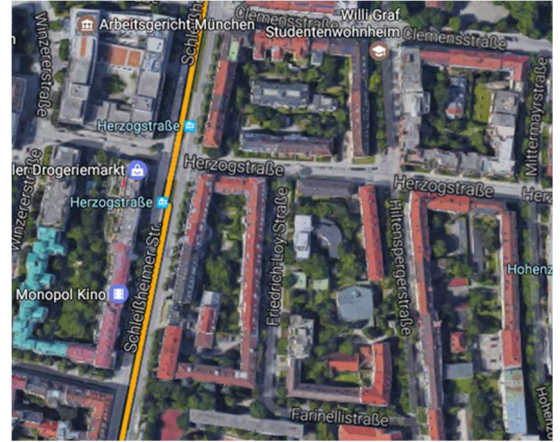
Currently, development that provides a public street connection loses development allowances (above), while a development that only includes a private driveway (below) has no such penalty.



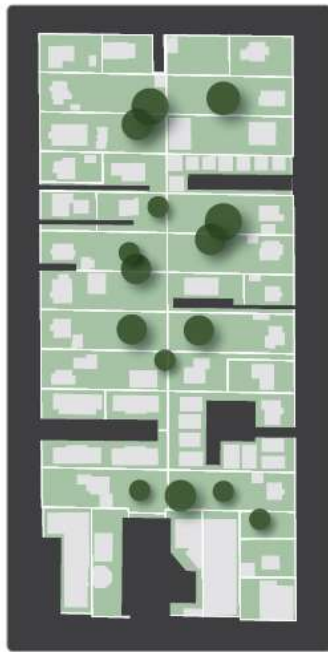
East Portland Standards and Street Connections

In combination, the proposed East Portland standards set new direction for the form of development in the area that could accommodate multi-dwelling housing in ways that include outdoor spaces and new street and pedestrian connections. PBOT's Connected Centers Street Plan (see **Appendix G**) works in conjunction with these zoning code amendments by proposing new types of narrower street connections that will expand possibilities for fitting street connections into constrained sites.

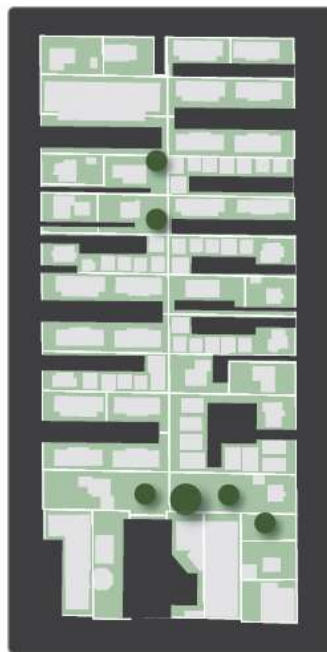
There are many precedents around the world for blocks with high-density housing that incorporate mid-block outdoor space along with urban housing (see image to right). These precedents often have blocks that are substantially larger than inner Portland's 200-foot deep blocks, but these configurations may be possible over time on East Portland's large blocks.



East Portland Block – Future Possibilities



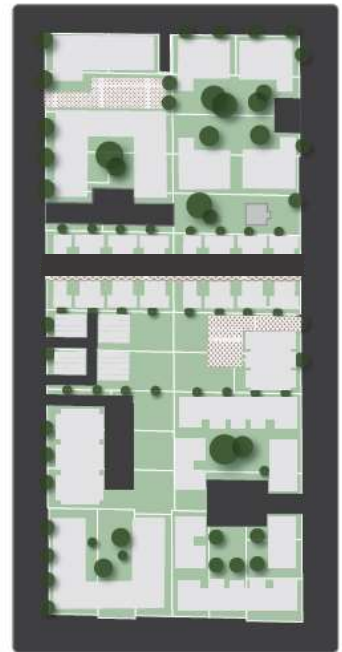
Existing



Continuation of current trends



Mid-block
open areas



Mix of mid-block open areas and central courtyards

These graphics show potential long-term outcomes for East Portland blocks. The second graphic shows a continuation of current trends, with development – often on narrow sites – built to the rear of each site. The third illustrates the deep rear setback approach, which over time could result in a substantial contiguous area of mid-block outdoor spaces. The fourth graphic shows a potential outcome of the proposed regulations, which would generally require deep rear setbacks, but provides exceptions for projects with centralized common areas or street connections.

Other Major Amendments

21. Strengthen minimum density requirements.

Currently, regulations allow units to be added to existing development without having to meet the minimum density requirements. This is proposed to be changed so that most development of new residential units (with the exception of accessory dwelling units and the addition of units within existing buildings) must meet minimum density requirements.

This will help ensure that new construction meets the intended development intensities of the multi-dwelling zones. It will prevent a situation common on deep sites in East Portland, where an existing house is preserved and multiple new houses added to the rear of a site, sometimes significantly underbuilding the intended densities of multi-dwelling zones.

This amendment will continue to exempt properties with historic resources from minimum density requirements and provides reduced minimum densities for sites where trees are being preserved. It also adds exemptions for sites in flood or landslide hazard areas.

22. Require Transportation and Parking Demand Management approaches in the multi-dwelling zones.

This proposal adds Transportation and Parking Demand Management (TDM) requirements to the multi-dwelling zones. TDM strategies are intended to help reduce drive-alone trips and to limit transportation impacts of new development, while providing people with incentives to ride transit, walk, bike, and carpool.

TDM requirements were previously adopted for the commercial/mixed use zones, and will now also apply to the new multi-dwelling zones (RM1, RM2, RM3, and RM4), which allow a similar scale of residential development. TDM requirements will only apply to sites that are close to frequent transit service (e.g., within 500 feet from frequent bus lines), in recognition of the more limited transportation options outside of these areas.

Where the requirement applies, a TDM plan will be required for projects that include buildings with 10 or more new residential units. The TDM requirements allow an applicant/building manager to adopt a pre-approved “off the shelf” TDM plan. As an alternative, an applicant may choose to develop a custom TDM plan through a Transportation Impact Review.

Pre-approved TDM plans will consist of the following components:

- **Multimodal financial incentives:** One-time multimodal financial incentives, equivalent in value to an annual TriMet pass (currently \$1,100), will be required for each residential unit (affordable units will be exempt through 2020, and then would have reduced fees). Options will be provided for the use of these funds to be applied toward TriMet passes for residents, bike share memberships, or car share programs.
- **Education and Information:** Print materials about walking, bicycling, transit, and other transportation options will be made available to building tenants and employees and displayed in building common areas.
- **Surveys:** Building operators will be required to participate in an annual transportation options survey.

Other Major Amendments

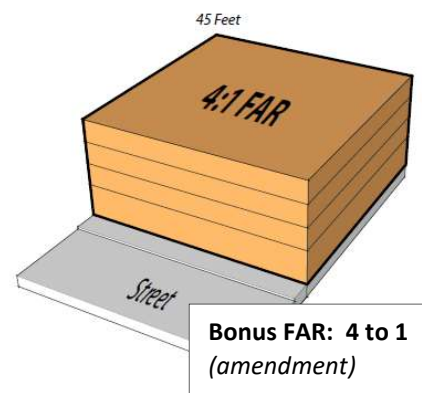
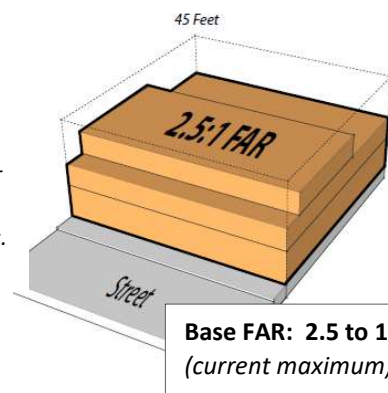
23. Amend commercial/mixed use zone regulations to be consistent those in the multi-dwelling zones.

Zones in both the commercial/mixed use zones (Chapter 33.130) and in the multi-dwelling zones (Chapter 33.120) allow similar types and sizes of multi-dwelling buildings, such as multi-story apartment buildings. To provide consistency in the regulations across these two types of zones, the Better Housing by Design proposals include amendments to commercial/mixed use zone regulations that correspond to regulations in the multi-dwelling zones. Amendments to the Chapter 33.130 commercial/mixed use zone regulations (see Volume 3) include:

- **Allow FAR bonuses and transfer allowances to be used in Historic and Conservation districts.** In the CM2 zone, the predominant commercial/mixed use zone in historic districts, this will allow projects to exceed the base FAR of 2.5 to 1 (equivalent to a three-story building covering most of a lot) and obtain a bonus FAR of up to 4 to 1, primarily through providing affordable house units (via the inclusionary housing bonus). The maximum building height in historic districts will remain at 45 feet (four stories). Currently, buildings with 20 or more units are required to provide affordable units, but do not receive any bonus FAR (which is intended to help offset the costs of providing affordable units) when located in historic districts.
- **Allow historic preservation FAR transfers citywide,** instead of current two-mile maximum distance, and to sites in multi-dwelling zones. Sites receiving FAR transfers in the commercial/mixed use zones will still be subject to existing limits on how much additional FAR can be received. In the CM2 zone, for instance, the maximum total FAR that can be achieved through FAR transfers is 3.25 to 1.
- **Modify the commercial/mixed use zones parking standards** to require 1 space for every 2 units for larger sites outside frequent transit buffers (instead of 1 space for each unit). Also, provide reduced parking requirements for small sites up to 10,000 square feet in size (instead of the current threshold of 7,500 square feet), consistent with the multi-dwelling zones (on these small sites, regardless of location, no off-street parking will be required for projects with up to 30 units or that provide affordable units through inclusionary housing).
- **In the CM2 and CM3 zones, change the step-down height across local service streets from single dwelling zones to 45 feet** (instead of 35 feet). Also, eliminate requirements for height step downs in the CM3 zone in locations adjacent to the RM2 zone.
- **In the Inner Pattern Area, allow for zero setbacks from property lines abutting properties with multi-dwelling zoning along Civic and Neighborhood corridors.**
- **Amendments to standards for outdoor common areas, pedestrian connections, and attached house garages** to correspond to amendments to similar standards in the multi-dwelling zones.

CM2 zone in historic districts

Building massing of current maximum FAR and bonus FAR. The maximum bonus scale of four stories is similar to historic buildings in some historic districts.



Comparison of Current and Amended Development Standards

This table provides a comparison of development standards that apply in the current zones (shaded) and the corresponding standards for the new zones. This table is a summary and does not include all development standards and details (see Volume 2 for details on existing and proposed development standards). The table includes only one column for the RX zone and does not include the RMP zone, as these zones are retaining their current names and are not proposed for significant changes.

Standard	R3	R2	RM1	R1	RM2	RH	RM3	RM4	RX
Maximum Density/FAR	1 unit per 3,000 sq. ft. of site area	1 unit per 2,000 sq. ft. of site area	FAR of 1 to 1	1 unit per 1,000 sq. ft. of site area	FAR of 1.5 to 1	FAR of 2 to 1 or 4 to 1	FAR of 2 to 1	FAR of 4 to 1 (3 to 1 in historic districts)	FAR of 4 to 1
Minimum Density	1 unit per 3,750 sq. ft. of site area	1 unit per 2,500 sq. ft. of site area	1 unit per 2,500 sq. ft. of site area	1 unit per 1,450 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 1,000 sq. ft. of site area	1 unit per 500 sq. ft. of site area
Maximum Height	35 ft.	40 ft.	35 ft.	45 ft.	45 ft.	65 ft. or 75/100 ft.	65 ft.	75/100 ft. ⁶	100 ft.
Step-Down Height (25' from SFR zone)	--	--	35 ft.	--	35 ft.	--	35 ft.	35 ft.	35 ft.
Minimum Front Setback	10 ft.	10 ft.	10 ft.	3 ft.	5/10 ft. ¹	0 ft.	5/10 ft. ¹	0/5 ft. ¹	0 ft.
Minimum Side/Rear Setback ³	5-14 ft.	5-14 ft.	5 ft.	5-14 ft.	5 ft.	5-14 ft.	5/10 ft. ²	5/10 ft. ²	0 ft.
Maximum Building Coverage	45%	50%	50%	60%	60% 70% ⁴	85%	85%	85%	100%
Minimum Landscaped Area	35%	30%	30%	20%	20%	15%	15%	15%	none
Required outdoor area per unit	48 sq. ft.	48 sq. ft.	48 sq. ft.	48 sq. ft.	48 sq. ft.	none	36/48 sq. ft. ⁵	36/48 sq. ft. ⁵	none

¹The larger setback is the general standard. The smaller setback applies when ground floors are raised 2 feet above sidewalk level (to limit privacy impacts). Exemptions to required front setbacks apply for ground floor commercial uses, courtyard arrangements, and allow setbacks to match those of buildings on adjacent properties.

²Side and rear setbacks are 5 feet for buildings up to 55-feet high, and 10 feet for buildings taller than this.

³In the Eastern Pattern area, required rear setbacks are equal to 25 percent of the depth of the site.

⁴70% building coverage applies to properties that abut Civic or Neighborhood corridors.

⁵Required outdoor space is 36 square feet per unit for sites up to 20,000 square feet in total area, and 48 square feet per unit for sites larger than this.

⁶Maximum height in RM4 zone is 100 feet within 1,000 feet of transit stations, and in locations outside historic districts that are within 500 feet of streets with frequent transit service. Maximum height is 75 feet in other locations.

Better Housing by Design

AN UPDATE TO PORTLAND'S MULTI-DWELLING ZONING CODE



As Amended by
City Council

December 2, 2019

Volume 2:



Zoning Code
Amendments



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.
City of Portland, Oregon



The Better Housing by Design project is updating Portland’s multi-dwelling zoning rules to meet needs of current and future residents:

For more information ...

Visit the project website: www.portlandoregon.gov/bps/betterhousing

Email the project team: betterhousing@portlandoregon.gov

Call project staff: 503-823-4203

The Bureau of Planning and Sustainability is committed to providing meaningful access. For accommodations, modifications, translation, interpretation or other services, please contact at 503-823-7700, or use City TTY 503-823-6868, or Oregon Relay Service 711.

Traducción o interpretación	Chuyển Ngữ hoặc Phiên Dịch	翻译或传译	Письменный или устный перевод
Traducere sau Interpretare	Письмовий або усний переклад	翻訳または通訳	Turjumida ama Fasiraadda
	الترجمة التحريرية أو الشفهية	ການແປພາສາ ຫຼື ການອະທິບາຍ	
503-823-7700 www.portlandoregon.gov/bps/71701			

Summary

This is Volume 2 of the **Better Housing by Design As Amended by City Council** report. Volume 2 includes full code and commentary for amendments to the Comprehensive Plan and Zoning Code that will affect how development is regulated in Portland’s multi-dwelling zones. The preceding *Recommended Draft* incorporated the Portland Planning and Sustainability Commission’s (PSC) changes to the earlier *Proposed Draft* and served as the PSC’s recommendation to City Council. The *As Amended* report includes amendments passed by City Council on November 21, 2019.

The major components of the Better Housing by Design proposals include the following:

- **Diverse housing options and affordability.** Amendments provide more flexibility for a diverse range of housing options – regulating development intensity by building size instead of numbers of units – and expand incentives for affordable housing and physically-accessible units.
- **Outdoor spaces and green elements.** Amendments expand requirements for outdoor spaces for residents, provide more options for innovative green options to meet landscaping requirements, reduce parking requirements, and limit large paved areas.
- **Building design and scale.** Amendments include design standards that limit front garages, require entrances oriented to the street, facilitate compact development, and provide new design options for development on major corridors.
- **East Portland standards and street connections.** Amendments include standards focused on improving outcomes in East Portland, including approaches to facilitate new street connections.

Other major components that are part of the *As Amended* report include a new array of multi-dwelling zones and related Zoning Map changes, corresponding changes to Comprehensive Plan land use designations, and amendments to commercial/mixed use zone regulations and other Zoning Code chapters to bring consistency with the Better Housing by Design regulations for the multi-dwelling zones.

Next Steps

City Council held public hearings on the *Better Housing by Design Recommended Draft* on October 2 and November 6 of 2019. City Council deliberated and voted on amendments to the *Recommended Draft* on November 21, 2019. City Council is scheduled to make a final decision on the Better Housing by Design provisions on December 18, 2019, with the effective date for the new regulations and map amendments scheduled for March 1, 2020. Project updates will be posted on the project website: www.portlandoregon.gov/bps/betterhousing.



Volume 2:

Zoning Code Amendments

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This volume presents proposed Zoning Code and Comprehensive Plan amendments. The document is formatted to facilitate readability by showing draft code amendments on the right-hand pages and related commentary on the facing left-hand pages. The “crosswalk” table on the following page provides a cross reference between the major proposals described in the *Staff Report* (Volume 1) and where the related code changes appear in this document.

Zone names. Text that discusses issues related to the current zones uses the current zone names. Text regarding the proposed code amendments uses the proposed new zone names, accompanied by the corresponding current zone names in parentheses (e.g., RM1 [R2/R3]).

Major Proposals – where to find them in the Zoning Code amendments

Proposal	Code Reference	Pages
Diverse Housing Options and Affordability		
1. Regulate by building scale instead of unit density.	33.120.210	54-57
2. Prioritize affordable housing by increasing inclusionary housing development bonuses and through a family housing bonus.	33.120.211	62-67
3. Promote accessible housing through a visitable units bonus.	33.120.211.C.4	66-67
4. Provide incentives for preserving trees, affordable housing, and historic buildings through transfers of development rights.	33.120.210.D	57-61
5. Allow small-scale commercial uses on major corridors.	33.120.100.B	32-39
Outdoor Spaces and Green Elements		
6. Require residential outdoor areas in high density zones.	33.120.240	120-123
7. Require shared common areas for large sites.	33.120.240	122-125
8. Allow alternatives to conventional landscaping.	33.120.235	118-121
9. Limit large surface parking lots and asphalt paving.	33.266.130.C.4	216-217
10. Reduce parking requirements, especially for small sites and for projects with affordable units.	33.266.110.D Tables 266-1 & 266-2	207 209& 211
Building Design and Scale		
11. Limit front garages and parking along street frontages.	33.120.283 33.266.120&130	170-173 212-223
12. Require building entrances to be oriented to streets or to courtyards.	33.120.231	108-111
13. Require front setbacks that reflect neighborhood patterns and provide privacy.	33.120.220.B Table 120-3	86-89 55
14. Simplify side setback regulations to reduce barriers to compact development.	33.120.220.B Table 120-3	84-87 55
15. Require building height transitions to single-dwelling zones.	33.120.215.B Table-120-3	80-83 55
16. Require large building facades to be divided into smaller components.	33.120.230	105-107
17. Provide design options that support urban development along major corridors.	33.120.220.B.3.j 33.120.215.B.1	89-91 80-81
East Portland Standards and Street Connections		
18. Continue East Portland mid-block open areas through requirements for deep rear setbacks.	33.120.220.B	84-89
19. Require street frontages wide enough for quality site design and to provide space for new street connections in East Portland centers.	33.120.206 Map 120-2	52-53 194-195
20. Calculate development allowances prior to street dedication to facilitate street connections.	33.930.025	244-245
Other Major Proposed Amendments		
21. Strengthen minimum density requirements.	33.120.212 33.258.060	70-73 202-203
22. Require transportation and parking demand management approaches in the multi-dwelling zones.	33.266.410	226-227
23. Amend commercial/mixed use zone regulations to be consistent with those in the multi-dwelling zones.	33.130	Volume 3

Commentary

Proposed Comprehensive Plan Amendments

This section presents proposed amendments to the Comprehensive Plan. The amendments are limited to changes to Chapter 10 (Land Use Designations). The proposed changes primarily affect the multi-dwelling land use designation paragraphs and are necessary to accommodate the proposed new multi-dwelling zones framework and the shift to regulating development intensity by FAR (instead of unit density).

The section is formatted to facilitate readability by showing draft code amendments on the right-hand pages and related commentary on the facing left-hand pages.

Commentary

Comprehensive Plan

Chapter 10: Land Use Designations and Zoning

The proposed amendments to this chapter primarily consist of:

1. Changes to the multi-dwelling land use designations to correspond to the proposed new multi-dwelling zones and the shift to regulating development intensity by FAR (instead of unit density).
2. Minor amendments to other designations to provide clarity regarding the application of the design overlay zone in association with these designations.
3. Updates to Figure 10-1, which identifies corresponding and allowed zones for each land use designations, to reflect the new multi-dwelling zone names.

The existing multi-dwelling land use designations use names based on residential density. For example, "Multi-Dwelling - 2,000" reflects the corresponding R2 zone's maximum density of 1 unit per 2,000 square feet of site area. This naming convention is no longer consistent with the proposal to regulate multi-dwelling zones by development scale (FAR), instead of unit density (see pages 54-57). The new Comprehensive Plan multi-dwelling designations use location-related names, similar to the approach used for the mixed use designations. The proposed Comprehensive Plan Map amendments assign to each property the new designation that corresponds to existing designations (see below).

Current Comp Plan Name (& zone)	New Comp Plan Name	Corresponding New Zones
Multi-Dwelling - 3,000 (R3) Multi-Dwelling - 2,000 (R2)	Multi-Dwelling - Neighborhood	RM1
Multi-Dwelling - 1,000 (R1)	Multi-Dwelling - Corridor	RM2
High-Density Multi-Dwelling (RH)	Multi-Dwelling - Urban Center	RM3, RM4
Central Residential (RX)	<i>No change</i>	RX
Manufactured Dwelling Park	<i>No change</i>	RMP

Comprehensive Plan Amendments

Chapter 10: Land Use Designations and Zoning

Policies

Land use designations

The Comprehensive Plan Map is one of the Comprehensive Plan's implementation tools. The map includes land use designations, which are used to carry out the Comprehensive Plan. The land use designation that best implements the goals and policies of the Plan is applied to each area of the city. This section contains general descriptions of the land use designations.

Each description includes:

Type of place or Pattern Area for which the designation is intended.

General use and intensity expected within the area. In some cases, alternative development options allowed in single-dwelling residential zones (e.g. duplexes and attached houses on corner lots; accessory dwelling units) may allow additional residential units beyond the general density described below.

Level of public services provided or planned.

Level of constraint.

Policy 10.1 Land use designations. Apply a land use designation to all land and water within the City's Urban Services Boundary. Apply the designation that best advances the Comprehensive Plan goals and policies. The land use designations are shown on the adopted Land Use Map and on official Zoning Maps.

Note: The pending Central City 2035 Plan will revise the Central City-specific land use descriptions or will create new corresponding zones.

(Paragraphs 1 – 7: no changes)

Multi-Dwelling Residential

~~8. Multi-Dwelling — 3,000~~

~~This designation allows a mix of housing types, including multi-dwelling structures, in a manner similar to the scale of development anticipated within the Single-Dwelling — 2,500 designation. This designation is intended for areas near, in, and along centers and corridors where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally do not have~~

Commentary

Chapter 10: Land Use Designations and Zoning (continued)

Multi-Dwelling - Neighborhood

The "Multi-Dwelling - 3,000" and "Multi-Dwelling - 2,000" designations are being replaced with a new "Multi-Dwelling - Neighborhood" land use designation. This aligns with the merging of the corresponding R3 and R2 zones into the new RM1 zone (see page 26).

The description of the new Multi-Dwelling - Neighborhood designation and its name relate to its application to areas intended to continue the scale of low-rise residential neighborhoods (typically up to three stories) and providing for a mix of multi-dwelling and single-dwelling housing. The description of the new designation is derived from those of the two designations it replaces, both of which were intended for development that is compatible in scale with single-dwelling housing.

The minimum density indicated is the minimum density of the corresponding RM1 zone.

Multi-Dwelling - Corridor

The "Multi-Dwelling - 1,000" designation has been renamed to "Multi-Dwelling Corridor." The new land use designation name reflects the corresponding zone's role as the predominant multi-dwelling zoning along major transit streets, such as those designated as Civic Corridors or Neighborhood Corridors in the 2035 Comprehensive Plan Urban Design Framework. This designation is also applied in centers and near transit stations. Language in the description reflects the role of the designation in providing opportunities for transit supportive densities of housing. Changes to the paragraph also reflect the fact that the corresponding RM2 (former R1) zone allows buildings 45-feet tall (four stories), which is substantially different in scale than single-dwelling residential areas.

Changes to language related to density reflect the to the proposed shift to regulating the corresponding RM2 (R1) zone by scale/FAR, instead of unit density. The minimum density indicated is that of the corresponding RM2 zone.

~~development constraints and may include larger development sites. The maximum density is generally 14.5 units per acre, but may go up to 21 units per acre in some situations. The corresponding zone is R3.~~

9. Multi-Dwelling — ~~2,000~~

~~This designation allows multi-dwelling development mixed with single-dwelling housing types but at a scale greater than for single-dwelling residential. This designation is intended for areas near, in, and along centers and corridors and transit station areas, where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally do not have development constraints. The maximum density is generally 21.8 units per acre, but may be as much as 32 units per acre in some situations. The corresponding zone is R2.~~

9. Multi-Dwelling — Neighborhood

This designation allows low-rise multi-dwelling development mixed with single-dwelling housing types, at a scale that is compatible with, but somewhat larger than, single-dwelling residential. This designation is intended for areas near, in, and along centers, neighborhood corridors, and transit stations, in locations where transit-supportive densities at a low-rise residential scale is desired. Areas within this designation generally do not have development constraints, and are in locations where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Maximum density is based on a floor area ratio, not on a units-per-square-foot basis. Minimum density is 17 units per acre. The corresponding zone is RM1.

10. Multi-Dwelling — ~~1,000~~Corridor

~~This designation allows medium-scale density multi-dwelling development. The scale of development is intended to reflect the allowed~~accommodate transit-supportive densities while providing transitions to being compatible with nearby~~single-dwelling residential. The designation is intended for areas near, in, and along centers, and civic and neighborhood corridors, and transit station areas, where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally do not have development constraints. The maximum density is generally 43 units per acre, but may be as much as 65 units per acre in some situations. Maximum density is based on a floor area ratio, not on a units-per-square-foot basis. Minimum density is 30 units per acre. The corresponding zone is R1~~RM2.

Commentary

Chapter 10: Land Use Designations and Zoning (continued)

Multi-Dwelling - Urban Center

The "High-Density Multi-Dwelling" designation has been renamed to "Multi-Dwelling - Urban Center." The new designation name reflects the application of this designation to major centers, including areas adjacent to the Central City, and to areas around light rail transit stations. These locations, intended for high-density development, are also where the similarly-named Mixed Use - Urban Center designation is applied.

This land use designation has two corresponding zones, RM3 and RM4 zones, which were both formerly the RH zone (the new zones correspond to the two different FAR levels that existed in the RH zone - see page 22). The zoning code "Characteristics of the Zones" paragraphs in Chapter 33.120 (see page 25) provide guidance as to the appropriate locations of the two corresponding zones, when considering requests for zoning map amendments. The minimum density indicated is that of the corresponding RM3 and RM4 zones.

Language has been added to indicate that the Design ('d') overlay zone will always be applied in conjunction with this designation (see Staff Report, page 22, regarding the proposed expansion of the d-overlay to all properties with RM3 and RM4 zoning). These zones allow buildings 65 to 100 feet tall, which matches or exceeds scale allowed in mixed use zones (EX and CM3) where the design overlay is always applied.

Central Residential

For consistency with the other multi-dwelling land use designations, this paragraph is being amended to indicate a minimum density that is the same as that of the minimum required density of the corresponding RX zone. The last sentence is being amended to clarify that the Design overlay zone is always applied in conjunction with the corresponding zone (RX). The use of the term "generally" created uncertainty regarding application of the Design overlay zone.

Mixed Use - Civic Corridor

The only change to this paragraph is the addition of a sentence to clarify that one of this land use designation's corresponding zones, the CM3 zone, is always accompanied by the Design overlay zone. This is not a new proposed approach, but continues the application of the d-overlay to the CM3 zone's precursor zone, the EX zone (which the Mixed Use Zones Project renamed to CM3 in locations outside the Central City and Gateway).

11. ~~High-Density~~ Multi-Dwelling — Urban Center

This designation is intended for the Central City, Gateway Regional Center, Town Centers, and transit station areas where a residential focus is desired and urban public services including access to high-capacity transit, very frequent bus service, or streetcar service are available or planned. This designation is intended to allow high-density multi-dwelling structures at an urban scale. Maximum density is based on a floor-area-ratio, not on a unit-per-square-foot basis. Minimum density is 43 units an acre. ~~Densities will range from 80 to 125 units per acre.~~ The corresponding zones ~~is RH~~ are RM3 and RM4. This designation is accompanied by the Design overlay zone.

12. Central Residential

This designation allows the highest density and most intensely developed multi-dwelling structures. Limited commercial uses are also allowed as part of new development. The designation is intended for the Central City and Gateway Regional Center where urban public services are available or planned including access to high-capacity transit, very frequent bus service, or streetcar service. Development will generally be oriented to pedestrians. Maximum density is based on a floor area ratio, not on a units-per-square-foot basis. Minimum density is 87 units per acre. ~~Densities allowed exceed 100 units per acre.~~ The corresponding zone is RX. This designation is ~~generally~~ accompanied by a the d~~Design overlay zone.~~

13. Manufactured Dwelling Park

This designation allows multi-dwelling residential development in manufactured dwelling parks. Allowed housing is manufactured dwellings that are assembled off-site. The designation is intended to reflect the unique features of manufactured dwellings parks in terms of a self-contained development with smaller dwellings on individual spaces with an internal vehicle circulation system, pedestrian pathways, and open area often resulting in lower building coverage than other multi-dwelling designations. The maximum density is generally 29 spaces per acre, one space per 1,500 square feet of site area. The corresponding zone is RMP.

Commentary

Chapter 10: Land Use Designations and Zoning (continued)

The only changes to the paragraphs on this page are minor edits to their last sentences to clarify that the Design overlay zone is always applied in conjunction with these designations and their corresponding zones.

Mixed Use and Commercial

(Paragraphs 14 – 15: no changes)

16. Mixed Use — Civic Corridor

This designation allows for transit-supportive densities of commercial, residential, and employment uses, including a full range of housing, retail, and service businesses with a local or regional market. This designation is intended for areas along major corridors where urban public services are available or planned including access to high-capacity transit, frequent bus service, or streetcar service. The Civic Corridor designation is applied along some of the City's busiest, widest, and most prominent streets. As the city grows, these corridors also need to become places that can succeed as attractive locations for more intense, mixed-use development. They need to become places that are attractive and safe for pedestrians while continuing to play a major role in the City's transportation system. Civic Corridors, as redevelopment occurs, are also expected to achieve a high level of environmental performance and design. The corresponding zones are Commercial Mixed Use 1 (CM1), Commercial Mixed Use 2 (CM2), Commercial Mixed Use 3 (CM3), and Commercial Employment (CE). Within this designation, the CM3 zone is accompanied by the Design overlay zone.

17. Mixed Use — Urban Center

This designation is intended for areas that are close to the Central City and within Town Centers where urban public services are available or planned including access to high-capacity transit, very frequent bus service, or streetcar service. The designation allows a broad range of commercial and employment uses, public services, and a wide range of housing options. Areas within this designation are generally mixed-use and very urban in character. Development will be pedestrian-oriented with a strong emphasis on design and street level activity, and will range from low- to mid-rise in scale. The range of zones and development scale associated with this designation are intended to allow for more intense development in core areas of centers and corridors and near transit stations, while providing transitions to adjacent residential areas. The corresponding zones are Commercial Mixed Use 1 (CM1), Commercial Mixed Use 2 (CM2), Commercial Mixed Use 3 (CM3), and Commercial Employment (CE). This designation is ~~generally~~ accompanied by ~~a~~ the ~~d~~Design overlay zone.

Commentary

Chapter 10: Land Use Designations and Zoning (continued)

The only changes to the paragraphs on this page are minor edits to their last sentences to clarify that the Design overlay zone is always applied in conjunction with these designations and their corresponding zones.

18. Central Commercial

This designation is intended to provide for commercial development within Portland's Central City and Gateway Regional Center. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural, and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together along a pedestrian-oriented, safe, and attractive streetscape. The corresponding zone is Central Commercial (CX). This designation is ~~generally~~ accompanied by a~~the~~ Design overlay zone.

Employment

19. Central Employment

The designation allows for a full range of commercial, light-industrial, and residential uses. This designation is intended to provide for mixed-use areas within the Central City and Gateway Regional Center where urban public services are available or planned including access to high-capacity transit or streetcar service. The intensity of development will be higher than in other mixed-use land designations. The corresponding zone is Central Employment (EX). This designation is ~~generally~~ accompanied by a~~the~~ Design overlay zone.

(Paragraphs 20 – 22: no changes)

Commentary

Chapter 10: Land Use Designations and Zoning (continued)

Figure 10-1

This table is being updated to reflect the new multi-dwelling zone names.

Figure 10-1. Corresponding and Allowed Zones for Each Land Use Designation

LU Designation	Corresponding Zone(s)	Non-corresponding zone(s) that are allowed
Open Space	OS	none
Farm and Forest	RF	OS
Single-Dwelling 20,000	R20	RF, OS
Single-Dwelling 10,000	R10	R20, RF, OS
Single-Dwelling 7,000	R7	R10, R20, RF, OS
Single-Dwelling 5,000	R5	R7, R10, R20, RF, OS
Single-Dwelling 2,500	R2.5	R5, R7, R10, R20, RF, OS
Multi-Dwelling 3,000	R3	R2.5, R5, R7, R10, R20, RF, OS
Multi-Dwelling 2,000 - <u>Neighborhood</u>	R2 <u>RM1</u>	R3, R2.5, R5, R7, R10, R20, RF, OS
Multi-Dwelling 1,000 - <u>Corridor</u>	R1 <u>RM2</u>	<u>RM1, RM2, RM3, RM4</u> , R2.5, R5, R7, R10, R20, RF, OS
High-Density Multi-Dwelling - Urban Center	RH <u>RM3, RM4</u>	<u>RM1, RM2, RM3, RM4</u> , R2.5, R5, R7, R10, R20, RF, OS
Central Residential	RX	<u>RM1, RM2, RM3, RM4</u> , RH, R1, R2, R3
Manufactured Dwelling Park	RMP	<u>none</u>
Mixed-Use — Dispersed	CM1, CR	CE, <u>RM1, RM2, RM3, RM4</u> , R1, R2, R3 , R2.5, R5, R7, OS
Mixed-Use — Neighborhood	CM1, CM2, CE	<u>RM1, RM2, RM3, RM4</u> , R1, R2, R3 , R2.5, R5, OS
Mixed-Use — Civic Corridor	CM1, CM2, CM3, CE	<u>RM1, RM2, RM3, RM4</u> , R1, R2, R3 , R2.5, R5, OS
Mixed-Use — Urban Center	CM1, CM2, CM3, CE	IG1, EG1, CE, <u>RM1, RM2, RM3, RM4</u> , RH, R1, R2 , R2.5, OS
Central Commercial	CX	IH, IG1, IG2, EG1, EG2, EX, CM1, CM2, CM3, CE, RX, <u>RM1, RM2, RM3, RM4</u> , RH, R1, R2
Mixed Employment	EG1, EG2	IH, IG1, IG2, RF
Central Employment	EX	none
Institutional Campus	CI1, CI2, IR	EG2, EX, CX, CM1, CM2, CM3, CE, <u>RM1, RM2, RM3, RM4</u> , R1, R2, R3, R2.5, R5, R7, R10, R20, RF, OS
Industrial Sanctuary	IH, IG1, IG2	RF (R20, R10, R7, R5, OS) ¹

¹R20, R10, R7, R5 and OS are allowed zones in the Industrial Sanctuary only where the zoning pre-dates the adoption of the 2035 Comprehensive Plan.

Commentary

Proposed Zoning Code Amendments to Chapter 33.120 Multi-Dwelling Zones

This section presents proposed zoning code amendments to the Multi-Dwelling Zones chapter. The section is formatted to facilitate readability by showing draft code amendments on the right-hand pages and related commentary on the facing left-hand pages.

Commentary

Chapter 33.120 Sections Table

The Chapter 33.120 sections table has been changed to reflect new or revised code sections related to the proposed amendments (see individual code sections for details and commentary).

33.120 Multi-Dwelling Zones

120

Sections:

General

- 33.120.010 Purpose
- 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

Use Regulations

- 33.120.100 Primary Uses
- ~~33.120.110 Accessory Uses~~
- ~~33.120.120 Nuisance-Related Impacts~~

Development Standards

- 33.120.200 Housing Types Allowed
- 33.120.~~205~~210 Development on Lots and Lots of Record
- 33.120.206 Minimum Required Site Frontage for Development
- 33.120.210 Floor Area Ratio
- 33.120.211 Floor Area Bonus Options
- 33.120.~~205~~212 Maximum Density
- 33.120.213 Minimum Density
- 33.120.215 Height
- 33.120.220 Setbacks
- 33.120.225 Building Coverage
- 33.120.230 Building Length and Façade Articulation
- 33.120.231 Main Entrances
- 33.120.232 Street-Facing Facades
- 33.120.235 Landscaped Areas
- 33.120.237 Trees
- 33.120.240 Required Outdoor and Common Areas
- 33.120.250 Screening
- 33.120.255 Pedestrian Standards
- 33.120.260 Recycling Areas
- ~~33.120.265 Amenity Bonuses~~
- 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
- 33.120.305 Parking and Loading
- 33.120.310 Signs

Commentary

Chapter 33.120 Sections Table (continued)

See previous commentary.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

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

~~Map 120-1 Index Map for RH Areas with Maximum FAR of 4:1~~

~~Maps 120-2 through 120-20 RH Areas with Maximum FAR of 4:1~~

Commentary

33.120.010 Purpose

Amendments reflect additional allowances for limited commercial uses in the multi-dwelling zones while emphasizing that allowances for additional uses should still continue the intended role of these zones as places for housing. Reference to "large scale" institutional uses is being changed because the Institutional Residential (IR) zone was moved to a new chapter (33.150 Campus Institutional) as part of Task 5 of the Comprehensive Plan Update.

Paragraph B is being amended to clarify that the existing reference to compatibility with the City's character is not intended to suggest that higher-density development will always be similar in scale to what currently exists, but that the development standards are intended to shape development to contribute to the intended characteristics of each zone and the places where they apply. In places where the Comprehensive Plan directs growth, such as in centers and along corridors, the implementing commercial/mixed use and multi-dwelling zones are intended to foster a more urban environment. With this change, however, development standards work to ensure compatibility with Portland's design characteristics, as described in the Design and Development chapter of the Comprehensive Plan, which identifies features such as pedestrian-friendly street frontages, green elements, landmarks, and distinct built and natural patterns as key Portland characteristics.

33.120.020 List of the Multi-Dwelling Zones

The names of the multi-dwelling zones are being changed to be more reflective of the new structure of the zones. The current zone names for some zones are based on unit density (e.g., R2 - "Residential 2,000" corresponds to a maximum density of 1 unit per 2,000 sq. ft. of site area), which will be less relevant with the proposed FAR approach to regulating by development scale (see pages 54-57). The new approach uses zone names that are consistent with the naming convention used for the commercial/mixed use zones, in which larger zone name numbers correspond to allowances for larger-scale development. The new zones combine the current R3 and R2 zones, both intended for low-rise multi-dwelling development, into the new RM1 zone (see commentary on page 26). The new approach also splits the current RH zone into two separate zones (RM3 and RM4) that reflect the different FARs and development standards that apply within the current RH zone (which includes two separate levels of FAR: 2 to 1 and 4 to 1).

Current and Corresponding New Zones

Current Short Name	Current Full Name	New Short Name	New Full Name
R3 R2	Residential 3,000 Residential 2,000	RM1	Residential Multi-Dwelling 1
R1	Residential 1,000	RM2	Residential Multi-Dwelling 2
RH	High Density Residential (2:1 FAR)	RM3	Residential Multi-Dwelling 3
RH	High Density Residential (4:1 FAR)	RM4	Residential Multi-Dwelling 4
RX	Central Residential	RX	No change
RMP	Residential Manufactured Dwelling Park	RMP	No change

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 ~~large-scale~~ institutional, ~~campuses~~ limited commercial, and other nonresidential uses, but not to such an extent as to sacrifice the overall residential neighborhood ~~image and 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 scaledensity 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
<u>Residential Multi-Dwelling 1</u>	<u>RM1</u>
<u>Residential Multi-Dwelling 2</u>	<u>RM2</u>
<u>Residential Multi-Dwelling 3</u>	<u>RM3</u>
<u>Residential Multi-Dwelling 4</u>	<u>RM4</u>
<u>Central Residential</u>	<u>RX</u>
<u>Residential Manufactured Dwelling Park</u>	<u>RMP</u>

Full Name	Short Name/Map Symbol
Residential 3,000	R3
Residential 2,000	R2
Residential 1,000	R1
High Density Residential	RH
Central Residential	RX
Residential Manufactured Dwelling Park	RMP

Commentary

33.120.030 Characteristics Of The Zones

These paragraphs have been rewritten to better reflect the updated intent of the multi-dwelling zones, focusing more on scale, appropriate locations for the zones, and deleting past references to unit density (reflecting the shift to regulating development intensity primarily by building scale/FAR).

The RM1 zone (1 to 1 FAR, 35' height), which combines the former R3 and R2 zones, is a low-scale zone that provides a transition to single-dwelling residential areas, often located at the edges of centers or along neighborhood corridors, or other areas intended to provide continuity with the scale of established low-rise residential areas.

The RM2 zone (1.5 to 1 FAR, 45' height), formerly the R1 zone, is a medium-scale zone applied in and around a variety of centers and corridors and has similar allowed building height to the predominant commercial/mixed use zones in these areas.

The RM3 zone (2 to 1 FAR and 65' height), formerly the RH zone, is a high density, mid-rise zone applied in locations close to the Central City and in centers and major corridors, and includes requirements for front landscaping to integrate with established residential neighborhoods.

The RM4 zone (4 to 1 FAR and 75' height), formerly RH zoning mapped for an FAR of 4 to 1, is an intensely urban, mid- to high-rise zone applied in locations close to the Central City and in centers and major corridors.

The RX zone (4 to 1 FAR, 100' height) is the most intensely urban residential zone, and is applied within the Central City and the Gateway Regional Center.

The paragraphs for the RM3 and RM4 zones include language indicating that the Design ('d') overlay zone will be applied in conjunction with these zones (see Staff Report, page 22). These zones allow buildings 65 to 100 feet tall, which matches or exceeds scale allowed in mixed use zones (EX and CM3) where the design overlay is always applied.

See pages 6 and 19 of the Staff Report (Volume 1) for diagrams illustrating the allowed scale of each zone (**Appendix B** includes more detailed code modeling showing the maximum development allowances for each zone).

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.

Commentary

33.120.030 Characteristics Of The Zones (continued)

For legibility, these paragraphs have been rewritten and the former language shown as deleted, although the new paragraphs (preceding page) incorporate much of the intent of the former language.

Merging of the R3 and R2 Zones

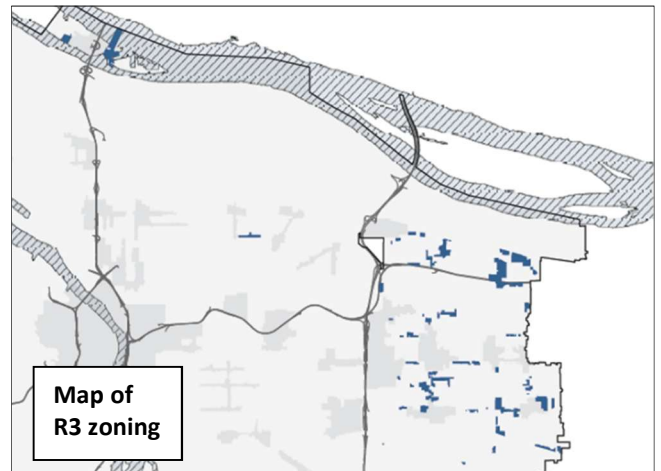
The R3 and R2 zones are being combined into a new RM1 zone for a variety of reasons:

- The R3 and R2 zones allow a similar scale of development and both are intended for development that is compatible in scale with single-family housing. The allowed building height for the new zone will be 35 feet, which is the same as the R3 zone and a slight reduction from the 40-foot height allowed in the R2 zone (see Table 120-3 on page 55). 35 feet is sufficient for the 2- to 3-story scale intended for the new zone and will allow for a wide range of middle-housing types (such as duplexes, fourplexes, and courtyard apartments) that historically were located among single-family houses. 35 feet of height is also consistent with heights in the R2.5 single-dwelling zone and the CM1 mixed-use zone, which are also intended for a scale that is compatible with single-dwelling residential neighborhoods.

	R3	R2
Maximum Height	35'	40'
Max. lot coverage	45%	50%
Min. front setback	10'	10'
Required outdoor area	48 SF/unit	48 SF/unit
Landscaping	35%	30%

- Other development standards - such as building coverage, setbacks, outdoor area and landscaping, vary little between the two zones (see box).

- The R3 zone applies in a relatively small amount of area (517 acres out of the 5,160 acres of multi-dwelling zoning), primarily in East Portland and East Hayden Island (the R3 zone is a remnant of Multnomah County zoning).



- The R3 zone has produced only a small amount of new residential units over the past 10 years, with 180 units built in that zone, compared to the total amount of 8,730 units built in the multi-dwelling zones during that period.
- As part of the shift to a scale/FAR-based approach, staff considered an FAR of .75 to 1 for the R3 zone. Code modeling (see **Appendix B**) showed little difference in development scale with the 1 to 1 FAR ratio proposed for the R2 zone (the .75 to 1 ratio is also less than the FARs for multi-unit development proposed for the R2.5 single-dwelling zone by the Residential Infill Project).
- Recent development in the R3 zone has been similar to what has been built in the R2 zone, with the majority of development in both zones consisting of clusters of detached houses, townhouses, duplexes, and small apartment buildings (see the Better Housing by Design Assessment Report, Appendix F).

- A. ~~R3 zone.~~** The R3 zone is a low density multi dwelling zone. It allows approximately 14.5 dwelling units per acre. Density may be as high as 21 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one and two story buildings and a relatively low building coverage. The major type of new development will be townhouses and small multi-dwelling residences. This development is compatible with low and medium density single-dwelling development. Generally, R3 zoning will be applied on large sites or groups of sites.
- B. ~~R2 zone.~~** The R2 zone is a low density multi dwelling zone. It allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings, but at a slightly larger amount of building coverage than the R3 zone. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.
- C. ~~R1 zone.~~** The R1 zone is a medium density multi dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.
- D. ~~RH zone.~~** The RH zone is a high density multi dwelling zone. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use is regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services.
- E. ~~RX zone.~~** The RX zone is a high density multi dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of new housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.
- 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.

Commentary

33.120.040 Other Zoning Regulations

No change.

33.120.050 Neighborhood Contact

The code language shown here will be replaced on December 2, 2019, by new language adopted as part of the Neighborhood Contact Code Update Project.

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

- A. Purpose.** Neighborhood contact is required for larger residential projects in the multi-dwelling zones because of the impacts that multi-dwelling projects can have on the surrounding community. The neighborhood contact requirement provides an opportunity for community input on the design of these projects by providing a setting for the applicant and neighborhood residents to discuss a proposal in an informal manner. By sharing information and concerns early, all involved have the opportunity to identify ways to improve a proposal and to resolve conflicts.
- B. Neighborhood contact requirement.** Proposals meeting the following conditions are subject to the neighborhood contact requirement as specified in Section 33.700.025, Neighborhood Contact. All of the steps in 33.700.025 must be completed before a building permit is requested.
1. The proposed development has not been subject to a land use review; and
 2. The proposed development would create five or more new dwelling units. Dwelling units are created:
 - a. As part of new development;
 - b. By adding net building area to existing development that increases the number of dwelling units; or
 - c. By conversion of existing net building area from non-residential to residential uses.

Commentary

33.120.100 Primary Uses

No significant change to this page.

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 ~~R3, R2, R1, RH, and RX~~ 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.

Commentary

B. Limited Uses

2. Retail Sales And Service and Office uses in the RM1, RM2, RM3 and RM4 zones

These regulations allow, by right, limited amounts of commercial uses in multi-dwelling zones along Civic and Neighborhood corridors (see map and commentary on page 34).

Along these corridors, allowing limited ground-floor commercial uses could help address the negative impacts from traffic to residents of housing, such as in the multi-dwelling zones located along East Portland's multi-lane corridors. In these locations, the livability of ground-level residential living spaces located along busy street frontages is compromised by traffic noise and privacy impacts. Allowances for small commercial uses in these locations will provide opportunities for ground-level businesses that could benefit from being located along busy, high-visibility street frontages. These allowances also allow more opportunities for neighborhood commercial services in areas of Portland that lack walkable access to services and that could benefit from additional opportunities for small businesses and local services, such as East Portland. Commercial use allowances currently apply in the RH zone along major corridors in the Northwest and Albina plan districts (including along NE Martin Luther King, Jr. Boulevard). The allowed amounts of retail sales and service and office uses vary by zone, as follows:

In the RM1 and RM2 (R3/R2, R1) zones, ground floor retail or offices uses would be allowed up to an FAR of .25 to 1 per site. This will allow up to 2,500 square feet of commercial use floor area on a 10,000-square foot site. Each commercial use is be limited to 1,000 square feet (enough for a small retail space, café, or office).

In the RM3 and RM4 (RH) and RX zones, ground floor retail or offices uses will be allowed up to an FAR of .4 to 1 per site. This will allow up to 4,000 square feet of floor area on a 10,000-square foot site. The commercial use allowances are more generous than for the lower-scale zones to reflect the more intensely urban character of the RM3, RM4 and RX zones. Each commercial use is limited to 2,000 square feet.

The proposal removes existing conditional use allowances in the RH zone for commercial uses within 1,000 feet of a transit station in order to prioritize corridors as appropriate locations for commercial uses (rather than local service streets). However, the proposed allowances facilitate small commercial uses in multi-dwelling zones along corridors near light rail stations (for example, near the 148th Avenue light rail station in East Portland, the proposal allows commercial uses in multi-dwelling zones along 148th Avenue and portions of Burnside). See commentary on page 42 regarding subsubparagraph 2.a.(2).

Projects using these allowances will need to meet the minimum residential unit densities of their zone, which will prevent purely commercial projects. Exterior commercial activities will not be allowed, except for outdoor seating.



Multi-dwelling housing along a Civic Corridor in East Portland (top) and along East Burnside at a light rail station (below), locations where code changes will allow limited amounts of commercial uses.

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.

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

~~a. Purpose. Certain commercial uses are allowed as conditional uses in the RH zone to allow mixed-use development on larger sites that are close to light rail transit facilities.~~

~~b. Regulations. Retail Sales And Service and Office uses are allowed as a conditional use if they meet the following regulations:~~

- ~~(1) The uses are allowed in new multi-dwelling developments only. Conversion of existing structures is prohibited;~~
- ~~(2) The net building area of the uses is limited to 20 percent of the net building area of the development. Retail Sales and Service or Office uses that cumulatively are more than 20 percent of the net building area are prohibited; and~~
- ~~(3) The site must be located within 1,000 feet of a Transit Station.~~
3. ~~Retail Sales And Service and Office uses in the RX zone. This regulation applies to all parts of Table 120-1 that have a [3].~~
- a. ~~Purpose. Certain commercial uses are allowed in the RX zone to improve the economic viability of residential development by allowing mixed-use development. At the same time, commercial uses are limited to assure that residential uses remain the dominant use in the zone.~~
- b. ~~Central City plan district and Gateway plan district. Retail Sales And Service and Office uses in the RX zone within the Central City plan district and the Gateway plan district are exempt from the regulations of this paragraph, and are instead subject to regulations in Chapter 33.510, Central City Plan District and Chapter 33.526, Gateway Plan District.~~
- c. ~~Commercial uses in new multi-dwelling development. Adjustments to the regulations of this subparagraph are prohibited.~~
- ~~(1) Limited uses.~~
- ~~• If all of the Retail Sales And Service or Office uses are on the ground floor, up to 40 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses;~~
 - ~~• If any portion of the Retail Sales And Service or Office uses is not on the ground floor, up to 20 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses.~~
- ~~(2) Conditional uses.~~
- ~~• If any portion of the Retail Sales And Service or Office uses is not on the ground floor, up to 40 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses if approved as a conditional use;~~
 - ~~• If the entire site is within 500 feet of a Transit Station, up to 50 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses if approved as a conditional use.~~
- d. ~~Commercial uses in existing multi-dwelling development. Up to 40 percent of existing net building area in a multi-dwelling development may be converted to Retail Sales And Service and Office uses if the following are met. Adjustments to the regulations of this subparagraph are prohibited:~~
- ~~(1) All of the Retail Sales And Service or Office uses must be on the ground floor; and~~

Commentary

Limited Uses (continued)

See previous commentary.

- ~~(2) The conversion may not result in a net loss of the square footage in residential use, or a net loss in the number of dwelling units in the development.~~
- ~~e. Outdoor activities. All commercial uses must be conducted entirely within fully enclosed buildings. However, incidental activities such as outdoor eating areas or outdoor sale of plants are allowed. Exterior display or storage of goods is prohibited.~~
- ~~f. Transfer of commercial development rights. The commercial development rights of this Paragraph may be transferred between buildings within a single new project. Transfers are subject to the following requirements:~~
 - ~~(1) The transfer of commercial use potential to sites on the Park Block frontages is prohibited. The Park Block frontages are shown on Map 510-14;~~
 - ~~(2) The net building area of commercial uses does not exceed 20 percent of the project's net building area, unless approved under the provisions of Subparagraph d. above;~~
 - ~~(3) All residential net building area in the project must be completed and must receive a certificate of occupancy at the same time or prior to issuance of any temporary or permanent certificate of occupancy for the commercial uses; and~~
 - ~~(4) A deed restriction is created and filed for the lot containing the residential building(s) reflecting the decrease in commercial use potential. The deed restriction must comply with the requirements of 33.700.060, Covenants with the City.~~
- 34. Commercial Parking in RX. This regulation applies to all parts of Table 120-1 that have a [34]. 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.
- 45. Community Service and Schools in RX. This regulation applies to all parts of Table 120-1 that have a [45]. 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.
- 56. Community Service in ~~R3RM1~~ through ~~RM4RH~~ and RMP. This regulation applies to all parts of Table 120-1 that have a [56]. 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.

Commentary

Limited Uses (continued)

7. Daycare

This paragraph is being amended to allow daycare uses as a limited use in multi-dwelling zones. Currently, daycares are conditional uses in most situations in the multi-dwelling zones (subject to discretionary review). Allowing daycare uses by right would expand opportunities for this needed service close to residents.

In all multi-dwelling zones, regardless of location, this amendment will allow daycare facilities by right up to a size of 3,000 square feet. State requirements for childcare facilities mandate 50 square feet per child. The 3,000 square foot allowance would allow up to 60 children. Outdoor play areas are not included as part of this size limitation. Daycare uses are not limited to locations abutting major corridors, as is proposed for ground-floor commercial uses, to provide more flexibility for daycares to be further away from the traffic of corridors.

Larger daycare facilities can be approved through a conditional use approval process.

67. Parks And Open Areas. This regulation applies to all parts of Table 120-1 that have a [67]. 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.
78. Daycare. This regulation applies to all parts of Table 120-1 that have a [78]. Daycare uses are allowed as follows:
- a. Allowed use. Daycare uses are allowed by right if located~~ing~~ within a building ~~which 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.8.a. or b. are a conditional use.
89. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 120-1 that have a [89]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.

Commentary

Limited Uses (continued)

Retail Sales and Service

This regulation, specific to retail plant nurseries, has been moved to Paragraph 2 (Retail Sales And Service and Office uses).

~~910.~~ 910. Basic Utilities. These regulations apply to all parts of Table 120-1 that have a ~~[913]~~.

- 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. In the RX zone, all other Basic Utilities 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. As an alternative to conditional use review, the applicant may choose to do a Conditional Use Master Plan or an impact Mitigation Plan. The requirements of Chapter 33.262, Off Site Impacts must be met.

~~1011.~~ 1011. Agriculture. This regulation applies to all parts of Table 120-1 that have a ~~[1014]~~. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, it is prohibited.

~~12.~~ 12. Retail Sales and Service. This regulation applies to all parts of Table 120-1 that have note ~~[15]~~. Retail plant nurseries are a conditional use.

~~1113.~~ 1113. Retail Sales And Service in the RMP zone. This regulation applies to all parts of Table 120-1 that have note ~~[1113]~~. 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.

Commentary

33.120.110 Accessory Uses

B. Accessory commercial uses in the RM3 and RM4 zones (RH)

This paragraph has been modified and moved to the limited uses paragraph (33.120.100.B.2 – see page 33). In its new location, this regulation is being amended to base the accessory commercial uses allowance on FAR (with a maximum size per use of 1,000 square feet), instead of being based on a percentage of net building area. This provides consistency with other commercial use allowances, which are also based on FAR. This paragraph is also being amended to clarify that this allowance for small amounts of accessory commercial uses is in addition to the limited commercial use allowances provided in locations along Civic and Neighborhood Corridors. Outside of these corridor locations, accessory commercial uses would continue to be allowed. Accessory commercial uses, which are intended to be internal to a building for use primarily by residents, have rarely been included as part of recent new development. Accessory commercial uses are usually part of large multi-dwelling buildings and sometimes consist of small snack or gift shops.

The new FAR-based approach, on a 20,000 square foot site, would allow two accessory commercial uses, each up to 1,000 square feet, for a total of 2,000 square feet of commercial use. This is the same amount that would be allowed under current regulations for a 40,000 square foot building on a 20,000 square foot lot (this equates to the size of building allowed by the base FAR in the RM3 zone [2 to 1]), for which the 5 percent of net building area calculation would allow for 2,000 square feet of accessory commercial use.

C. Accessory auto servicing in the RH and RX zones

This regulation, allowing fuel sales and minor repair and washing of automobiles as an accessory use, is not used and is being deleted. No similar allowance is provided for residential development in the commercial/mixed use zones.

33.120.110 Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all regulations for that use and all applicable development standards. In addition, some specific accessory uses have additional requirements as indicated below.

~~A. Accessory home occupations, accessory dwelling units, and accessory short term rentals.~~

~~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.~~

~~B. Accessory commercial uses in the RH zone.~~ ~~Accessory commercial uses in multi-dwelling buildings in the RH zone are allowed in order to provide convenient support services to the residents of the building and to encourage a reduction in auto trips. They are an incidental use to the main residential use of the site.~~

- ~~1. Uses allowed. Accessory commercial uses are limited to those in the Retail Sales And Service and Office use categories.~~
- ~~2. Structure types. Accessory commercial uses are allowed only in multi-dwelling buildings. Uses must be located entirely within the building and have no external doors. They may be located in basements.~~
- ~~3. Size. The accessory commercial uses are limited to 5 percent of the overall net building area on the site.~~
- ~~4. Reduction in dwelling units. Development of accessory commercial uses may not result in the reduction of the number of existing dwelling units.~~
- ~~5. Signs. Accessory commercial uses may not have signs that are visible from the exterior of the structure.~~

~~C. Accessory auto servicing in the RH and RX zones.~~ ~~Parking structures which are accessory to a multi-dwelling building may contain auto support facilities which provide services for the autos of the building's residential tenants. They are an incidental use to the main residential use of the site.~~

Commentary

33.120.120 Nuisance-Related Impacts

This section is essentially a cross reference and is being deleted.

- ~~1. Activities allowed. Accessory auto servicing is limited to fuel sales, minor repair, and washing of autos.~~
- ~~2. Structure types. The uses are allowed only in enclosed or underground parking structures.~~
- ~~3. Signs. The uses may not have signs that are visible from the exterior of the structure.~~

~~33.120.120 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.~~

Commentary

Table 120-1 Multi-Dwelling Zone Primary Uses

See previous commentary on the amendments to the Use Regulations regarding changes to this table.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Table 120-1
Multi-Dwelling Zone Primary Uses

Use Categories	R3	RM1 R2	RM2 R1	RM3 RH	<u>RM4</u>	RX	RMP
Residential Categories							
Household Living	Y	Y	Y	Y	<u>Y</u>	Y	Y
Group Living	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	<u>L/CU [1]</u>	L/CU [1]	N
Commercial Categories							
Retail Sales And Service	L [12]	L [122]	L [122]	L CU [2]	<u>L [2]</u>	L/CU [32]	L [1311]
Office	N	N L [2]	N L [2]	L CU [2]	<u>L [2]</u>	L/CU [32]	N
Quick Vehicle Servicing	N	N	N	N	<u>N</u>	N	N
Vehicle Repair	N	N	N	N	<u>N</u>	N	N
Commercial Parking	N	N	N	N	<u>N</u>	CU [43]	N
Self-Service Storage	N	N	N	N	<u>N</u>	N	N
Commercial Outdoor Recreation	N	N	N	N	<u>N</u>	N	N
Major Event Entertainment	N	N	N	N	<u>N</u>	N	N
Industrial Categories							
Manufacturing And Production	N	N	N	N	<u>N</u>	N	N
Warehouse And Freight Movement	N	N	N	N	<u>N</u>	N	N
Wholesale Sales	N	N	N	N	<u>N</u>	N	N
Industrial Service	N	N	N	N	<u>N</u>	N	N
Bulk Fossil Fuel Terminal	N	N	N	N	<u>N</u>	N	N
Railroad Yards	N	N	N	N	<u>N</u>	N	N
Waste-Related	N	N	N	N	<u>N</u>	N	N
Institutional Categories							
Basic Utilities	L/CU [10]	L/CU [109]	L/CU [109]	L/CU [109]	<u>L/CU [9]</u>	L/CU [109]	L/CU [109]
Community Service	L/CU [6]	L/CU [65]	L/CU [65]	L/CU [65]	<u>L/CU [5]</u>	L/CU [54]	L/CU [65]
Parks And Open Areas	L/CU [7]	L/CU [76]	L/CU [76]	Y	<u>Y</u>	Y	L/CU [76]
Schools	CU	CU	CU	CU	<u>CU</u>	L/CU [54]	CU
Colleges	CU	CU	CU	CU	<u>CU</u>	CU	CU
Medical Centers	CU	CU	CU	CU	<u>CU</u>	CU	CU
Religious Institutions	CU	CU	CU	CU	<u>CU</u>	CU	CU
Daycare	L/CU [8]	L/CU [87]	L/CU [87]	L/CU [87]	<u>L/CU [7]</u>	Y	L/CU [87]
Other Categories							
Agriculture	L [11]	L [1110]	L [1110]	L [1110]	<u>L [10]</u>	L [10]	L [1110]
Aviation And Surface Passenger Terminals	N	N	N	N	<u>N</u>	N	N
Detention Facilities	N	N	N	N	<u>N</u>	N	N
Mining	N	N	N	N	<u>N</u>	N	N
Radio Frequency Transmission Facilities	L/CU [9]	L/CU [98]	L/CU [98]	L/CU [98]	<u>L/CU [8]</u>	L/CU [98]	L/CU [98]
Rail Lines And Utility Corridors	CU	CU	CU	CU	<u>CU</u>	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.

Commentary

Table 120-2

Housing Types Allowed In The Multi-Dwelling Zones

This table is being modified to remove the R3 zone, which is being combined with the R2 zone into the new RM1 zone. Two additional housing types, "triplex" and "fourplex", are being added, as these small-scale housing types are being differentiated from multi-dwelling structures (see pages 240-241), which will also be consistent with proposals in the Residential Infill Project to identify these as distinct housing types with specific zoning code regulations.

The table is being corrected to show Group Structures as an allowed structure type, given that the associated use, Group Living, is allowed by right for up to 15 residents in the multi-dwelling zones. The current reference to Group Structures only being allowed in conjunction with a conditional use is incorrect (see 33.120.100.B.1).

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	R3	RM1R2	RM2R1	RM3RH	RM4	RX	RMP
House	Yes	Yes	Yes	Yes	<u>Yes</u>	Yes	No
Attached House (See 33.120.270 C.)	Yes	Yes	Yes	Yes	<u>Yes</u>	Yes	No
Accessory dwelling unit (See 33.205)	Yes	Yes	Yes	Yes	<u>Yes</u>	Yes	No
Duplex	Yes	Yes	Yes	Yes	<u>Yes</u>	Yes	No
Attached Duplex (See 33.120.270.F)	Yes	Yes	Yes	Yes	<u>Yes</u>	Yes	No
<u>Triplex</u>		<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>
<u>Fourplex</u>		<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>
Multi-Dwelling Structure	Yes [1]	Yes	Yes	Yes	<u>Yes</u>	Yes	No
Multi-Dwelling Development	Yes	Yes	Yes	Yes	<u>Yes</u>	Yes	Yes [21]
Manufactured Dwelling (See Chapter 33.251)	Yes	Yes	Yes	Yes	<u>Yes</u>	Yes	Yes [32]
Manufactured Dwelling Park (See Chapter 33.251)	Yes	Yes	No	No	<u>No</u>	No	Yes
Houseboat (See Chapter 33.236)	Yes	Yes	Yes	Yes	<u>Yes</u>	Yes	No
Single Room Occupancy (SRO) units	No	No	Yes	Yes	<u>Yes</u>	Yes	No
<u>Group Living Facility</u>		<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>
Group Structures	Only when in conjunction with an approved conditional use. See also Chapter 33.239.						

Yes = allowed; No = prohibited.

Notes:

[1] ~~Multi dwelling development is limited to no more than eight units per building.~~

[21] The only type of multi-dwelling development allowed in the RMP zone is manufactured dwellings in a manufactured dwelling park.

[32] 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.

Commentary

33.120.205 Development on Lots and Lots of Record

No substantial changes to this section.

33.120.205240 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 dimension~~size~~, 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~~size~~ 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~~size~~ 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~~size~~ 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.

Commentary

33.120.206 Minimum Required Site Frontage for Development

This new section addresses issues related to barriers narrow sites in East Portland present to the creation of new street connections and quality site design. East Portland, including centers with large areas of multi-dwelling zoning, has a lack of street connections that makes it challenging for residents to reach local destination and transit. New development provides opportunities to create new street connections in existing neighborhoods. However, many lots in East Portland are too narrow to fit even a partial street connection, resulting in no new connections when development occurs on these sites.

This section also addresses issues related to poor site design outcomes on East Portland's narrow sites. Properties in the multi-dwelling zones in East Portland are often both narrow and very deep (sites 60-feet wide and 200-feet or more in depth are common), making it difficult to achieve quality site design. Some of the problems with East Portland's narrow sites are:

- Driveways and other vehicle areas often occupy a large proportion of site area (20-foot wide driveways are typically required for deep sites).
- Lack of space for street connections (38 feet is typically need for a half-street connection).
- Little opportunity for buildings to be oriented to public streets.
- Limited room for usable outdoor spaces or for trees.
- Lack of efficiencies of scale and infrastructure.

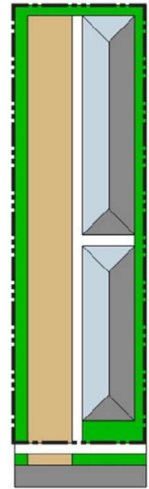
In recognition of some of the design challenges related to development on East Portland's narrow sites, Comprehensive Plan Policy 3.94 calls for land in Eastern Portland to be combined into larger sites before development occurs.

The requirements of this section will apply to sites with multi-dwelling zoning located in the Jade District, 122nd/Hazelwood, Rosewood/Glenfair neighborhood centers and in and around the Midway town center (see Map 120-2 on page 195). The boundaries used for these areas are Comprehensive Plan center boundaries, with the addition of areas around the Midway town center that were part of the Division-Midway Neighborhood Street Plan (adopted October 2014).

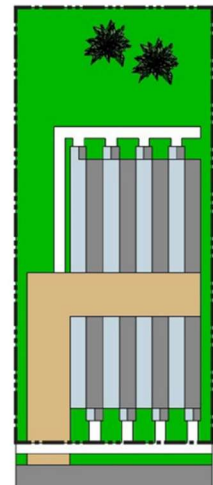
Comprehensive Plan policies call for centers such as these to become well connected places with quality design. Within these areas, for multi-dwelling zone sites more than 160-feet deep, the proposal requires a minimum street frontage of 90 feet for development of new units to take place. Exceptions are provided for projects approved through a Planned Development Review or that are surrounded by fully-developed properties.

This minimum street frontage width will provide enough space for a variety of site configurations, more efficient site design and partial street connections (if needed), as well as allow for driveways to take up less than a quarter of the site width. While there are many benefits to larger sites, a tradeoff is that requiring narrow sites to be combined adds time, cost, and complexity to development.

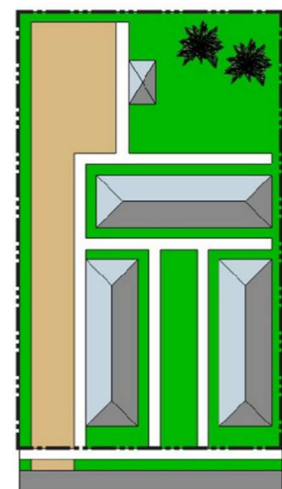
Graphics show a typical configuration of development on a 60'-wide site (much of site is driveway), in contrast to options for better site design provided by the minimum 90'-wide dimension, and a 120'-wide site resulting from combining two 60'-wide sites).



60'-wide site



90'-wide site



120'-wide site

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.

Commentary

Table 120-3

Summary of Development Standards in Multi-Dwelling Zones

Amendments to this table reflect changes to the respective development standard regulations, described in detail in each standard's accompanying commentary. See **Appendix B** for code modeling of the development standards (also pages 102-105 for more information on building coverage and FAR for the new RM2 zone). Major changes reflected in the table include:

- Merging the R2 and R3 zones into the new RM1 zone.
- Splitting the RH zone into two new zones, RM3 and RM4, based on the two different FAR limits that currently exist in this zone (with a RM4 base FAR of 3 to 1 FAR in historic districts).
- In the RM1 and RM2 zones (R2/R3, R1), moving from regulating development intensity by unit density to instead basing this on building scale/FAR.
- New requirements for step-down height adjacent to single-dwelling zones.
- Requiring 10' front setbacks in the RM2 (R1) and RM3 (RH) zones, to provide a better transition to the characteristics of residential neighborhoods and to address privacy issues.
- Simplification of side and rear setbacks, applying a minimum 5' setback in most situations.

Reasons for regulating by FAR instead of unit density – RM1 & RM2 zones

Historically, low-rise, multi-dwelling areas in Portland included a diversity of “middle housing” types, such as duplexes, fourplexes, townhouses and courtyard apartments. These two- to three-story housing types provide housing density at a scale not much taller than single-family houses. Many of these, however, could not be built today in Portland's low-rise multi-dwelling zones (R2 and R1) because they exceed unit density limits. Other issues in these zones include:

- Density-based regulations in the R2 zone often limit development to townhouse-type units, whose multiple levels and stairs are not accessible to people with mobility limitations.
- The lack of housing unit variety also limits the range of affordability levels.
- In the R1 zone, often located along transit corridors and allowing four-story buildings, density regulations similarly limit housing options, even in transit-rich locations.



“Middle housing” refers to a wide variety of multi-unit housing types at a low-rise scale. Once common, this variety is not possible in today’s zones. For example, while all of the above examples are within the 2-3 story scale allowed in the R2 zone, only the duplex would be allowed under current unit-based regulations.

R1 zone development

Old and new buildings along transit corridors. Similar scale, but the older apartments accommodate more households (but could not be built under current density-based regulations).



1920s – 34 units on a 10,000 square-foot site



2015– 18 units on an 18,000 square-foot site

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

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

Standard	R2	RM1-R2	RM2-R1	RM3 RH	RM4	RX	RMP
Maximum FAR Density (See 33.120.210-205)	1 unit per 3,000 sq. ft. of site area	1 unit per 2,000 sq. ft. of site area <u>FAR of 1 to 1</u>	1 unit per 1,000 sq. ft. of site area <u>FAR of 1.5 to 1</u>	FAR of 2 to 1 or 4 to 1	<u>FAR of 4 to 1</u> or <u>3 to 1</u>	FAR of 4 to 1	NA 1 unit per 1,500 sq. ft. of site area
<u>Maximum Density</u> (See 33.120.212)		<u>none</u>	<u>none</u>	<u>none</u>	<u>none</u>	<u>none</u>	<u>1 unit per 1,500 sq. ft. of site area</u>
Maximum Density with Inclusionary Affordable Housing Bonus (See 33.120.212-205.F)	1 unit per 2,400 sq. ft. of site area	NA 1 unit per 1,600 sq. ft. of site area	NA 1 unit per 800 sq. ft. of site area	NA FAR of 2.5 to 1 or 5 to 1 [1]	<u>NA</u>	NA FAR of 5 to 1	1 unit per 1,000 sq. ft.
Minimum Density (See 33.120.213-205)	1 unit per 3,750 sq. ft. of site area	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	<u>1 unit per 1,000 sq. ft. of site area</u>	1 unit per 500 sq. ft. of site area	1 unit per 1,875 sq. ft. of site area
Maximum Base Height (See 33.120.215)	35 ft.	40 35 ft.	25/45 ft.	25/65 ft. 75/100 ft.	<u>75/100 ft.</u>	100 ft.	35 ft
<u>Step-down Height (see 33.120.215.B.2</u> <u>- Within 25 ft. of lot line abutting RF-</u> <u>R2.5 zones</u> <u>- Within 15 ft. of lot line across a local</u> <u>service street from RF – R2.5 Zones</u>		<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>
		<u>35 ft</u>	<u>45 ft.</u>	<u>45 ft.</u>	<u>45 ft.</u>	<u>45 ft.</u>	<u>35 ft.</u>
Minimum Setbacks - Front building setback - Street building setback - Side and rear building setback.	10 ft. — See Table 120-4	10 ft. — 5 ft. [1] See Table 120-4	10 3 ft. 3 ft. 5 ft. [1] See Table 120-4	10 0 ft. 0 ft. 5/10 ft. [1] See Table 120-4	<u>5 ft.</u> <u>5/10 ft. [1]</u>	0 ft. 0 ft. 0 ft.	10 ft. — 10 ft.
Garage entrance setback (See 33.120.220)	18 ft.	18 ft.	5/18 ft.	5/18 ft.	<u>5/18 ft.</u>	5/18 ft.	18 ft.
Maximum Setbacks (See 33.120.220) Transit Street or Pedestrian District	20 ft.	20 ft.	20 ft.	20 ft.	<u>10 ft.</u>	10 ft	NA
Max. Building Coverage (See 33.120.225)	45% of site area	50% of site area	60%/70% of site area	85% of site area	<u>85% of site area</u>	100% of site area	50% of site area
Max. Building Length (See 33.120.230)	No	Yes	Yes	No	<u>No</u>	No	Yes
Min. Landscaped Area (See 33.120.235)	35% of site area	30% of site area	20% of site area	15% of site area	<u>15% of site area</u>	none	30% of site area
Required Outdoor Areas (See 33.120.240)	<u>Yes</u>	Yes	Yes	Yes No	<u>Yes</u>	No	See 33.251

Notes:

[1] See 33.120.220.B.2 for Eastern Pattern Area special rear building setback. If the base FAR is 2 to 1 then the maximum with bonus is 2.5 to 1. If the base FAR is 4 to 1, then the maximum with bonus is 5 to 1.

Commentary

33.120.210 Floor Area Ratio

This new section reflects a shift from regulating development intensity in the RM1 (R2/R3) and RM2 (R1) zones by unit density to instead basing this on building scale, regulated by floor area ratios (FAR). This approach will bring consistency with the FAR-based approach currently used in the RH and RX zones, and in the commercial/mixed use zones. This approach provides greater flexibility in the number and mix of housing units, while providing greater certainty in the allowed scale of development. The following illustrates differences between the proposed FAR-based approach compared to the current R2 and R1 unit density regulations.

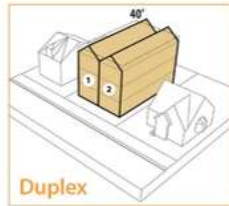
RM1 (R2/R3)

Current approach (R2):

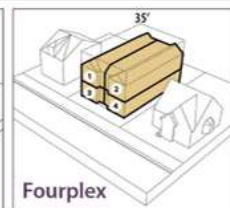
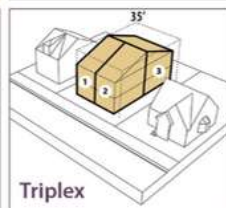
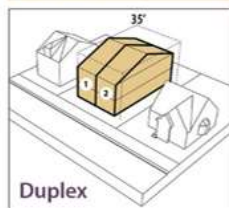
- ▶ 40-foot height limit.
- ▶ Density limited to one unit per 2,000 square feet of site area (two units on a 5,000-square foot site).
- ▶ Often results in large townhouse units.

Proposed approach:

- ▶ Reduce allowed height to 35 feet.
- ▶ Provide flexibility for what happens inside the allowed building scale (FAR of 1 to 1).



The proposal for the R2 (new RM1) zone would allow greater flexibility within a smaller building envelope. This would create options for more and different types of housing units.



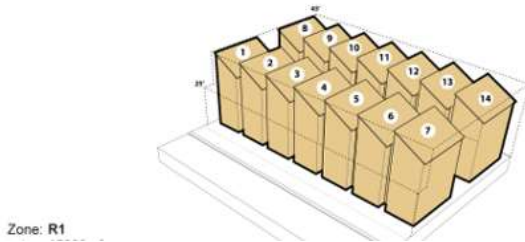
RM2 (R1)

Current approach:

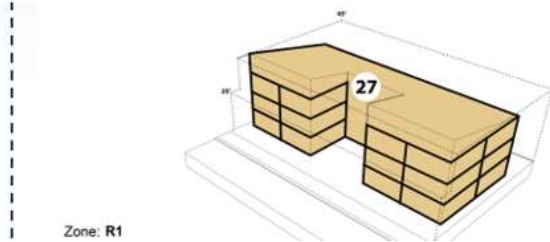
- ▶ 45-foot height limit.
- ▶ Density limited to one unit per 1,000 square feet of site area.
- ▶ Often results in townhouse units.

Proposed approach:

- ▶ 45-foot height limit (unchanged)
- ▶ Provide flexibility for what happens inside the building (FAR of 1.5 to 1).



Zone: R1



Zone: R1

B. FAR Standard. The standard allows structured parking, required bicycle parking, and indoor common areas to not count against FAR limits (consistent with regulations in the commercial/mixed use zones). These exemptions allow for these features to not result in the loss of housing potential and works in conjunction with other proposals to limit surface parking and encourage indoor common areas. The base FAR in the RM4 zone in historic districts is 3 to 1 (instead of the 4 to 1 FAR that applies outside historic districts) to be responsive to the scale of historic districts (see additional commentary on page 60).

D. Transfer of FAR

The new language includes the following changes to existing regulations (existing code on page 79):

- Adds an option for transfers in exchange for preservation of existing affordable housing units.
- Adds an option to allow transfers in exchange for tree preservation.
- Amends the historic transfers to allow transfers from contributing resources in Historic Districts and Conservation Districts (consistent with the commercial/mixed uses zones).

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

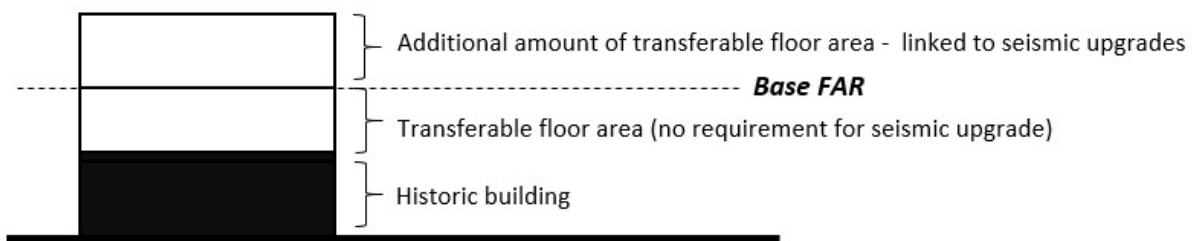
Commentary

33.120.210.D. Transfer of FAR (continued)

Affordable housing preservation (subparagraph 1.a.). This new provision is intended to serve as an incentive for the preservation of existing affordable housing. It would allow for unused development capacity to be transferred to other sites, in exchange for the preservation of existing affordable housing units. The existing affordable housing units would need to remain affordable for households earning no more than 60 percent of MFI. The Housing Bureau would be involved in certifying compliance (the details of the term of affordability will be determined by the Housing Bureau, but will be for a minimum of 30 years from the date of the FAR transfer).

Tree preservation (subparagraph 1.b.). This new provision is intended to serve as an incentive for tree preservation. While Title 11 (Trees) requires that at least one third of large trees (12 inches or larger in diameter) must be preserved, development proposals in the multi-dwelling zones typically choose to instead use an option to pay into the Tree Planting and Preservation fund instead of preserving existing larger trees due to the complexities of preserving trees in conjunction with higher-density development. The new FAR transfer provision would allow for unused development capacity to be transferred to other sites with multi-dwelling zoning in exchange for preserving large trees. The amount of development potential (floor area) that could be transferred is related to the size and number of preserved trees and the allowed density of the site where the trees are being preserved (see Table 120-4). The amounts of transferable floor area are related to the size of the root protection zones required for different diameters of trees, and varies by the FAR of the site where the tree preservation is taking place to reflect the deferred development potential. The tree diameter classifications in Table 120-4 are based on those currently used for the tree preservation bonus. This FAR transfer allowance will replace an existing tree preservation development bonus, which allows for additional housing density on the same site where trees are preserved. The existing bonus has been rarely used (only twice over the past 10 years), because of difficulties of both preserving trees and fitting additional units on the same site. For the new transfer allowance, determination of the status or condition of trees is by the City Forester in a non-development situation, and by a certified arborist in a development situation.

Historic preservation (subparagraph 1.c.) - additional FAR transfer allowance for seismic upgrades. Amendments to this transfer provision will allow an additional amount of FAR (beyond the amount of unused development capacity), equivalent to 50 percent of the base FAR, to be transferred to other sites, but use of this additional increment of transferable FAR will only be available in conjunction with seismic upgrades. This is intended to provide an incentive for seismic upgrades to historic buildings by helping to defray the costs of these upgrades. This regulation uses an existing provision that applies in the Central City, but will extend it to multi-dwelling and mixed use zones citywide (see also 33.130.205 in Volume 3). The need for seismic upgrades to unreinforced masonry buildings (URMs) is an especially important issue for Portland's historic resources, as nearly 600 historic buildings are URMs - often brick - and seismic upgrades are costly.



- 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.

Commentary

33.120.210.D. Transfer of FAR (continued)

All the FAR transfer provisions will allow for FAR to be sent to a receiving site with multi-dwelling or commercial/mixed use zoning citywide (except the Central City, which has separate FAR transfer provisions). This is a change from existing FAR transfer regulations, which are currently limited to a two-mile transfer distance. This is being done to increase the feasibility of FAR transfers by increasing the numbers of potential receiving sites. Staff anticipate that FAR transfers will only be used by relatively small projects, since buildings with 20 or more units qualify for inclusionary housing development bonuses and will not be able to receive additional FAR from transfers. FAR transfers are generally prohibited from being used on receiving sites where a historic resource has been demolished to prevent the additional FAR from serving as an incentive for demolition of historic resources. An exception is provided for sites where a historic resource has been demolished through demolition review, which for National Register Historic Districts and Landmarks requires review by City Council and is rarely approved (this limitation is intended to help protect locally-designated Conservation Districts and landmarks, which are not subject to demolition review and are potentially more vulnerable to redevelopment pressures - this topic will be more fully considered as part of the upcoming Historic Resources Code Project).

33.120.210.B - FAR standard (continued from page 56)

RM4 FAR in historic and conservation districts

In the RM4 zone in historic and conservation districts, the base FAR will be 3 to 1 and the bonus FAR will be 4.5 to 1 (instead of the RM4 base and bonus FARs of 4:1 and 6:1 that will apply outside of historic districts). Consistent with City policies that call for continuity with the characteristics of historic districts, these base and bonus FARs will allow new development similar to the scale of larger historic buildings in historic districts proposed for RM4 zoning (primarily the Alphabet and King's Hill historic districts). The bonus FAR of 4.5 to 1, achievable through the inclusionary housing bonus that is mandatory for buildings with 20 or more units, will allow development that is a little larger than the base 4:1 FAR that currently applies in the larger-scale RH zoning that is being replaced by the RM4 zone.







The deeper housing affordability bonus in the RM4 zone in historic and conservation districts will provide a bonus of up to 6:1 (this bonus will be available for projects in which at least half of the units are affordable to households earning no more than 60 percent of median family income to prioritize affordable housing as an outcome - see pages 64-65).

Right. Range of base and bonus FARs in the RM3 and RM4 zones (current zone is RH for all).

Below. In the RM4 zone in historic districts, base and bonus FARs of 3:1 and 4.5 to 1 will match the range of larger historic multi-dwelling buildings in historic districts, such as these examples in the Alphabet and King's Hill historic districts. Larger scale will be allowed through the deeper affordability bonus for buildings in which at least half of units are affordable.



3 to 1 —————> 4.5 to 1

	Base FAR	Bonus FAR	Deeper Affordability Bonus
RM3	 2 to 1	 3 to 1	4 to 1
RM4 (historic districts)	 3 to 1	 4.5 to 1	6 to 1
RM4 (outside historic districts)	 4 to 1	 6 to 1	7 to 1

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

Commentary

33.120.211 Floor Area Bonus Options

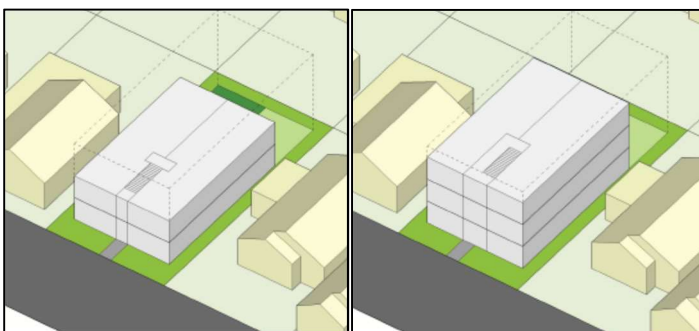
This new section includes development bonuses for affordable housing, moderate-income family housing, and visitable units. The proposed regulations limit the total amount of FAR that can be added to a site, from both transfers and from development bonuses, to an amount equivalent to 50 percent beyond the base FAR (see Table 120-5). An exception is provided for projects using the special bonus for deeper housing affordability, which could receive a 100 percent increase in FAR. Development bonuses are generally prohibited from being used on sites where a historic resource has been demolished to prevent bonus FAR from serving as an incentive for demolition of historic resources. An exception is provided for sites where a historic resource has been demolished through demolition review, which provides protection for National Register Historic Districts and Landmarks but does not apply to locally-designated Conservation Districts and landmarks, which are potentially more vulnerable to redevelopment pressures (see also Transfer of FAR commentary on page 60).

Table 120-5 (Summary of Bonus FAR) indicates the amount of bonus FAR available for projects utilizing the bonus options.

For the inclusionary housing bonus, the proposed bonus FARs amount to 50 percent more FAR than provided by the base FARs for each zone. The current inclusionary housing bonus provides only 25 percent additional development intensity, compared to the more than 60 percent bonus provided for inclusionary housing projects in the commercial/mixed use zones. The existing relatively small bonus for inclusionary housing limits the ability to provide an attractive incentive for affordable housing units, especially for buildings with fewer than 20 units that are not required to provide affordable housing. The 50 percent bonus would bring greater consistency with the inclusionary housing bonus provided in the commercial/mixed use zones and would increase the feasibility of projects that include affordable housing (see **Appendix C** for a feasibility analysis of the proposed base and bonus FARs). Projects using this bonus need to meet inclusionary housing requirements for 20 percent of units to be affordable to those earning no more than 80 percent of median family income (MFI), or 10 percent of units affordable at 60 percent of MFI.

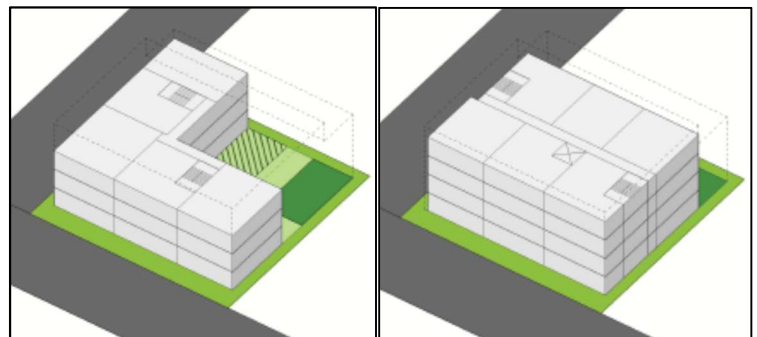
The Maximum FAR with other bonuses. These figures amount to 50 percent more FAR than provided by the base FAR for each zone. For smaller projects not subject to mandatory inclusionary housing, this additional FAR can be achieved through voluntary inclusionary housing, or through transfers of FAR from sites where historic resources, trees, or existing affordable housing are being preserved, potentially in combination with the bonus for three-bedroom units or visitable units.

Code modeling examples of base and bonus FARs for the RM1 (R2/R3) and RM2 (R1) zones



RM1 Base - 1 :1 FAR

RM1 Bonus - 1.5:1 FAR



RM2 Base - 1.5:1 FAR

RM2 Bonus - 2.25:1 FAR

See Volume 1 and Appendix B for graphics showing base and bonus FARs for more of the multi-dwelling zones.

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

[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.

Commentary

C. Bonus options

1. Inclusionary housing bonus option. Except for the amount of additional FAR provided, these regulations are essentially unchanged from what was adapted as part of the Inclusionary Housing Zoning Code Project, although most regulatory details and standards are now in Chapter 33.245 (Inclusionary Housing). Former text for the Inclusionary Housing development bonus are shown as crossed-out text on pages 75 to 77. The primary change to the inclusionary housing bonus provision is the amount of additional FAR provided for qualifying projects (see pages 60 to 61).

2. Deeper housing affordability bonus option. To qualify for this new voluntary bonus, projects will generally need to have at least 50 percent of units on the site affordable to households earning no more than 60 percent of MFI, a significantly greater amount and level of affordability than required by inclusionary housing. In combination with related amendments to Title 30 (Affordable Housing), this bonus provides an affordable home ownership option for projects in which at least half of the units are ownership units affordable to households earning no more than 80 percent of MFI. This provision provides a development bonus allowing 100 percent additional FAR and also allows additional height and building coverage for qualifying projects to accommodate this greater FAR (code modeling of the proposed development standards indicate that base regulations for parameters such as building height, coverage and setbacks provide enough capacity for a 50 percent FAR increase, but cannot accommodate a 100 percent increase).

Staff anticipate that this bonus will primarily be used by affordable housing developers, rather than the larger number of profit-dependent development projects. The minimum required percentage of 50 percent will allow developments to include some market-rate units to help offset the costs of the affordable units and allow for income diversity. Both this bonus and the standard inclusionary housing bonus will involve the Housing Bureau in administration (administrative rules will require rental units to remain affordable for a term of 99 years and ownership units to be affordable for 10 years). Unlike the inclusionary housing provisions, this bonus will not provide options for locating the affordable units off site or for payment into the Affordable Housing Fund.

3. Three-bedroom unit bonus option (page 67). This development bonus is a refinement of the existing bonus for three-bedroom units. It will provide 25 percent additional FAR for projects in which at least 50 percent of units have three bedrooms and are affordable to households earning no more than 100 percent of MFI. This affordability level is intended to encourage moderate-income family housing, a segment of the housing spectrum not addressed by the other affordable housing development bonuses. The existing three-bedroom bonus has no income restrictions, which does not address the current shortage of family-sized units affordable to low- and moderate-income households, especially in areas close to services.

The term of affordability for this bonus is for a shorter period than the other bonuses (10 years). This responds to affordable housing developers' concerns that this bonus would not work for their ownership housing projects if it required permanent or long-term affordability. A goal of some affordable ownership housing programs is to provide opportunities for minority and lower-income households to gain equity through homeownership. The Housing Bureau will be involved in certifying projects as qualifying for this development bonus.

Amenity bonuses

This floor area bonuses section replaces the current array of nine amenity bonuses (see pages 133-139). The existing amenity bonuses are mostly being discontinued to prioritize affordable housing and accessibility as outcomes of the bonuses, or have been replaced by other regulatory approaches, such as new requirements for outdoor spaces and common areas.

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.

Commentary

4. Visitable units bonus option. This voluntary bonus provides 25 percent additional FAR for projects in which at least 25 percent of units meet building code standards for visitable or accessible units. This bonus helps implement Comprehensive Plan policies (including policies 5.8, 5.9, and 5.19) that call for a diverse supply of physically-accessible housing that can meet the needs of people of all ages and abilities. The building code has requirements for physically accessible or adaptable units, but these standards do not apply to attached houses, townhouses and other multi-level unit types, which are a large portion of development in the multi-dwelling zones. To qualify for this bonus, units would need to be designed to meet building code requirements for visitable or adaptable units, as follows:

Type C visitable units. Housing types usually built under the residential building code, such as houses, attached houses, duplexes, and multi-level multifamily units such as townhouses, would need to meet building code standards for Type C visitable units. Type C units are not included in the Oregon Structural Specialty Code, but are in International Code Council (ICC) standards intended to serve as guidelines for housing types not covered by the Fair Housing Act (such as 1 to 3 unit dwellings). The Type C standards are designed to provide for some level of accessibility for unit types that often have more than one level (building code standards for Type A and Type B accessible units are designed for single-level units). To use this bonus, qualifying units will need at least 200 square feet of living area on the on the same level as the unit entrance and must meet Type C standards that require:

- No step, barrier free access to the unit (maximum slope of 1:20 or 1:12).
- A bathroom with a sink and toilet (with wall reinforcement for grab bars).
- Doorway clearances of 31 $\frac{3}{4}$ inches.
- Lighting controls at an accessible level (no higher than 4 feet).

Type A accessible/adaptable units. To qualify for the bonus, single-level units in multi-dwelling structures (typically built under the commercial building code) would need to meet building code standards for Type A units. Currently, the building code requires multifamily buildings with single-level units to design all units at ground level or that are accessed by elevators to meet Type B unit standards, which are intended to accommodate access for people with mobility limitations but do not have requirements for large clearances that work better for people in wheelchairs. Standards for Type A units include requirements for a higher-level of accessibility, with greater clearances and accessibility features to accommodate wheelchair users in bathrooms and kitchens (the building code only requires 2 percent of units on sites with more than 20 units to be Type A units). Linking qualification for this bonus to Type A units is intended to provide an incentive for multi-dwelling projects to include greater numbers of the more accessible Type A units.

Using references to building code standards to qualify for this bonus is intended to facilitate implementation, as it will allow BDS building code staff – already familiar with such standards – to use their expertise to review proposals and also provides a way for commercial building code structures to use the bonus. The alternative approach of having visitability standards as zoning code regulations, because they differ from building code standards, would need to be reviewed by BDS land use planning staff, who do not have the same expertise in reviewing the interior features of units. Differences between the RIP zoning code visitability standards and Type C unit standards are that the RIP visitability standards have less stringent standards for entrance access slope, do not have requirements for wall reinforcement for grab bars or for location of light controls, but have more stringent requirements for bathroom maneuvering space and doorway widths.

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.

Commentary

33.120.212 Maximum Density

This section is being modified to only apply to the RMP zone, which is the only multi-dwelling zone that will have a maximum density standard. Development intensity in other multi-dwelling zones will be controlled by FAR, not unit density (see commentary regarding Floor Area Ratio, page 56).

The RMP zone affordable housing bonus option and density transfer provisions are existing allowances, but have been moved within this reconfigured code section.

Note regarding high-density projects with small units. Some public comments on the Discussion Draft expressed concern that an FAR-based approach will result in development with inappropriate densities of very small units and asked for setting limits on the numbers of small units or setting a maximum density. Staff analyzed recent development in the RH zone (currently regulated by FAR with no maximum density) and found that projects with micro-units or other very small units have not become a predominant development type on small sites in most areas with this zoning. One constraint that the proposed code amendments would place on large numbers of very small units on a small site are new requirements for outdoor space. The more units included in project, the more outdoor space needs to be provided. Recent projects developed with high densities of very small units on small sites had been built under zoning allowances that did not require any residential outdoor space (primarily in the mixed use zones or in the RH zone). This will not be the case with the proposed multi-dwelling zoning code regulations.

33.120.205212 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 standards ~~are~~is used as one type of control of overall building bulk. ~~In areas with the highest level of public services, the minimum density standards ensure that the service capacity is not wasted and that the City's housing goals are met.~~ The bonus density options allow additional floor area as an incentive for providing affordable housing.
- B. Maximum density.** The maximum densities for the RMP zone~~multi-dwelling zones~~areis stated in Table 120-3. There is no maximum density for any other multi-dwelling zone. ~~In the RH zone the maximum FAR is 4 to 1 in the areas shown on Maps 120-2 through 120-19. In all other RH zoned areas the maximum FAR is 2 to 1.~~ 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.

Commentary

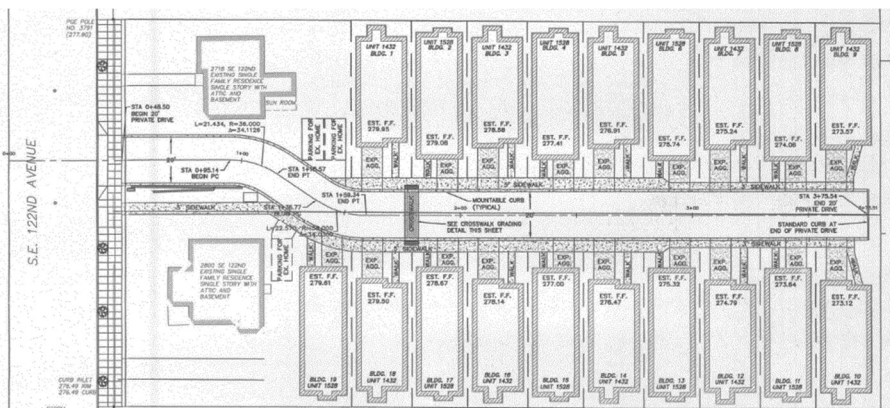
33.120.213 Minimum Density

This section is being amended to focus on minimum density, since maximum development intensity in most multi-dwelling zones will be regulated by FAR. Maximum density regulations are being retained only for the RMP zone and have been moved to a separate section (see previous pages). Unit-based minimum densities will be retained for each zone (see Table 120-3 on page 55).

Currently, regulations allow units to be added to existing development without having to meet the minimum density requirements. This is being changed so that most development of additional residential buildings on a site must meet minimum density requirements. This helps ensure that more development will meet the intended development intensities of the multi-dwelling zones. It would prevent a situation common on the deep sites of East Portland, in which houses are preserved and multiple new houses added to rear portions of sites, sometimes significantly underbuilding intended densities of multi-dwelling zones. The amendments provide flexibility by allowing for a small reduction in minimum density when units are being added to a site with an existing building (minimum density is reduced by two units). This helps with the preservation of existing residential buildings, such as houses, by allowing a small reduction in minimum density to accommodate the footprint of a preserved house, while ensuring that the density achieved is not much lower than the intended densities.

The reduced minimum density allowance for the R1 zone is being deleted to reflect the new RM2 zone's intended role as a relatively high-density zone. Also, the current allowance has little impact on small sites, while other BHD proposals give flexibility for sites when units are being added to existing buildings. Both the standard minimum density (1 unit per 1,450 sq. ft.) and the reduced minimum density (1 unit per 2,000 sq. ft.) result in a minimum density on a 5,000 sq. ft. site of 3 units; while the reduced minimum density standard required 4 units on a 7,500 sq. ft. site compared to the usual minimum density standard requirement of a minimum of 5 units on such a site.

Related amendments to the Nonconforming Situations chapter (see 33.258 on page 203) also provide flexibility when adding new units to a site with exiting development, such as for adding: accessory dwelling units, other types of units within an existing building, and manufactured dwelling units in the RMP zone.



Left: Example of proposed development in the R1 zone in the Division/Midway Town Center. This project proposed the addition of new detached houses to a property with two existing houses, missing minimum density by 18 units. Although this does not meet minimum density requirements, it is currently allowed as it comes closer to conformance with required density.

Right: Multi-Dwelling housing that reflects the intended development intensity of the R1 zone.

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.

BC. 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. ~~A site that is nonconforming in minimum density may not move further out of conformance with the minimum density standard. However, units may be added to the site that bring the site closer to conformance without coming all the way into conformance.~~

1. If units are being added to a site with an existing building with residential units, the minimum density is reduced by two units.
- ~~12.~~ In the ~~R3, R2, and~~ RMP zones, if maximum density is two units then minimum density is two units. If maximum density is one unit, minimum density is one unit.
- ~~2. In the R1 zone, if the site is less than 10,000 square feet in area, the minimum density is 1 unit per 2,000 square feet.~~
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-~~56~~.

Commentary

33.120.213 Minimum Density (continued)

33.120.213.B.3 and Table 120-6

Reduction in Minimum Residential Density from Tree Preservation

No substantial change to this table or accompanying regulatory text, except for table number. Also, for terms related to tree health, changes replace reference to "diseased" with "dying" to more accurately convey the intent of the regulations and to bring consistency with language used elsewhere in the zoning code.

- 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 ~~diseased~~ or dangerous to be removed and replaced within the 10 year preservation period. The trees must be determined to be dead, dying-diseased, 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-diseased, 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 120-56		
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

Commentary

Floor area ratio

These paragraphs have been replaced by the new Floor Area Ratio section (33.120.210). See page 57.

Bonus density or FAR

The components of this regulation have been moved to the new Floor Area Bonus Options section (33.120.211) and to Chapter 33.245 (Inclusionary Housing).

- ~~D. Floor area ratio.~~** The floor area ratio (FAR) states the amount of floor area allowed. 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. The FAR also includes any nonresidential uses that are allowed. Minimum density requirements may also apply.
- ~~E. Maximum increase in density or FAR.~~** In the RH and RX zones, an increase in FAR through the use of bonuses and transfers of more than 3 to 1 is prohibited. In all other multi-dwelling zones, an increase in the number of units through the use of bonuses, including amenity bonuses, and transfers of more than 100 percent is prohibited. The maximum allowed increase is calculated based on maximum density without inclusionary housing bonus.
- ~~F. Bonus density or FAR.~~** The following density and FAR bonus options are allowed in the R3 through RMP zones. Adjustments to this Subsection, or to the amount of maximum density or floor area allowed through the bonuses in this Subsection, are prohibited. Amenity bonuses described in 33.120.265 may allow additional bonus density:
- ~~1. Inclusionary housing bonus option.~~** The inclusionary housing bonus option applies in the R3-RX zones.
 - ~~a. Mandatory inclusionary housing.~~** Bonus density or FAR is allowed up to the maximum with inclusionary housing bonus stated in Table 120-3 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.
 - ~~b. Voluntary inclusionary housing.~~** Bonus density or FAR up to the maximum with inclusionary housing bonus stated in Table 120-3 is allowed when one of the following voluntary bonus options is met:
 - ~~(1) Bonus density or 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 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 density or 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). For sites where density is calculated in dwelling units, the amount of floor area purchased is converted to dwelling units at a rate of 1 dwelling unit per 800 square feet. 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.~~**

Commentary

Bonus density or FAR (continued)

The RMP affordable housing bonus option has been moved to 33.120.212 (see page 69).

- ~~2. 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 this affordability standard 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.~~

Commentary

Transfer of density or FAR

The components of this regulation have been moved to the new Floor Area Ratio section (33.120.210). Provisions that allowed transfers of development intensity between properties on a block are being deleted in order to prioritize transfers that involve preservation of historic resources, affordable housing, and large trees. See commentary and code on pages 56-59.

G. ~~Transfer of density or FAR.~~ Density or FAR may be transferred from one site to another subject to the following:

1. ~~Calculating the amount of density or FAR transferred. In the R3, R2, R1, and RMP zones, transferable density is calculated in terms of dwelling units. In the RH and RX zones, transferable density is calculated by FAR.~~
2. ~~Development standards. Buildings on sites receiving transferred density or FAR must meet the development standards of the base zone, overlay zone, or plan district, except for maximum density, which is regulated by Subsection E.~~
3. ~~General standards for transfers of density or FAR.~~
 - a. ~~Except for transfers from the sites of Landmarks and transfers from sites zoned RMP, the transfers may be only between sites within a block or between sites that would be abutting except for a right-of-way.~~
 - b. ~~Density or FAR from the site of a Landmark may be transferred to any site allowed by Paragraph G.4 below, within the recognized neighborhood where the Landmark is located, or to any site within two miles of the Landmark.~~
 - c. ~~Density from a site zoned RMP may be transferred to any site allowed by Paragraph G.4.d below, that is located outside the Central City plan district.~~
4. ~~Zoning.~~
 - a. ~~RX Zone. In the RX Zone:~~
 - (1) ~~Transfer of commercial development rights is regulated by Subparagraph 33.120.100.B.3.f;~~
 - (2) ~~Density or FAR may be transferred from a site zoned RX to a site zoned RX, RH, CX, or EX. Density may be transferred from the site of a Landmark zoned RX to a site zoned RX, RH, C, or EX.~~
 - b. ~~RH Zone. Density or FAR may be transferred from a site zoned RH to a site zoned RX or RH. Density may be transferred from the site of a Landmark zoned RH to a site zoned RX, RH, or EX.~~
 - c. ~~R3, R2, and R1 Zones. Density may be transferred among sites zoned R3, R2, and R1.~~
 - d. ~~RMP zone. Density may be transferred from a site zoned RMP to a site zoned R3, R2, R1, or RH. When density will be transferred from a site zoned RMP to a site zoned RH, one dwelling unit is equal to 800 square feet of floor area.~~
5. ~~Covenants. 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. The covenant for the Landmark transferring the density must meet the requirements of 33.445.610.D.,~~
~~Covenant.~~

Commentary

33.120.215 Height

The primary changes to this section are:

- New requirements for step down height for sites abutting single-dwelling zones. This will require taller buildings in the multi-dwelling zones (RM2 [R1] through RX) to step down in scale when located next to single-dwelling zones, with building heights limited to 35 feet (three stories) within 25 feet of properties with single-dwelling zoning. A building height step down will also apply on street frontages across local service streets or across alleys from single-dwelling zoning. Because the transition to single-dwelling zones in this situation takes place across a street, this step down height across a local service street would be to 45 feet, limiting development to being one story taller than the three-story height allowed in the R2.5 single-dwelling zone. These changes bring consistency with the regulatory approach that applies to similarly-scaled buildings in the commercial/mixed use zones.
- The existing allowance for 100-foot building height in the RM4 zone (former RH) within 1,000 feet of transit stations is being expanded to also apply within 500-feet of frequent transit lines. This expanded allowance for 100-foot building height will not be allowed in historic or conservation districts (in historic or conservation districts, this height will only be allowed close to transit stations due to the greater priority for more intense development in such locations). This additional height is not accompanied by increased FAR, which will provide opportunities for buildings to be taller and less boxy than would be the case for buildings limited to 75-foot heights when built to the proposed RM4 base and bonus FARs of 4 to 1 and 6 to 1. The expanded allowance for 100-foot building height will increase the amount of land area where this height is allowed from the current 25 acres to a total of 78 acres.
- Amendments eliminate regulations that limited building height in the R1 and RH zones to 25 feet within 10 feet of front property lines, as 10-foot front setbacks are being proposed for these zones.



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. ~~Maximum h~~Height standard.

1. ~~Base height.~~ The ~~maximum 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.
1. ~~In the R1 zone the maximum height is 45 feet, except on the portion of a site within 10 feet of a front property line, where the maximum height is 25 feet.~~
2. ~~In the RH zone, the following maximum height limits apply:~~
 - a. ~~Where the FAR is 2 to 1, the maximum height is 65 feet, except on the portion of a site within 10 feet of a front property line, where the maximum height is 25 feet.~~
 - b. ~~Where the FAR is 4 to 1, the maximum height is 75 feet, except on sites within 1,000 feet of a transit station, where the maximum height is 100 feet.~~

Commentary

C. Exceptions to the maximum height

These changes bring consistency with similar regulations recently adopted for the commercial/mixed use zones.

Paragraph 2. Allowances for parapets to exceed building height limits responds to community interest (as well as input from designers and developers) in promoting a more varied roofline. The current regulatory approach of including such features within the building height limits results in projects built up to this maximum height with little variation. The parapet exemption also facilitates the use of parapets to screen rooftop equipment.

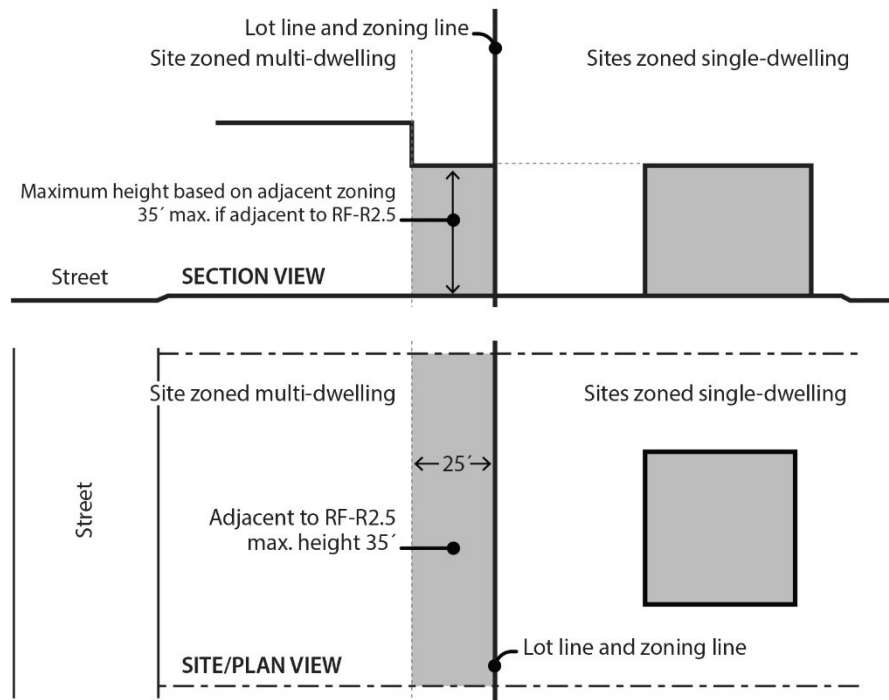
*Historic example of parapets
providing roofline variety.*



The exemption for roof top deck railings to exceed maximum heights is intended to facilitate roof top outdoor spaces, which complements new requirements for residential outdoor space that could be accommodated in such locations for higher-density development.

Paragraph 3. Exceptions for privacy walls to exceed maximum heights are intended to facilitate roof top outdoor spaces, as well as decks adjacent to upper-level building areas with required height step downs adjacent to residential zones. Privacy walls exceeding height limits are not allowed within 4 feet of roof edges in order to limit their visual impact. This regulation is consistent with regulations in the commercial/mixed use zones (these standards had been adapted from Main Street Corridor Overlay regulations that had been applicable to SE Division Street).

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 ~~attached to a building~~, with a width, depth, or diameter of 53 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 53 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.
42. 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.

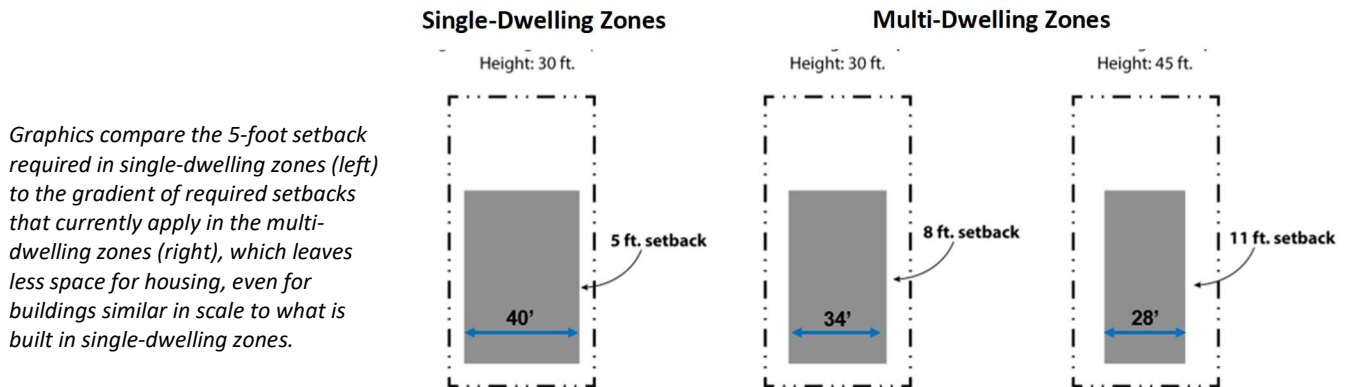
Commentary

Table 120-4

Minimum Side and Rear Setbacks for R3, R2, R1, and RH Zones

This table is being deleted to reflect new regulatory approaches to side and rear setbacks (see Table 120-3 on page 55 for specific setback requirements), including:

- In most situations, side and rear setbacks are being standardized to 5-foot minimum setbacks (as applies in single-dwelling zones). Existing setback standards (which vary in depth from 5 to 14 feet, depending on size of building wall planes) are complex and make development on small sites difficult. This change is also intended to facilitate development on small sites that can continue neighborhood patterns and provide room for more usable outdoor space, such as central courtyards, elsewhere on sites.



- A 10-foot side and rear setback will apply in the RM3 and RM4 (RH) zones for buildings taller than 55 feet to limit impacts on adjacent properties. This height corresponds to the height at which discretionary design review is required in these zones, which will allow for modifications to this standard to be considered as part of design review.

Special Eastern Pattern Area minimum rear building setback (subparagraph B.2, next page). This new regulation, applicable to the Eastern neighborhoods pattern area (primarily east of 82nd Avenue, see Map 120-3 on page 197) requires a rear setback equal to 25 percent of the depth of lots. This is responsive to the area's large blocks and community interest in continuing some of the area's mid-block characteristics, such as rear yards and tree groves. Exemptions are provided for sites up to 100 feet deep and for corner sites (sites providing a new street connection will typically be exempt), and for projects providing large common areas, such as a central courtyard, elsewhere on the site. The Staff Report (Volume 1, see pages 48-52) provides additional information on the rationale for this proposed requirement.



Current approach: development extends to rear of site



New approach: development arranged to provide a deep setback at rear of site (same housing unit sizes and density as current approach example)

- ~~53.~~ Antennas, utility power poles, and public safety facilities are exempt from the height limit.
- ~~64.~~ Small wind turbines are subject to the standards of Chapter 33.299.
- ~~75.~~ Roof mounted solar panels are not included in height calculations, and may exceed the maximum height limit as follows:~~if the following are met:~~
- For flat roofs or the horizontal portion of mansard roofs, ~~they~~the roof mounted solar panel may extend up to 5 feet above the top of the highest point of the roof.
 - For pitched, hipped, or gambrel roofs, ~~they~~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.

Table 120-4 Minimum Side and Rear Setbacks for R3, R2, R1, and RH Zones	
If the area of the plane of the building wall is: [1]	The required side and rear 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 sq. ft. or greater	14 ft.

Note:

~~[1] Measurement of the area of the plane of the building wall is described in Chapter 33.930, Measurements.~~

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.

Commentary

B. Minimum building setbacks (see previous commentary for discussion on side and rear setbacks).

Front setbacks (Table 120-3 and subparagraph B.3)

In the RM2 and RM3 zones (R1 and RH), required front setbacks are being increased to 10 feet (currently front setbacks are 3 feet in the R1 zone and no setback is required in the RH zone). This will help integrate new development with established residential neighborhood patterns, often characterized by a green edge of front yards and gardens. A 10-foot setback will also limit privacy impacts to ground-level units and provide space for small trees that contribute to greener street environments and help limit urban heat island impacts. Amendments also increase the front setback in the more-intensely urban RM4 zone to 5 feet.

Exceptions would be provided for:

- **Smaller setbacks to match adjacent existing buildings.**
- **Reduced front setback when ground floors are raised 2 feet above sidewalk level to limit privacy impacts.**
- **No setback when ground-floor commercial uses together with common areas such as lobbies occupy at least half of the ground-floor street frontage.** This exemption would not be available in the RM1 (R2/R3) zone, which is intended for greater compatibility with single-dwelling zones.
- **Buildings with landscaped courtyards** facing the street can have building wings with reduced front setbacks (see page 89).

The courtyard option allows for reduced street setbacks (5 feet in the RM1 zone, 0 feet in the RM2 and RM3 zones) when at least 25 percent of the building (and a minimum length of 20 feet) is setback at least 40 feet from the street. Analysis of historic courtyard apartment buildings found that the proportion of courtyard-to-building along street frontages varies, although a common configuration on sites 100-feet wide feature a pair of building wings, each about 33-feet wide, flanking a courtyard opening about 24-feet wide (this equals 27 percent of the total building width of 90 feet) – see image of examples below.



Pair of courtyard apartment buildings in southeast Portland.



Landscaped front setbacks can help continue established neighborhood patterns, even with higher-density developments.



The regulations allow smaller setbacks to match adjacent properties.



The courtyard setback option would allow for the continuation of a common courtyard housing configuration, in which building wings are located close to the sidewalk, but the large area of courtyard landscaping contributes to a verdant street frontage.

B. Minimum building setbacks. The required minimum building setbacks apply to all buildings and structures on the site except as specified in this section. ~~Where no street setback is indicated in Table 120-3, the front, side, and rear setbacks apply. Where a street setback is indicated in Table 120-3 it supersedes front, side, and rear setbacks if the front, side, or rear lot line is also a street lot line.~~ Setbacks for parking areas are in Chapter 33.266.

1. Generally. The required minimum building setbacks, if any, are stated in Tables 120-3 ~~and 120-4.~~ 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 averaging. The minimum front and side street building setbacks and the setback of decks, balconies, and porches may be reduced, but not increased, to the average of the respective setbacks on the abutting lots. See Chapter 33.930, Measurements, for more information.
 - 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.

Commentary

B. Minimum building setbacks

Exceptions to the required building setbacks (continued)

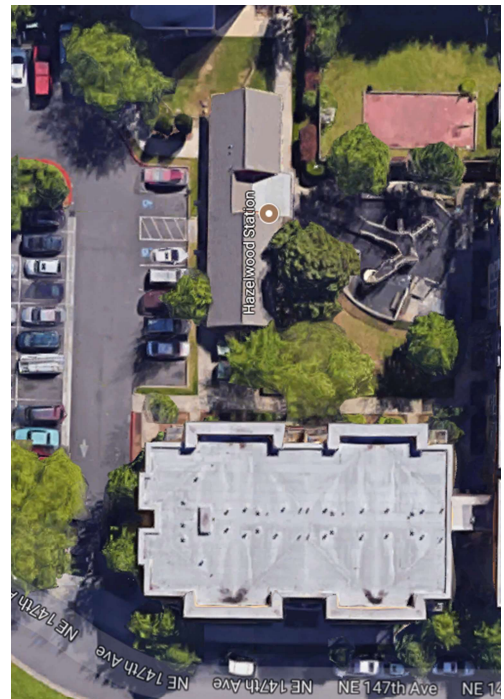
The new exceptions allowing reduced front setbacks will not be available in the Eastern Portland Pattern Area. This is intended to be responsive to interest in East Portland in keeping the street frontage of multi-dwelling development greener and more landscape-intensive, in keeping with existing neighborhood characteristics. This will also be consistent with Mixed Use Zone regulations that require 10-foot front setbacks along civic corridors in East Portland (such as SE 122nd Avenue or SE Division) in order to provide separation from the multiple lanes and traffic of these major streets.

Subparagraph 3.i. This new setback exception is specific to the special Eastern Pattern area minimum rear building setback. The exception will allow buildings serving as indoor common area to be located within this rear setback. This responds to interest among East Portland community members in having indoor community facilities located in conjunction with outdoor spaces.

A related regulation in the landscaping section (33.120.235.C, see page 121), requires that at least half of the setback be landscaped. This will allow other features, such as parking, to occupy the other half of the setback area. This works in conjunction with other regulations that limit parking from being located toward the front of sites, while ensuring that at least half of this mid-block setback area will include landscaping and trees.

Code modeling of this proposal indicates that this requirement will not prevent the scale of development intended for multi-dwelling zones in East Portland (see **Appendix B**).

Example of an Eastern Portland multi-dwelling development that includes a mix of outdoor space, a community building, and some surface parking toward the rear of the site.

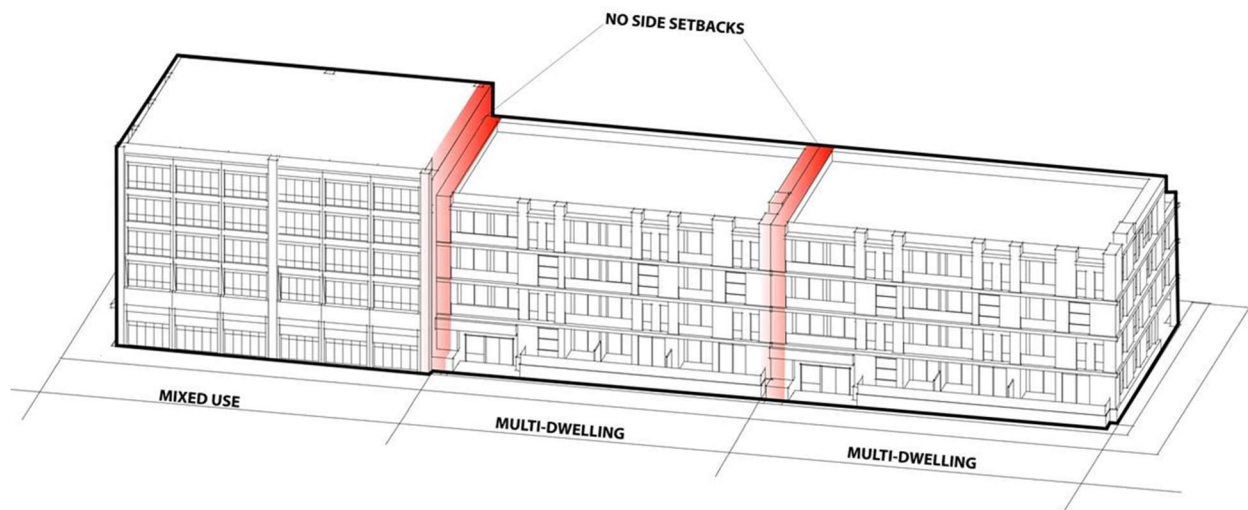


- c. Courtyard. Except in the Eastern Pattern Area shown on Map 120-3, the required minimum front or side street setback may be reduced to zero in the RM2 and RM3 zones, and may be reduced to 5 feet in the RM1 zone when:
- (1) At least 20 feet or 25 percent of the length of the street-facing building 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 facade 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.
- ~~eb.~~ 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.
- ~~fe.~~ Split zoning. No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.
- ~~gd.~~ Alley. No side or rear building setback is required from a lot line abutting an alley.
- ~~he.~~ 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.

Commentary

33.120.220.B Exceptions to the required building setbacks (continued)

Subparagraph 3.j - Inner Pattern Area along Civic and Neighborhood Corridors (see previous page and Figure 120-2). This new exception allows for zero setbacks between properties located along Civic and Neighborhood corridors. This allowance only applies in the Inner Pattern Area, which has an established pattern of zero side setbacks between buildings along traditional main streets. Corridors in the Inner Pattern Area, such as SE Division and SE Belmont, often include an interspersed mix of commercial and multi-dwelling zoning. The intent of this exception is to allow for a continuous frontage of buildings in both commercial and most multi-dwelling zones along Civic and Neighborhood corridors, which are intended by Comprehensive Plan policies to be transit- and pedestrian-oriented urban places. A related setback exception in Chapter 33.130 allows for no setbacks on properties in mixed use zones adjacent to multi-dwelling zone properties on these same corridors (see pages 24-25 in Volume 3). This exception does not allow for windows in residential units to be closer to 5 feet from abutting properties to provide consistency with regulations in the mixed use zones and to provide for access to light and air. Properties in the RM1 zone are not included in this setback exception because this lower-scale zone is intended to continue characteristics of single-dwelling neighborhoods.

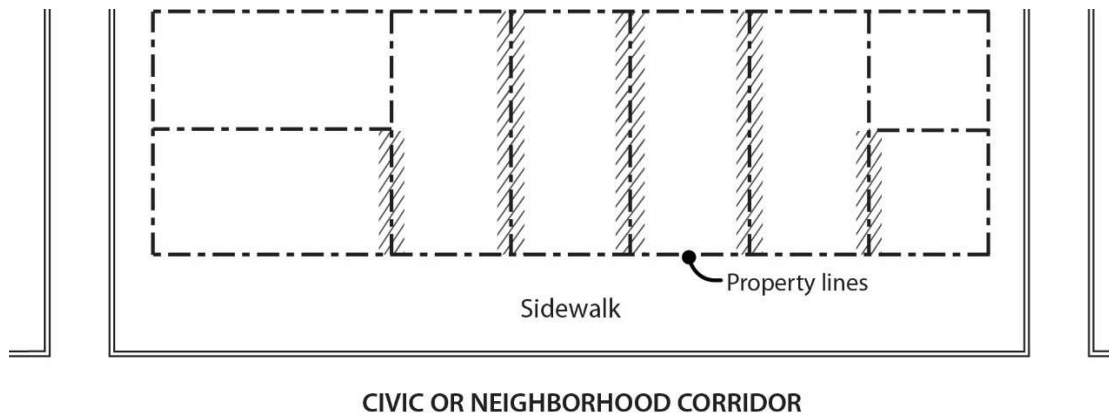



Setback exceptions in the Inner Pattern Area allow for zero setbacks between properties along Civic and Neighborhood corridors in order to allow for a more continuous frontage of buildings along these important corridors, which are typically well served by transit and commercial services.

C. Maximum building setbacks

The paragraph is being simplified to provide greater flexibility in building site design and for consistency with similar standards recently adopted for the commercial/mixed use zones. In some situations, current regulations require 100 percent of building frontages to be located within the maximum building setback. The changes respond to community interest in courtyard housing and other configurations that include open spaces along street frontages. The requirement for at least 50 percent of building frontages to be within the maximum setback provides this flexibility, while working together with other standards (requirements for street-oriented entrances, limitations on front parking, etc.) to foster pedestrian-oriented street environments, and is consistent with regulations in the commercial/mixed use zones.

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



 Locations where no setbacks are required.

C. Maximum building setbacks.

1. Maximum bBuilding setbacks on a transit street or in a Pedestrian District. The required maximum building setbacks, if any, are stated in Tables 120-3 and ~~120-4~~, 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~~Measurement~~.
 - (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-~~13~~ and 120-~~24~~.
 - (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-~~35~~ and 120-~~46~~.
 - (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.

Commentary

C. Maximum building setbacks (continued).

See previous commentary.

- ~~b. Standards. There are two standards. Subparagraphs C.1.c. and d. 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.~~
- be. 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:
 - The ~~§~~standard 1 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 1 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 2 must be met on the frontages of the two streets with the highest transit classifications. ~~and Standard 1 must be met on an intersecting transit street. If more than two streets have the same highest transit classification, the applicant may choose on which two streets to meet the standard;~~
- ce. 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.

Commentary

Figures 120-3 and 120-4

No changes, except to figure numbers.

Figure 120-13
Alteration to Existing Building in Conformance with Maximum Setback Standard

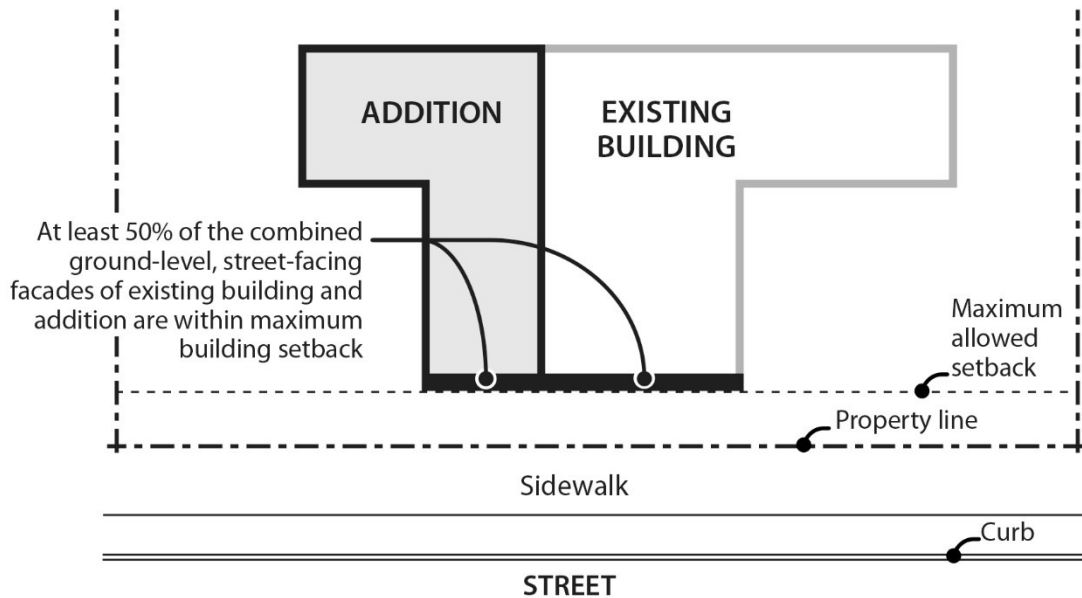
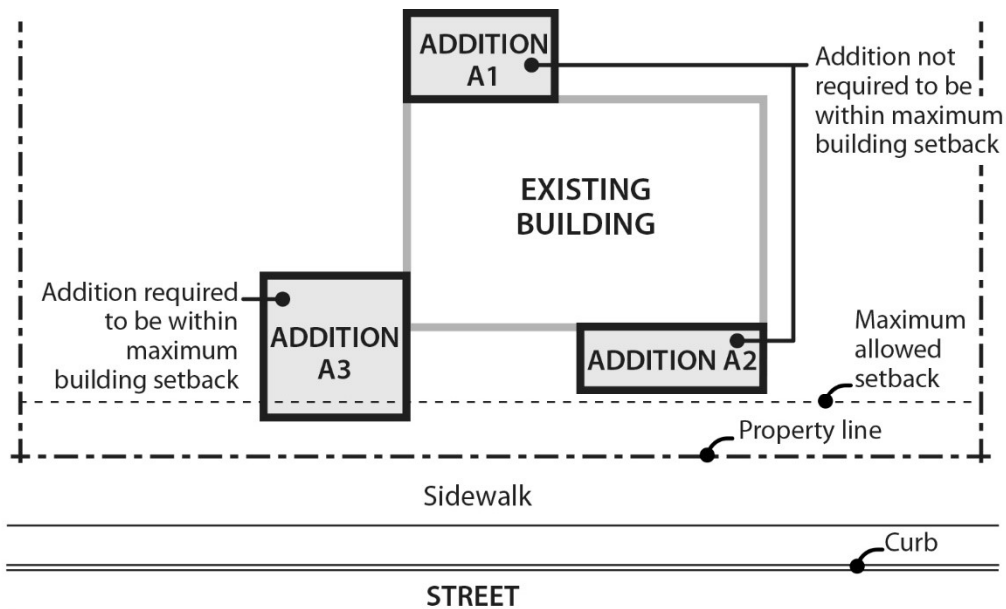


Figure 120-24
Alterations to Existing Building



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.

Commentary

Figures 120-5 and 120-6

No changes, except to figure numbers.

Figure 120-35
Calculating Maximum Building Setback When More Than One Building On Site

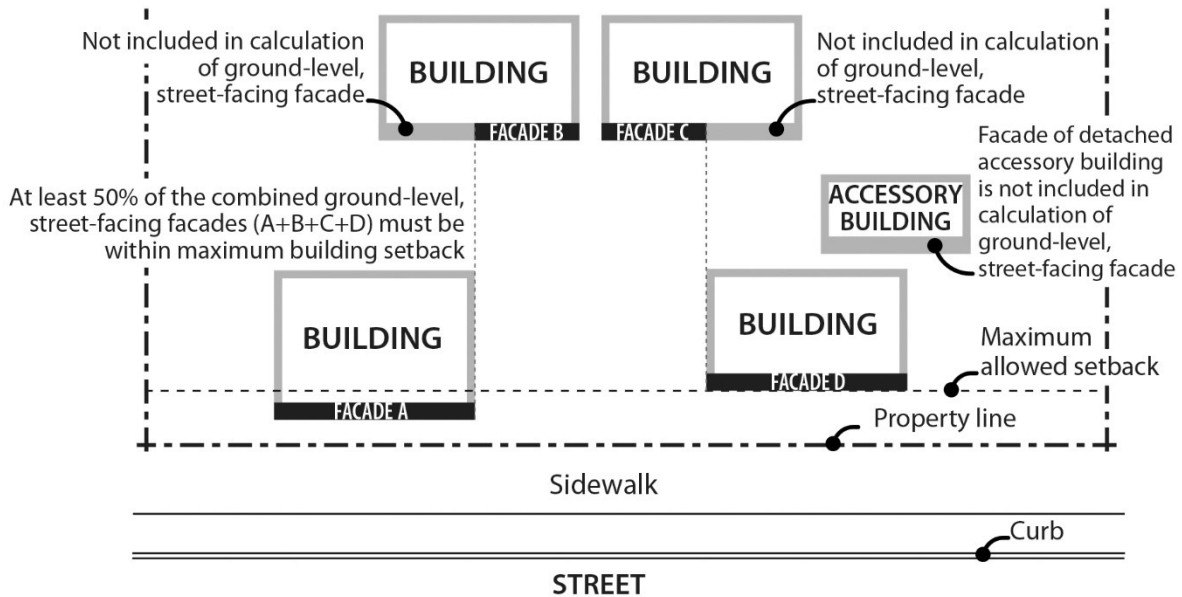
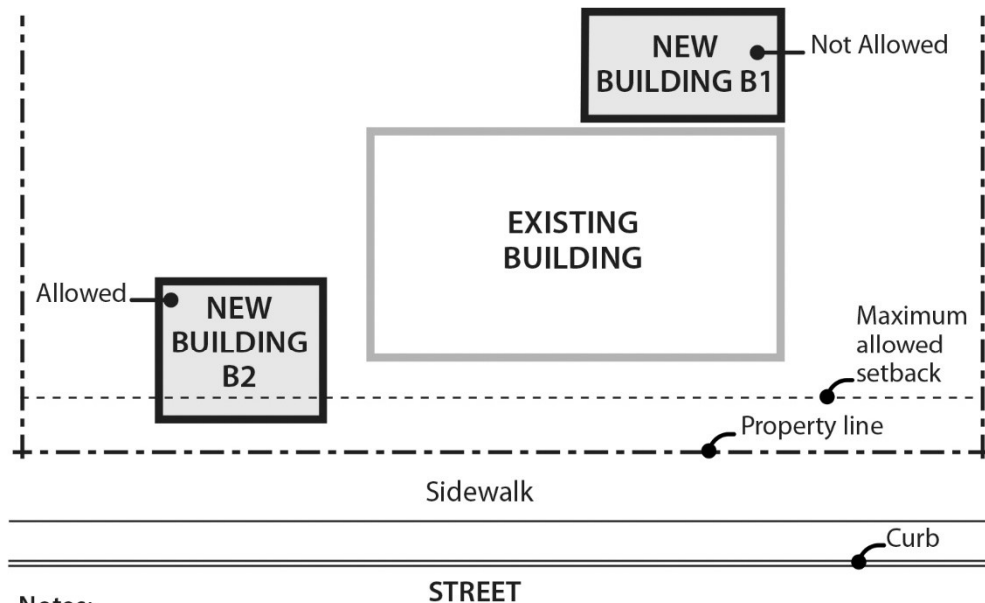


Figure 120-46
New Buildings on Sites with Buildings That Do Not Meet the Maximum Building Setback



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.

Commentary

C. Maximum building setbacks (continued)

See previous commentary on page 90.

- ~~(1) One street frontages. 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 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;~~
- ~~(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 street with the highest transit classification and any intersecting transit street:~~
 - ~~• Standard 2 must be met on the frontage of the street with the highest transit classification. If both transit streets have the same highest classification, the applicant may choose on which street to meet the standard; 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 of them are transit streets that do not intersect, the following standards must be met on the frontage of the street with the highest transit classification and one intersecting street:~~
 - ~~• Standard 2 must be met on the frontage of the street with the highest transit classification. If both streets have the same transit classification, the applicant may choose on which street to meet the standard; 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.~~

Commentary

D. Extensions into required building setbacks

This paragraph is being modified in coordination with changes to the minimum side and rear building setback requirements. Because the required side and rear setbacks are being reduced to 5' in most cases, these changes prevent raised decks, stairways, balconies, and bay windows from extending into required setbacks, except for setbacks along street lot lines, to limit privacy impacts.

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-~~35~~.

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. ~~Eaves, e~~Chimneys, fireplace inserts and vents, mechanical equipment, and fire escapes;
 - b. Wheelchair ramps, w~~water~~ collection cisterns and stormwater planters that do not meet the standards of Paragraph D.~~24~~;
 - c. Decks, stairways, ~~wheelchair ramps~~, and uncovered balconies that do not meet the standard for Paragraph ~~24~~ below, but only along a street lot line; and
 - d. Bays and bay windows but only along a street lot line and must~~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 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;
~~and~~
 - ~~(4) The bay may not include any doors.~~

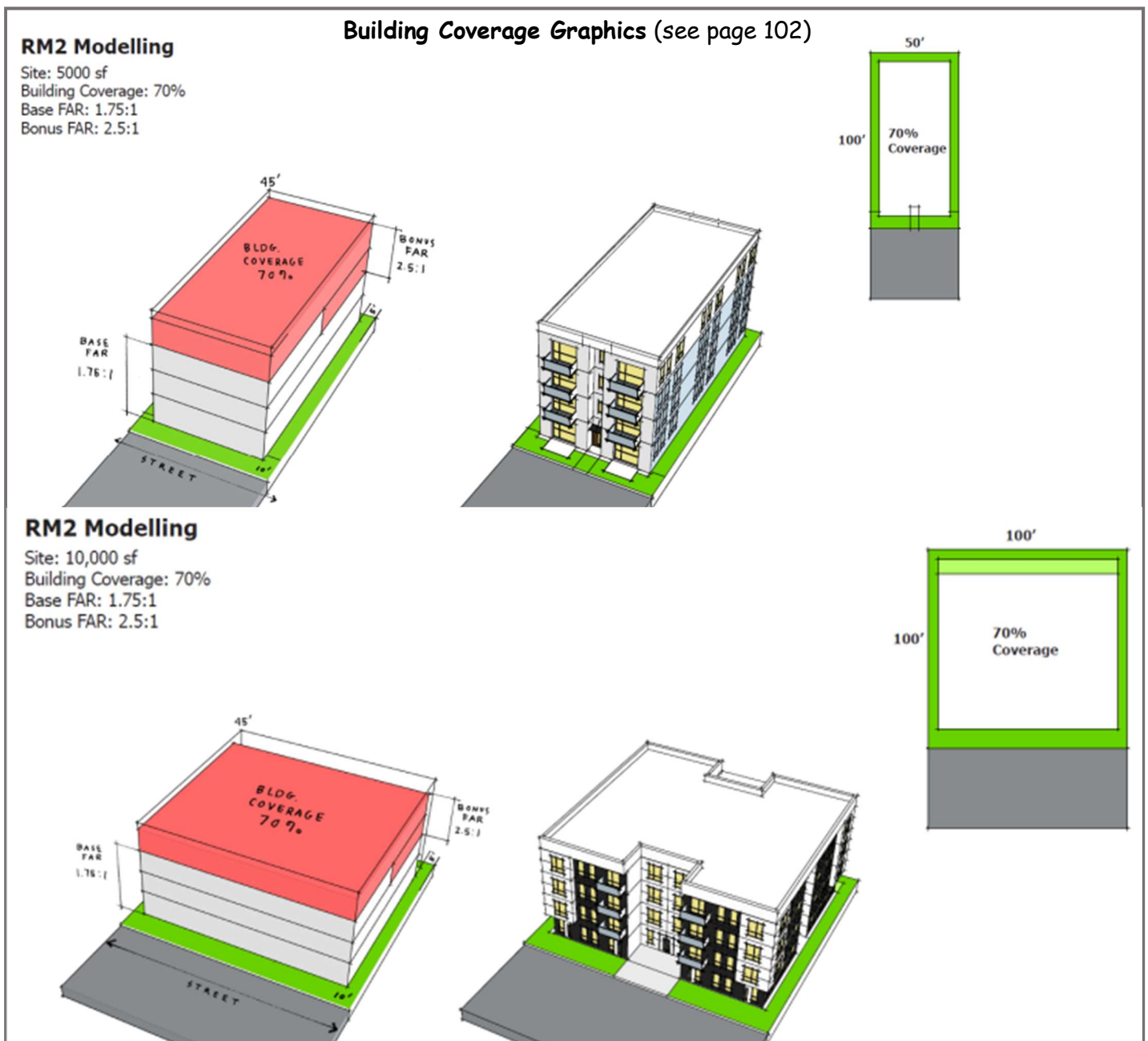
Commentary

D. Extensions into required building setbacks (continued)

The new subparagraph 2 is being added to allow eaves to extend up to 2 feet into a required setback, consistent with an amendment proposed as part of the Residential Infill Project. The new subparagraph 3 will allow canopies and awnings to extend up to 5 feet into required setbacks along streets, which accommodates draft design standards proposed in the DOZA project that would require weather protection to extend at least 5 feet from building walls along street frontages.

E. Garage entrance and structured parking setback

This paragraph is being amended to reflect the new zone names. The exception that allowed for garage entrance setbacks to be based on those on abutting lots is being deleted to avoid continuation of patterns of garages located in ways that detract from the pedestrian environment of streets.



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.
42. 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.
- ~~53.~~ 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 R1, RH, and the RM2, RM3, RM4 and RX zones, 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 front facade of the residential portion of the building.~~
 - b. Exceptions. ~~(1) — The garage entrance setback may be reduced to the average of the garage entrance setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.~~
~~(2) —~~ 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.

Commentary

33.120.225 Building Coverage

B. Maximum Building Coverage.

This paragraph and Table 120-3 are being amended to allow for 70 percent building coverage (instead of the usual 60 percent) on sites in the RM2 (R1) zones located adjacent to civic and neighborhood corridors (see Map 120-1 on page 193). This increase in building coverage would provide more development flexibility along corridors intended to be a focus for transit-supportive development, while retaining existing limits along neighborhood side streets where there is a greater expectation of continuity with existing neighborhood characteristics. See graphics on the previous commentary page (page 102), which illustrate 70 percent lot coverage on the small sites common in the multi-dwelling zones. These graphics also illustrate staff's consideration of the possibility of setting the RM2 base and bonus FARs to 1.75 to 1 and to 2.5 to 1, respectively (instead of the proposed FARs of 1.5 to 1, and 2.25 to 1). The *As Amended* report retains the proposed base and bonus FARs due to the fact that, even with increasing the lot coverage to 70 percent, the bonus FAR would barely fit within the building height and coverage parameters. These graphics illustrate that it would not be practical to increase allowed building coverage and FARs to match those of mixed-use zones with comparable height allowances, as requested by some community members, because of the setbacks required in the multi-dwelling zones. The 70 percent building coverage will accommodate greater FAR utilization within a three-story scale, which allows for less expensive construction costs compared to buildings of four or more stories.

C. Exception.

A new paragraph is being added to allow partially below-ground structured parking, when covered by landscaping or outdoor common area, to not count against building coverage limits. Currently, even when a courtyard set above structured parking is at a height that would not usually count toward building coverage limitations, an excavated driveway ramp changes this calculation and prevents this courtyard cap configuration in some zones.

Exempting below-ground structured parking, to not count against building coverage limits when capped by landscaping or courtyards, will allow configurations such as these, which were seen as positive development outcomes in community discussions.



33.120.230 Building Length and Façade Articulation

The paragraphs on this page are being modified with additional text and a new graphic to provide greater clarity and to include purpose statement language related to a new façade articulation requirement (see next pages).

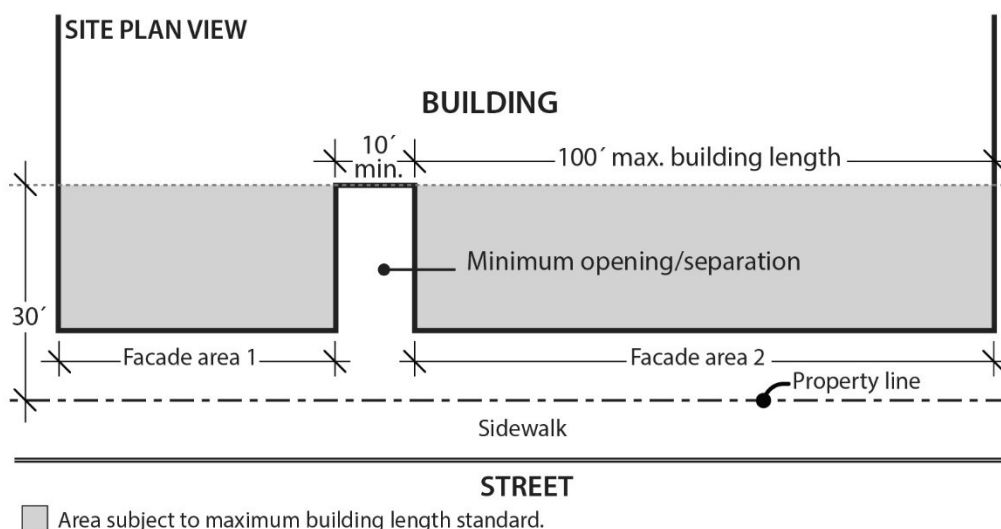
33.120.225 Building Coverage

- 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~~The maximum building length standard, along with the height and setback standard, limits the ~~amount of bulk of buildings that can be placed close to the street.~~ These standards help ensure~~assures 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.~~ 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 RM1, RM2R2, R1, 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

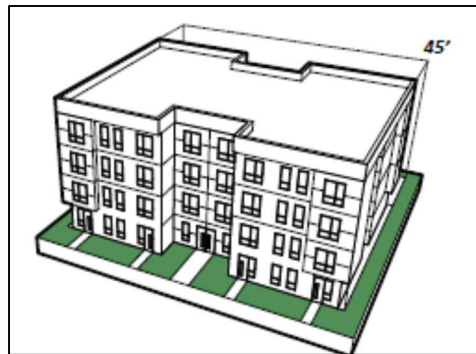
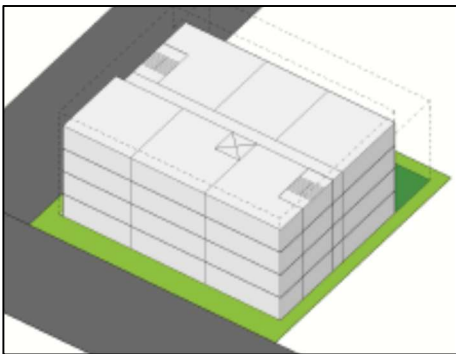


Commentary

33.120.230 Building Length and Façade Articulation

C. Façade articulation

This new requirement is being added for consistency with façade articulation requirements recently adopted for the commercial/mixed use zones (Chapter 33.130). They will apply to zones (RM2, RM3, and RM4 [R1, RH]) that allow building height (45 feet or more) that corresponds to the scale of development where this regulation applies in the commercial/mixed use zones. The standards will apply to building over three stories tall in the RM2 (R1) zone and over four stories in the RM3 and RM4 (RH) zones. These regulations are intended to divide up the mass of larger buildings into smaller components that better fit into the scale of neighborhood residential areas.

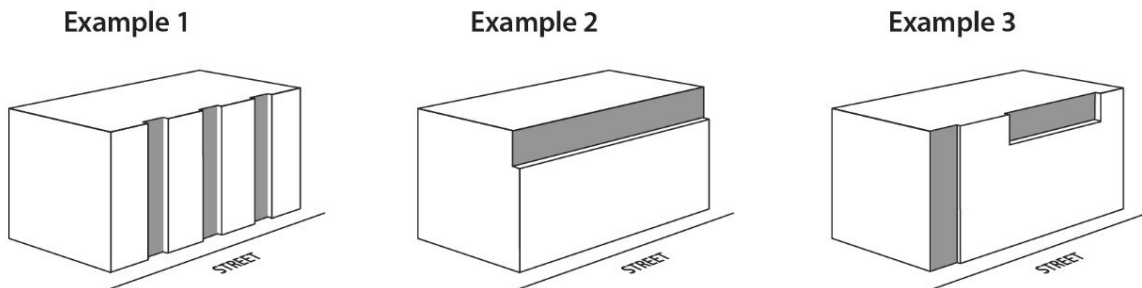


Requirements for façade articulation would ensure that large buildings, as are allowed in the RM2 (R1) zone (left), are divided into smaller components (right) that relate to the scale of residential neighborhoods.

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 facade 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



Commentary

33.120.231 Main Entrances

This section is being changed to apply requirements for street-oriented main entrances that currently apply primarily to houses, attached houses and duplexes, to also apply to multi-dwelling development and structures. Currently, there are no requirements for street-oriented entrances for the latter types of development, counter to policies that call for street-oriented development that supports pedestrian-friendly street environments. Where sites include more than one street frontage, the regulations prioritize locating main entrances on transit streets to facilitate pedestrian connections to transit and to foster a strong building orientation to these streets.

New requirements for street-oriented main entrances will:



Prevent this



Promote entrances oriented to streets and pedestrian spaces

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 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 this section apply to all residential structure types~~houses, attached houses, manufactured homes on individual lots, and duplexes~~ 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 ~~which~~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.

Commentary

33.120.231 Main Entrances (continued) Alternative for multi-dwelling structures

This subparagraph provides an alternative for the entrances of multi-dwelling structures to be oriented to a courtyard, instead of being located at the street frontage, allowing continuation of a common courtyard housing configuration. This is consistent with regulations that apply in the commercial/mixed use zones and in the Community Design Standards.



D. Distance from grade

This new paragraph ensures consistency with a regulation for the same types of development in single-dwelling zones. It helps foster a better relationship to the street environment, continues established neighborhood patterns, and limits lengthy runs of steps (which can be problematic for people with mobility limitations).



House (center) with long run of stairs that would not meet the distance from grade standard.



Duplex that would meet the distance from grade standard.

C. Main entrance Location.

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

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

~~b~~2. Either:

(1)~~a~~. Face the street. See Figure 120-59;

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

(3)~~c~~. Open onto a porch. See Figure 120-610. 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.

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 façade. See Figure 120-11.

Commentary

Figures 120-9 and 120-10

No change, except to figure numbers.

Language to be **added** is underlined>
Language to be **deleted** is shown in ~~strikethrough~~

Figure 120-59
Main Entrance Facing the Street

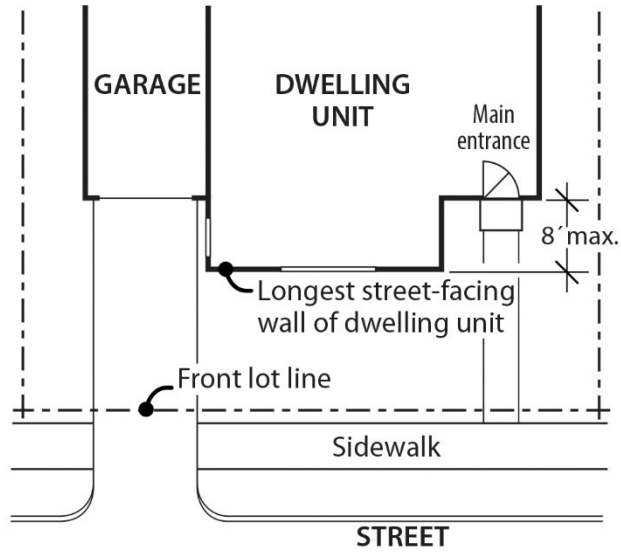
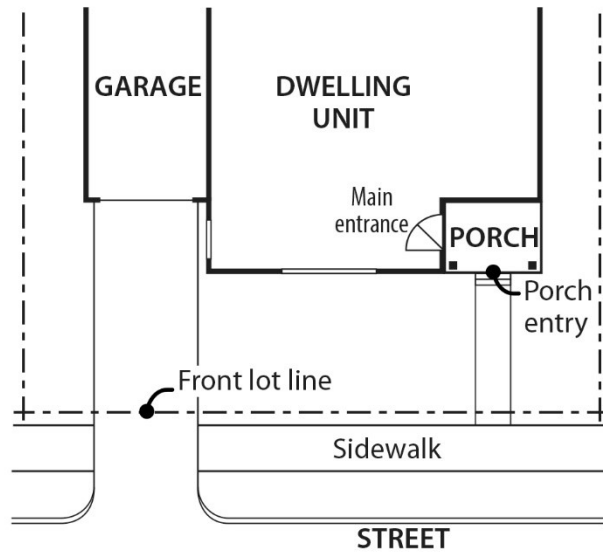


Figure 120-610
Main Entrance Opening Onto a Porch



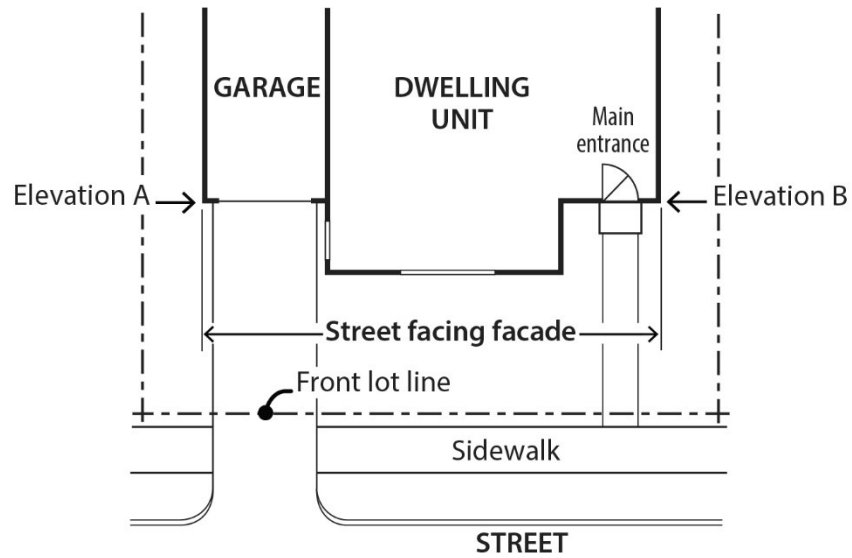
Commentary

Figures 120-11

This is a new figure illustrating measurement of average grade for the purpose of determining the distance of the main entrance from grade.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

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



Commentary

33.120.232 Street-Facing Facades

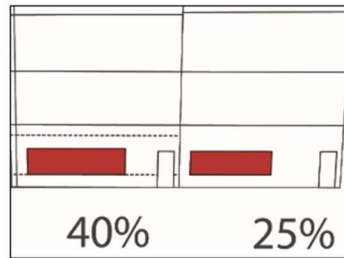
Amendments to this section add requirements for ground floor windows in conjunction with allowances being provided for commercial uses in the multi-dwelling zones. In the multi-dwelling zones, a minimum 40 percent window coverage will be required for the walls of ground floor commercial uses when located closer than 5 feet from a street lot line, consistent with ground-floor window coverage requirements in the mixed uses zones.

25 percent window coverage will be required when commercial uses are set further back from the street to provide flexibility for configurations with commercial uses that have a more residential character, such as live-work arrangements, and that continue front setback patterns of residential areas. This lesser window coverage amount also corresponds to the ground floor window requirement that applies in the commercial/mixed use zones along secondary street frontages.

The window coverage standards for the RX zone are being deleted, as window coverage in the RX zone is regulated by the Central City and Gateway plan districts.



40% coverage:
Intended to promote storefront commercial patterns.



25% coverage:
Allows continuity with residential character, range of live-work arrangements.



33.120.232 Street-Facing Facades

A. Purpose. These standards:

- ~~Together~~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 ~~more~~ 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.
2. 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. In addition,
3. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from Subsection C~~Paragraph B.1, below. 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.~~
4. For structures subject to ground floor window standard in Subsection D, windows used to meet ground floor window standard may also be used to meet the requirements of Subsection C.

- 1C. Windows.** At least 15 percent of the area of each façade 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:

Commentary

33.120.235 Landscaped Areas

Current regulations require multi-dwelling development to include landscaped areas. However, these regulations do not allow many innovative types of green features to count toward meeting required landscaping, which must be at ground level. For instance, eco roofs, raised landscaped courtyards and raised stormwater planters do not meet these requirements.

Changes to this section will allow stormwater planters to contribute to landscaping requirements, and permit eco roofs and raised courtyard landscaping to be used to meet up to 50 percent of required landscaping. The other 50 percent of required landscaping will need to be at ground level to better accommodate required trees (existing Title 11 tree density requirements will continue to apply).



For the raised landscaped area option, trees used to meet L1 landscaped standards must be small or medium trees, as large trees (such as Beech, London Plane, Red Oak, and Douglas Fir trees) are usually too large to thrive in raised planting areas with 30 inches of soil depth.

The urban green options in this section are similar to regulations recently adopted for the commercial/mixed use zones.

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.
- ~~2. RX zone. The portions of buildings in the RX zone that have nonresidential development are subject to the ground floor window requirements of the CX zone in 33.130.230.B.2.~~
- ~~3. For structures subject to ground floor window requirements, windows used to meet ground floor window requirements may also be used to meet the requirements of Paragraph B.1, above.~~

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, or duplex, or manufactured dwelling park are exempt from this standard. ~~Required landscaped areas must be at ground level and must comply with at least the L1 standard in Chapter 33.248. Up to 1/3 of the required landscaped area may be for active or passive recreational use, or for use by pedestrians. Examples include walkways, play areas, plazas, picnic areas, and open recreational facilities. Remaining landscaped areas must comply with the standards in Subsection C. below.~~ Any required landscaping, such as for required setbacks or parking lots, applies toward the minimum required landscaped area. ~~The outdoor areas required in 33.120.240 below, also apply towards meeting the minimum landscaped area requirements of this section, if they are uncovered.~~
 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.

Commentary

C. Additional landscaping standards

Changes to this paragraph extend the same exemption to landscaping in building setbacks that currently applies to houses, attached houses and duplexes so that this also applies to multi-dwelling development on small sites (10,000 square feet or smaller). Setback landscaping regulations include requirements for planting trees, for which 5 foot setbacks provide little space for growth. Title 11 tree planting requirements will continue to apply, but this change provides more flexibility for locating required trees on other portions of small sites (currently, the number of trees required within landscaped setbacks is typically sufficient to meet required tree densities). This amendment will facilitate compact multi-dwelling building types on small sites, such as fourplexes and small apartment buildings, which were historically designed to be similar to single-family houses.

See page 88 for commentary on landscaping requirements for the Eastern pattern area minimum rear setback (subparagraph C.1).



There has been community interest in middle density housing that is similar in scale and characteristics to single-family houses, but landscaping and other regulatory standards currently apply differently to these housing types, complicating the ability to design plexes for small sites (such as these historic triplexes and fourplexes). Proposed changes to landscaping and other site design regulations will facilitate compact multi-dwelling development on small sites.

33.120.240 Required Outdoor and Common Areas

Changes to this section will require outdoor areas for development in the RH (RM3 and RM4) zone, which currently requires no residential outdoor space. In the new RM3 and RM4 zones, 36 square feet per unit will be required for smaller sites (up to 20,000 square feet), and 48 square feet per unit will be required for larger sites. This is consistent with requirements that apply to similar higher-density housing in the commercial/mixed use zones.

Outdoor space requirements for small sites in the lower-scale zones will remain unchanged, except for an allowance applicable to all multi-dwelling zones for outdoor space requirements to be met by indoor community spaces.



Development in the RH zone, such as this example in East Portland, currently has no requirements for outdoor space for residents, sometimes resulting in parking lots as the only places for children to play.

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, ~~D~~etached 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 ~~developed with a house, attached house or duplex~~ 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 areas standards ~~assure~~ensure opportunities for outdoor relaxation or recreation. The standards work with the building coverage and minimum landscaped areas standards to ~~assure~~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.

Commentary

33.120.240 Required Outdoor Areas (continued)

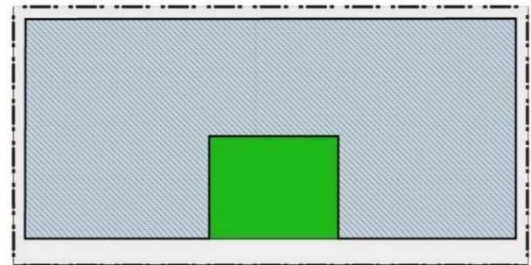
Required common area for large sites

This section includes new requirements for large sites (more than 20,000 square feet in total site area) to include common areas, such as courtyards or play areas. In past projects that focused on the health and activity needs of people living in apartments, residents identified the need for having usable outdoor spaces located close by for activities such as children's play and growing food. Currently, shared outdoor spaces that are large enough to provide these opportunities are not required and often not provided with new multi-dwelling development.



The new regulations require that development on large sites provide common areas equal to 10 percent of total site area (for example, a 30,000 square foot site would need to provide 3,000 square feet of common area). The regulations provide flexibility in the design and location of this common area, which can be located at ground level or on raised courtyards or roof tops, and up to 50 percent of the requirement could be met with indoor common areas, such as indoor recreation facilities or community rooms. A minimum dimension of 20-foot ensures that outdoor common areas will be of usable size. The required common area will count toward meeting the per-unit outdoor space requirements.

The 10 percent requirement corresponds to the percent of site area used for shared outdoor areas frequently found in historic and more recent multi-dwelling developments that include common outdoor areas. The diagram (right) shows an area equal to 10 percent of site area in green.



An exception to the common area requirement for large sites is provided for street-oriented housing types, such as townhouses, when larger individual outdoor space is provided for each unit (200 square feet [equal to the R2.5 zone requirement for attached houses], instead of the usual 48 square feet). This addresses concerns raised that the shared common area requirement is not practical for street-oriented housing types.



Street-oriented townhouses on a large site.

Historic and contemporary examples of multi-dwelling housing with courtyards that are approximately 10 percent of site area.



1. ~~Amount required~~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 for each per dwelling unit on the site. The RMP zone is exempt from the standards in this section.
 - 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.
- 2C. **Size, location and configuration.** ~~Required outdoor area may be provided as individual, private outdoor areas, such as patios or balconies, or as common, shared outdoor areas, such as courtyards and play areas. There also may be a combination of individual and common areas.~~
 - a1. Individual unit outdoor areas. Where a separate outdoor area is provided for ~~each~~an individual unit, it must be designed so that a ~~64~~-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, ~~but not into the required front building 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 B.5 below.

Commentary

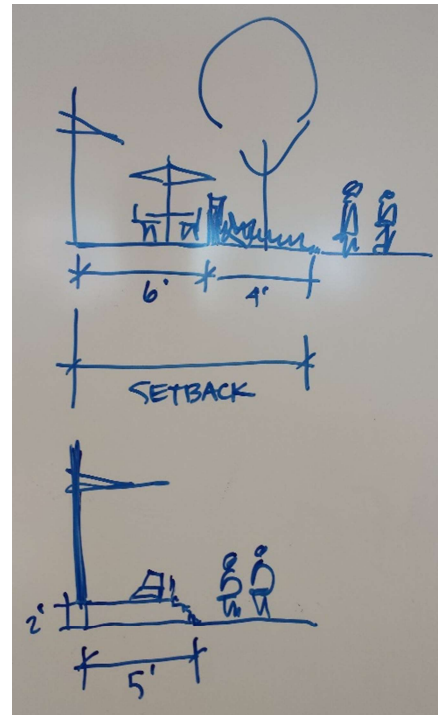
33.120.240 Required Outdoor and Common Areas (continued)

Size, location and configurations

Individual unit outdoor areas (previous page). Amendments to the individual outdoor space requirements change the minimum dimensions for private outdoor spaces and provide allowances for individual outdoor spaces to extend into front setback areas. These changes help provide flexibility in meeting requirements to accommodate development in higher density zones, where incorporating outdoor spaces as part of compact development can be problematic. Individual outdoor areas that extend into required setbacks must either be raised above sidewalk level or screened by landscaping to provide a better interface with the public realm of streets and allow for more comfortable semi-private spaces close to sidewalks.

***Right:** Concepts for individual outdoor spaces, located within 5-10 foot front setbacks, screened or raised from sidewalks.*

***Below:** Example of individual outdoor area both raised and separated by landscaping from the sidewalk, providing more comfortable and useable outdoor spaces for residents.*



Common areas. Amendments ensure that outdoor common areas are of usable dimension and located close to and accessible from residential units. They also allow for indoor common areas to be used to meet the requirements of this section. Community members have related that indoor community spaces and recreation rooms can be invaluable in Portland's often rainy climate.

Example of outdoor common area with residential units oriented to this space.



b2. Common areas.

- a. Outdoor common area. Where an outdoor, shared common area is provided areas are common, shared areas, each it must be designed so that it is at least 500 square feet in area and must measure at least 20 feet in all directionsso that a 15-foot x 15-foot square will fit entirely within it. 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 B.2.a C.1 above and each common area must meet B.2.b C.2.a or C.2.b above, providing an amount equivalent to the total required by Paragraph B.1 or B.248 square feet of outdoor area for each dwelling unit served by the common area.
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. ~~Required~~ 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.

Commentary

33.120.250 Screening

The only amendment to this section is a requirement for outdoor seating associated with commercial uses be screened from abutting properties that have residential zoning. This responds to public comments requesting that the new allowances for limited amounts of commercial uses, which allow for small restaurants and cafes, be accompanied by regulations that help minimize impacts on neighboring properties, especially given the intended residential character of the multi-dwelling zones.

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.

Commentary

33.120.255 Pedestrian Standards

This section is being amended to require that all buildings on multi-dwelling sites that are located close to a street have pedestrian connections to the street. On sites that are entirely residential, current regulations require only one entrance on a site to provide a connection to a street. This sometimes results in multiple building on a site have no direct connection to adjacent streets, counter to policy goals for encouraging buildings to be oriented to streets.

Other amendments in this section bring consistency with similar regulations recently adopted for the commercial/mixed use zones.



Multi-dwelling zone development (multiple detached houses) with no pedestrian connections to the adjacent transit street. Proposed amendments to pedestrian standards in conjunction with main entrance requirements would prevent this lack of orientation to the street.

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, ~~and 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. ~~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 located within 40 feet of a street lot line 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 straight line connection 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.

Commentary

33.120.255 Pedestrian Standards (continued)

Subparagraph B.2 is being modified so that the required width of pedestrian connections varies according to the number of units on a site. Pedestrian connections serving larger numbers of units are required to be wider (at least 5 feet for sites with more than 20 units) to accommodate the greater numbers of residents served by the pedestrian circulation system. Pedestrian connections serving smaller numbers of units can be narrower, which allows for less site area to be paved.

Also, additional text has been added ("circulation system required by the standards of this section") to allow redundant pedestrian connections to not have to meet the minimum pathway width requirements. In some cases, units are provided with access both by steps and by accessible ramps. The amendments will require only one of these connections to meet the minimum width standards - the other connections would still need to meet building code standards (typically 3 feet). This facilitates compact development on small sites and allows less site area to be devoted to paved surfaces.



Amendments to the pedestrian standards will allow entrance pathways accessing up to four units to be as narrow as three-feet wide, even on a large site with more than 20 units.

33.120.260 Recycling Areas

No change.

- 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 ~~be at least 5 feet wide~~ 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. Segments of the circulation system that provide access to no more than 4 residential units may be 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.

Commentary

33.120.265 Amenity Bonuses

This section is being deleted, with provisions either being discontinued, included in the new Floor Area Bonus Options section (33.120.211 – see commentary on page 64), or replaced by new regulatory approaches such as increased outdoor space requirements or tree preservation FAR transfers.

A key reason most of the amenity bonuses are being discontinued is to prioritize affordable housing as a development outcome. Currently, the existing amenity bonuses can be combined to provide up to 50 percent more development than usually allowed. Projects do not have to include any affordable housing to achieve this increase. Also, the proposal to regulate development intensity by FAR provides flexibility for additional units, for which the amenity bonuses had been the primary means to achieve. The table below summarizes what is happening to the existing amenity bonuses.

Existing Development Bonuses	Proposed Approach
Affordable housing (inclusionary housing)	Prioritize by increasing amount of development bonus to 50 percent additional FAR (see pages 62 – 67).
Three bedroom units	Continue, in order to provide an incentive for family-sized units.
Outdoor recreation facilities	Remove as development bonuses, but address through new requirements for shared outdoor spaces (see pages 122 - 125).
Play areas for children	
Large outdoor areas	
Storage areas	Remove as development bonuses. <i>(In stakeholder discussions, community members felt these were lesser priorities than other outcomes, especially affordable housing)</i>
Sound insulation	
Crime prevention	
Solar water heating	
Tree preservation	Remove as a development bonus, but address through a new transfer of development rights allowance for tree preservation (see pages 57 - 61).

33.120.265 Amenity Bonuses

A. Purpose and description. ~~Special amenity bonuses for increased density are intended to improve the livability of multi-dwelling developments for their residents and to promote family oriented multi-dwelling developments. The amenity bonuses are designed to allow additional dwelling units in a manner that is still consistent with the purposes of the multi-dwelling zones. The bonuses are applicable to a range of development sizes. However, they are more practical or workable for larger projects. Not all bonus options will be applicable for all situations. The amenity options are designed to provide incentives, while leaving the specific choices to the developer. Some options involve providing additional features, such as children's play areas. Others require improved materials, such as additional sound insulation.~~

~~The amount of the bonus for each option is a result of balancing several factors. These include:~~

- ~~• The likelihood that the amenity will be provided without the use of incentives;~~
- ~~• The potential cost to the developer; and~~
- ~~• The importance of the amenity.~~

B. Regulations.

- ~~1. Qualifying types of development. The amenity bonus provisions are applicable to all housing types in the R3, R2, and R1 zones.~~
- ~~2. Computation of the bonus. The percentages of all the bonus options included in the project are added together. The total is then applied to the allowed number of units to determine the additional units allowed. Fractions of additional units earned are not counted.~~
- ~~3. Maximum bonus. The maximum density increase allowed for a development is 50 percent including density increased through an inclusionary housing bonus allowed by 33.120.205.F. Increases over 50 percent are prohibited.~~
- ~~4. Compliance with the standards. The bonus amenity standards must be met in full to receive the bonus; exceptions are prohibited. In addition, adjustments to the development standards of the base zone, overlay zone, or plan district are prohibited if the project is to receive any density bonuses. It is the responsibility of the applicant to document that all of the amenity bonus requirements are met. Documentation is required prior to issuance of building permits for the bonus units.~~
- ~~5. Base zone site development standards. The additional units must comply with all applicable site development standards. Any development feature provided to comply with the requirements of the base zone, such as the required outdoor area requirement, may not be counted towards the calculation of bonus density.~~

Commentary

33.120.265 Amenity Bonuses

See previous commentary.

~~6. Covenants.~~

- ~~a. The applicant must sign a covenant that ensures that the amenities provided to receive any bonus density will continue to be provided for the life of the project.~~
- ~~b. The covenant must comply with the standards in 33.700.060, Covenants with the City.~~
- ~~c. If the bonus density is earned through preservation of trees under Paragraph C.9, the covenant must also specify that if the trees are determined to be dead, diseased, or dangerous by an arborist, they must be removed and replaced under a tree permit in accordance with Title 11, Trees. If a tree used to earn bonus density is dead, diseased, or dangerous as the result of a violation, Tree Review is required.~~

C. The amenity bonus options.

- ~~1. Outdoor recreation facilities. Outdoor recreational facilities may include a tennis or basketball court, ball field, swimming pool, horseshoe pit, gazebo, permanent picnic tables, and similar items. The density bonus is 2 percent for each 1/2 of 1 percent of the overall project development cost spent on outdoor recreation facilities. There is a maximum of 10 percent density increase allowed for this bonus.~~
- ~~2. Children's play areas. The density bonus for this amenity is 5 percent. A qualifying children's play area must comply with all of the following standards:~~
 - ~~a. Size and layout. Each children's play area must be at least 1,000 square feet and clearly delineated. Each must be of such shape to allow a square 25 feet on a side to fit in the area. At least 400 square feet of the area must be in grass. Children's play areas must be separated from any other outdoor recreational facilities.~~
 - ~~b. Play equipment. Each children's play area must include a play structure at least 100 square feet in area, a swing structure with at least 4 swings, and at least one of the following: a slide, permanent sand box, permanent wading pool, or other children's play equipment commonly found in a public park. Equipment must be of adequate materials to match the expected use, and manufactured to American Society for Testing and Materials (ASTM) F1487-11 standards or other comparable standards applicable to public playground equipment.~~
 - ~~c. Fencing. Each children's play area must be fenced along any perimeter which is within 10 feet of a street, alley, property line, or parking area.~~
- ~~3. Three bedroom units. A bonus of 5 percent is allowed if 10 percent of the development's units have at least 3 bedrooms. A bonus of 10 percent is allowed if 20 percent or more of the development's units have at least 3 bedrooms. If between 10 percent and 20 percent of the units have at least 3 bedrooms, then the bonus is prorated.~~

Commentary

33.120.265 Amenity Bonuses

See previous commentary.

4. ~~Storage areas. The density bonus for this amenity is 5 percent. The bonus is allowed if all units are provided with interior storage and additional storage for large items, as indicated below.~~
- a. ~~Interior storage. Interior storage areas must comply with all of the following minimum dimensions:~~
- ~~(1) Kitchens — 20 square feet of drawers and 50 square feet of shelf space. Shelves must have at least 12 inches of vertical clearance.~~
 - ~~(2) Bedroom closets — 16 square feet in floor area, and one in each bedroom.~~
 - ~~(3) Linen closet — 10 square feet of shelving, and may be located in a hallway or bathroom.~~
 - ~~(4) Entry closet — 10 square feet of floor area.~~
- b. ~~Storage for large items. Storage areas must be fully enclosed, be dry, and have locks if they are not located in the dwelling. They must be at least 50 square feet in floor area, and at least 7 feet high. They must be located so as to be easily accessible for large items, such as barbecues, bicycles, and sports equipment.~~
5. ~~Sound insulation. The density bonus for this amenity is 10 percent. To qualify for this bonus, the interior noise levels of residential structures must be reduced in 3 ways. The reductions address noise from adjacent dwellings and from outdoors, especially from busy streets.~~
- a. ~~The sound insulation of all party walls, walls between corridors and units, and in floor-ceiling assemblies must comply with a Sound Transmission Class (STC) of 55 (50 if field tested). STC standards are stated in the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State of Oregon).~~
- b. ~~The STC rating on all entrance doors assemblies from interior corridors must be at least 30, as documented by acoustic laboratory tests of the doors.~~
- c. ~~The STC rating on all windows, skylights, and exterior doors, must be at least 35, as documented by acoustic laboratory tests.~~
6. ~~Crime prevention. The density bonus for this amenity is 10 percent. The bonus is allowed if all units have security features which comply with items 1 through 6 of the Residential Security Recommendations of the Portland Police Bureau. In addition, exterior lights which comply with the lighting standards of the Crime Prevention Division of the Portland Police Bureau must be provided. Development plans must be certified by the Crime Prevention Division of the Portland Police Bureau as complying with these provisions.~~

Commentary

33.120.265 Amenity Bonuses

See previous commentary.

7. ~~Solar water heating. The density bonus for this amenity is 5 percent. The bonus is allowed if solar heated water is provided to all units. Systems may be active or passive. Systems must qualify for the Oregon State solar energy tax credit or be rated by the Solar Rating and Certification Corporation (SRRC). Applicants must provide documentation that the provisions are met.~~
8. ~~Larger required outdoor areas. The density bonus for this amenity is 5 percent. To qualify for this amenity, at least 96 square feet of outdoor area is required for each dwelling unit. All other standards of 33.120.240, above, must be met.~~
9. ~~Tree preservation. Development proposals that preserve more than the required number or percentage of the trees on the site may receive up to a maximum of 10 percent density bonus. The density bonus that may be received for each tree that is preserved in addition to those required to be preserved on the site is shown in Table 120-5.~~

Table 120-5	
Density Bonus for Tree Preservation in Multi-Dwelling Zones	
Diameter of Tree Preserved	Density Bonus
12 to 20 inches	2 percent
20 to 36 inches	3 percent
36 inches or greater	5 percent

~~Each tree counted toward the bonus must be documented in an arborist report that the following are met:~~

- a. ~~Be at least 12 inches in diameter;~~
- b. ~~Not be dead, dying, or dangerous; and~~
- c. ~~Not be on the Nuisance Plants List.~~

Commentary

33.120.270 Alternative Development Options

C. Attached houses

Amendments to this paragraph reflect the following:

- Provisions specific to the R3 zone are not needed, as the R3 is being combined with the R2 zones to create the new RM1 zone.
- Building setbacks and building coverage regulations are being amended to match similar setback and building coverage standards for attached houses in single-dwelling zones.
- Subparagraph 7 is being deleted because it is no longer needed due to proposed limitations on front garages in Section 33.120.283 that apply to attached houses (see pages 168-173).

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; ~~and~~
 - 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 options.
- C. Attached houses.** The development standards for attached housing are:
1. Density, height, and other development standards. The minimum ~~and maximum~~ 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. Number of units. In the R3 zone, up to 8 attached houses may have common walls.~~
 34. Building setbacks.
 - ~~a. Perimeter building setbacks. The front, side, and rear building setbacks around the perimeter of an attached housing project are those of the base zone. The setback standards stated in Table 120-4 apply to the combined areas of the plane of each unit's building wall facing the property line. See Figure 120-13 and Section 33.930.080, Determining the Plane of a Building Wall.~~
 - ~~b. Interior 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.~~
 - ~~c. Corner lots. On corner lots, either the rear setback or nonstreet side setback can be reduced to zero. However, the remaining nonstreet setback must comply with the requirements for a standard rear setback.~~

Commentary

33.120.270 Alternative Development Options (continued)

Figure 120-13

This figure is being deleted because rear setbacks will no longer be based on the size of the building wall plane, but will instead be a standard 5-foot setback.

D. Reduced Setbacks for Detached Houses

No major change to this existing exemption, which allows reduced 3-foot side setbacks for detached houses within the interior of a land division. On small lots, this allows wider, less "skinny" houses, and facilitates patterns of small lot detached houses common in some older neighborhoods. The primary change to this paragraph relates to when in the land division process the reduced setbacks should be shown and approved.

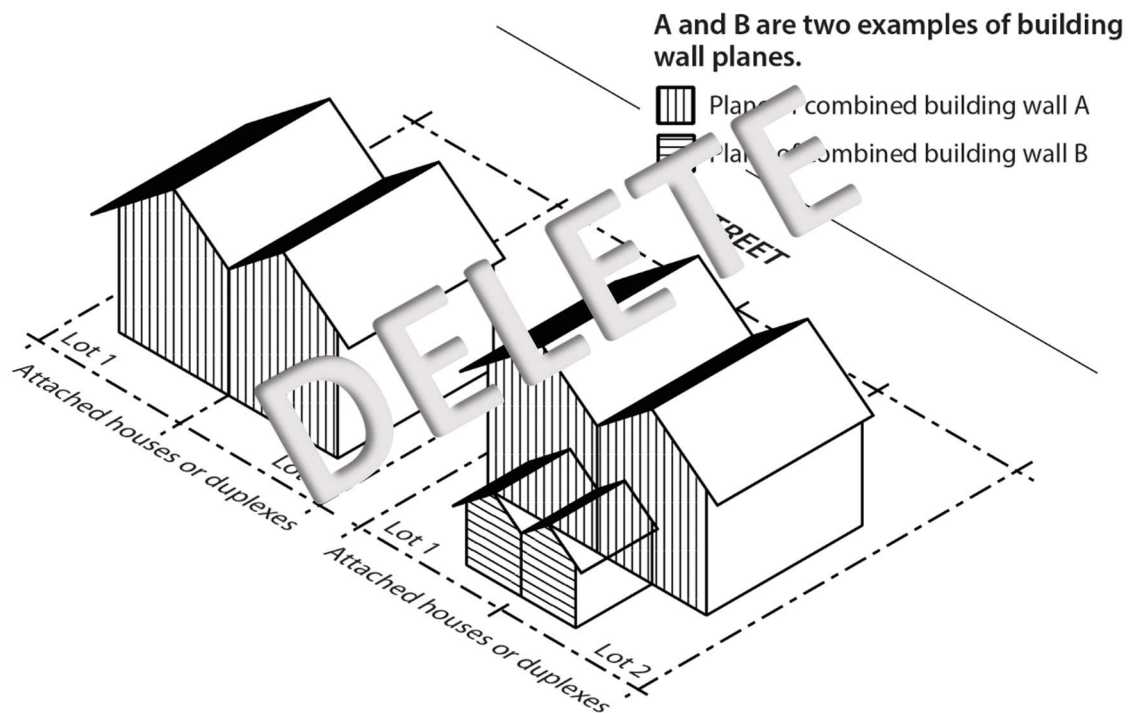
The Permit Ready houses provision of this paragraph because it refers to a program that has been discontinued.



Recently-built narrow lot houses with small side setbacks. The smaller setbacks allow wider houses on 25'-wide lots (19' wide, compared to the 15'-wide "skinny" houses that are built on 25'-wide lots with 5' side setbacks).

45. 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 is may not exceed 5 percent more than the base zone allowance.
56. 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.
7. ~~Appearance. The intent of this standard is to prevent garages and blank walls from being the dominant front visual feature. The front facade of an attached house may not include more than 40 percent of garage wall area. For measurement information, see Chapter 33.930, Measurements.~~

Figure 120-13
Measuring Setback Standard for Attached Houses and Duplexes



D. Reduced setbacks for ~~Detached~~ houses.

1. ~~Reduced side setbacks.~~ 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 ~~the supplemental plan of the land division at the time of final plat approval.~~ 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.
2. ~~Permit Ready houses. Chapter 33.278 contains provisions for Permit Ready houses on narrow lots.~~

Commentary

33.120.270 Alternative Development Options (continued)

E. Additional standards for attached houses, detached houses, and duplexes accessed by common greens, shared courts, or alleys

No significant changes to this page.

- 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 ~~RM1R2~~ and ~~RM2R1~~ zones. The minimum density in the ~~RM1R2~~ zone is 1 unit per 3,000 square feet. The minimum density in the ~~RM2R1~~ 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.

Commentary

33.120.270 Alternative Development Options

E. Additional standards for attached houses, detached houses, and duplexes accessed by common greens, shared courts, or alleys (continued)

The maximum height provisions of subparagraph E.5 are mostly being deleted due to changes to related height standards in the RM1 (R1) and RM3 and RM4 (RH) zones elsewhere in this chapter.

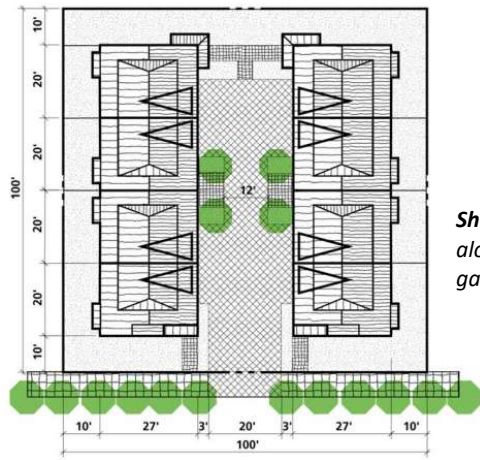
- c. For accessory structures in common greens, shared courts, private alleys, or parking tracts, the setbacks are:
 - (1) Adjacent to a public street. The minimum setback from a public street is 10 feet;
 - (2) Setback from project perimeter. If the common green, shared court, private alley, or parking 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.
 - ~~a. In the R1 and RH zones, where the front lot line abuts a shared court:~~
 - ~~(1) In the R1 zone, the maximum building height within 10 feet of a front property line abutting a shared court is 45 feet.~~
 - ~~(2) In the RH zone, the maximum building height within 10 feet of a front property line abutting a shared court is 65 feet.~~
 - ~~b. 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.

Commentary

33.120.270 Alternative Development Options

E. Additional standards for attached houses, detached houses, and duplexes accessed by common greens, shared courts, or alleys (continued)

Garages fronting onto shared courts. This subparagraph is added to allow shared courts to continue to function to take garages off the public street frontage by clustering garages on the shared court. Standards are derived from what had been the general garage limitation, which provided an allowance for single-width (12 feet) garages. The requirement for living space above the garage has been continued here, but not the allowance to alternatively have a covered balcony.



Shared court. This configuration avoids having garages along the public street frontage, but often necessitates garages clustered closely on the shared court.

F. Attached duplexes

This subparagraph is being amended because the garage wall limitation is no longer needed, due to new limitations on front garages in Section 33.120.283 (see pages 170-173). Code language for building setbacks is also being modified to be consistent with similar regulations that apply to attached houses.

G. Duplexes on corners

This paragraph is being deleted, due to the discontinuation of the R3 zone where it applied.

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 setback standards stated in Table 120-4 apply to the combined areas of the plane of each unit's building wall facing the property line. See Figure 120-13 and Section 33.930.080, Determining the Plane of a Building Wall.~~
 - a. ~~Interior (non-corner) lots. On interior lots, t~~The side building setback on the side containing the common wall is reduced to zero.
 - b. ~~Corner lots. On corner lots, either the rear setback or non-street side setback may be reduced to zero. However, the remaining non-street setback must comply with the requirements for a standard rear setback.~~
3. Number of units. A maximum of 2 units per lot and 4 units per structure is allowed.
4. ~~Appearance. The intent of this standard is to prevent garages and blank walls from being the dominant front visual feature. The front facade of an attached duplex may not include more than 40 percent of garage wall area. For measurement information, see Chapter 33.930, Measurements.~~

G. ~~Duplexes on corners.~~ ~~Duplexes on corners are allowed in the R3 zone on lots where only one dwelling unit would otherwise be allowed. This provision allows the construction of new duplexes in locations where their appearance and impact will be compatible with the surrounding development. Duplexes on corner lots can be designed so each unit is oriented towards a different street. This gives the duplex the overall appearance of a house when viewed from either street.~~

1. ~~Qualifying situations. This provision applies to corner lots in the R3 zone. This provision applies only to new development. Conversion of existing housing is prohibited under the regulations of this subsection.~~
2. ~~Density and lot size. One extra dwelling unit is allowed. The lot must comply with the minimum lot size standard for new lots in the base zone.~~
3. ~~Additional site development standards. Each unit of the duplex must have its address, front door, driveway, and parking area or garage oriented to a separate street frontage.~~

Commentary

33.120.270 Alternative Development Options (continued)

I. Flag lot development standards

These regulations are being moved to a new section (33.120.284 Additional Development Standards for Flag Lots), for consistency with code section restructuring proposed by the Residential Infill Project.

GH. Planned Development. See Chapter 33.638, Planned Development.

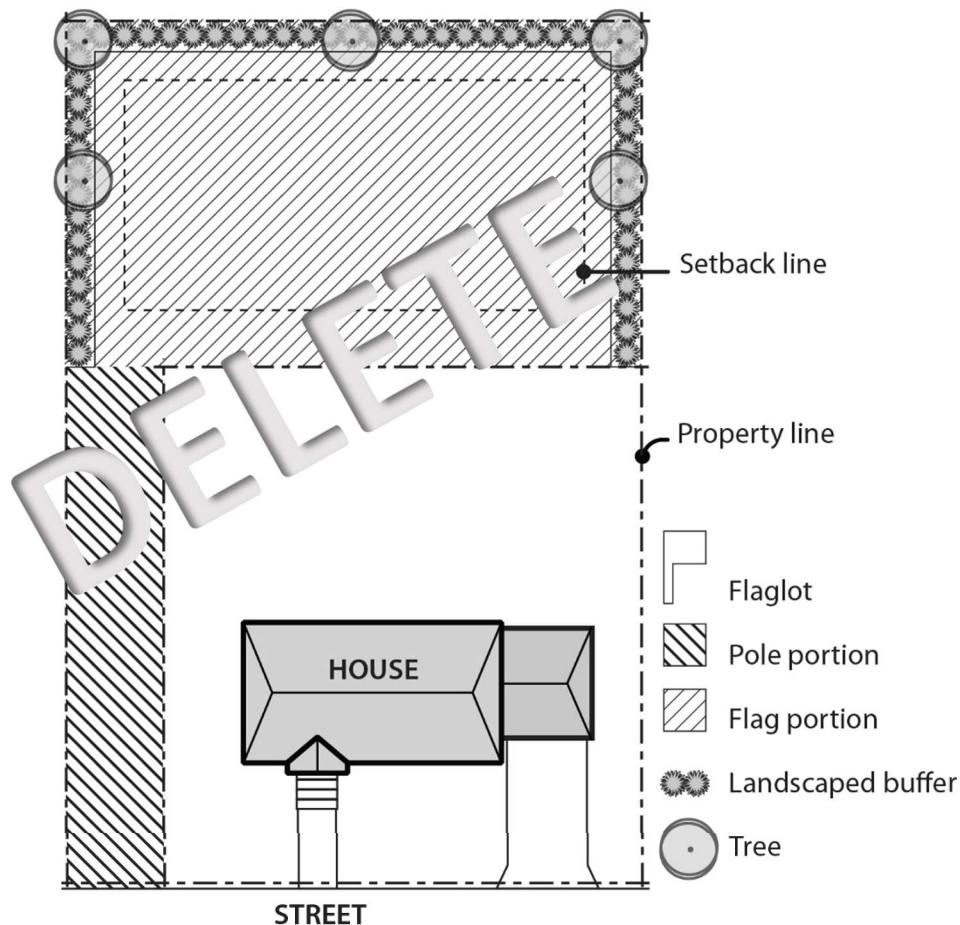
~~I. Flag lot development standards.~~ The development standards for flag lots include specific screening and setback requirements to protect the privacy of abutting residences. The following standards apply to development on flag lots created before July 1, 2002:

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

Zone	Setback
R3, R2, R1, RH	10 feet

2. ~~Landscaped buffer area.~~ In the R3 through RH 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 120-8.

Figure 120-8
Flag Lot Description and Buffer



Commentary

33.120.275 Development Standards for Institutions

This section is mostly unchanged, except for the following:

- Daycare uses are being excluded from the standards of this section (such as allowances for 75 building height and other development standards unique to Institutional uses), because Daycare uses do not have the same needs as the large-scale institutional uses for which the standards are intended, and can be accommodated by the regular base zone development standards.

33.120.275 Development Standards for Institutions

- A. Purpose.** The general base zone development standards in the ~~R3 through RX~~ 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, ~~T~~the standards of this section apply to uses in the institutional group of use categories in the ~~R3 through RX~~ 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-~~57~~. 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-~~57~~, 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.

Commentary

Table 120-7 Institutional Development Standards

No substantial changes to this table.

Table 120-57
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] ~~Surface parking lots~~Vehicle areas are subject to the parking lot setback and landscaping standards stated in Chapter 33.266, Parking, ~~And Loading,~~ and Transportation and Parking Demand Management.

Commentary

33.120.280 Detached Accessory Structures

No significant changes to this page, except for additional clarifying purpose statement language and replacement of the term "separation of ownership" with "lot confirmation".

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~~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 lot confirmation~~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 approving~~confirming~~ the property line adjustment or lot confirmation~~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 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.

Commentary

33.120.280 Detached Accessory Structures (continued)

C. Detached covered accessory structures.

This paragraph is being amended to provide the same allowances for small accessory structures to be located in required setbacks that currently apply to houses, attached houses and duplexes, so that this allowance applies to all development in the multi-dwelling zones. The intent is to facilitate efficient site design, including compact multi-dwelling buildings on small sites, which provides opportunities for small-scale development that can continue neighborhood patterns (see commentary on page 120). This will allow small accessory structures, such as bike sheds and recycling facilities, in the required setbacks to allow for more efficient use of the limited amount of site area available on the small sites typical of multi-dwelling development in Portland.

The amendments include an allowance for detached covered accessory structures to be located in side or rear setbacks as close as 10 feet (instead of the current 40 feet) from a street lot line (but no closer than the closest primary building). This is intended to reflect the characteristics of multi-dwelling zones, where buildings are typically clustered closer to the street than is the case with single-dwelling zones.



Images shows small accessory structures set back from side property line (left edge of image). Proposed amendments will allow such structures to be located within required side and rear setbacks of multi-dwelling development, allowing for more space-efficient arrangements and usable outdoor space.

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, 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. ~~In the multi-dwelling zones d~~Detached covered accessory structures ~~accessory to a house, attached house, duplex, attached duplex or manufactured home on an individual lot~~ are allowed in the side and rear building setbacks, if all of the following are met:
 - (1) The structure is at least ~~40~~10 feet from a ~~front street~~ lot line or no closer to a street line than the closest primary building, whichever distance is greater; 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, 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;

Commentary

33.120.280 Detached Accessory Structures (continued)

C. Detached covered accessory structures.

The changes to the regulations on this page bring consistency with similar regulations in the single-dwelling zones proposed by the Residential Infill Project.

- (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, ~~and~~ 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 ~~roof~~ pitch of the roof with the highest ridgeline on the detached covered accessory structure must meet one of the following:
 - (1) The ~~predominant roof~~ pitch of the roof with the highest ridgeline must be the same as the ~~predominant roof~~ 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.

Commentary

33.120.280 Detached Accessory Structures (continued)

C. Detached covered accessory structures.

No changes to the regulations on this page.

- 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.

Commentary

33.120.280 Detached Accessory Structures (continued)

D. Detached uncovered vertical structures

Changes to this paragraph will provide consistent standards for detached uncovered accessory structures, regardless of the type of housing on the site.

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 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 are accessory to a house, attached house, duplex, attached duplex, and manufactured home~~ 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.

Commentary

33.120.280 Detached Accessory Structures (continued)

E. Detached uncovered horizontal structures.

No changes.

F. Detached mechanical equipment.

Unlike other changes allowing detached accessory structures in required setbacks, the existing limitation on mechanical equipment in required setbacks is being retained because of the greater impacts of mechanical equipment for projects with larger numbers of units (mechanical noise, etc.). Triplexes and fourplexes have been added to the small housing types exception, to be consistent with similar regulations in the single-dwelling zones (proposed by RIP).

- 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 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 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, ~~or~~ 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.

Commentary

33.120.283 Additional Standards for Structured Parking and Garages

Amendments to this section expand its current focus on limiting the prominence of garages (accessory to houses, attached houses, manufactured houses, and duplexes) to also apply to structured parking associated with other residential building types, such as apartment buildings and other multi-dwelling structures and development. This helps implement policies that call for buildings to contribute to pedestrian-oriented street environments.

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~~the residence~~ and the street;
- Ensure that the location and amount of the living areas of residential buildings ~~the residence~~, as seen from the street, is~~are~~ more prominent than ~~the 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 ~~and vehicle areas~~ 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.

Commentary

33.120.283 Additional Standards for Structured Parking and Garages (continued)

D. Length of street-facing walls of structured parking and garages

Currently, there are few limitations on front garages and structured parking for most housing types in the multi-dwelling zones. Current regulations limit front garages from occupying more than 50 percent of the width of detached houses, but provide an exemption that allows houses to always have a 12-foot wide garage, meaning that there is not an effective limit on front garages for the narrow-lot houses common in some of the multi-dwelling zones, and there are currently no limits on the front garages of attached houses (as in image) or any multi-dwelling housing types.



The proposed amendments will limit structured parking and garages from occupying more than half of the street-facing facades of all housing types. For narrow attached houses, the limit will apply to the combined frontage of attached units, allowing for a mix of units with and without front garages, and preserving some on-street parking (see page 172). This will promote arrangements such as the following:



Rear parking arrangements, or options with no off-street parking.



Front garages that takes up no more than half of street frontages (above and below)

Overall, the 50 percent limitation will apply in more situations than currently, but with exemptions for:

- Structured parking located more than 40 feet from street lot lines, to accommodate portions of multi-dwelling developments that are not located close to streets;
- Parking accessed from shared courts (where garages do not front on public street frontages);
- Structured parking that is partially underground;
- Secondary street frontages, with priority placed on limiting vehicle facilities along streets with higher transit classifications.

Note that other amendments will require that small sites that abut an alley provide parking access from the alley (see page 221). The alley access requirements will apply to multi-dwelling development on lots up to 10,000 square feet in size.



The limits will also apply to the primary frontage of buildings with ground-level structured parking.

D. Length of street-facing garage or structured parking wall

1. Where these regulations apply. The regulations of this subsection apply to structured parking and ~~garages that are accessory to houses, manufactured homes on individual lots, and duplexes~~ 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. ~~Garages that are accessory to attached houses, d~~Development on flag lots ~~and~~, or development on lots ~~which that~~ slope up or down from the street with an average slope of 20 percent or more are exempt from the standard of this ~~s~~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~~b. 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~~e. On corner lots;
 - (1) Garages. On corner lots, only the 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 façade of a building with structured parkinggarage wall must meet the standards of this ~~s~~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-façade. See Figure 120-129. Where the street-facing facade is less than 22 feet long, an attached garage is not allowed as part of that façade.

Commentary

33.120.283 Additional Standards for Structured Parking and Garages (continued)

D. Length of street-facing walls of structured parking and garages

The garage and structured parking limitation standards are similar to standards in the single-dwelling zones proposed by the Residential Infill Project. The standards include a provision for attached houses indicating that the 50% limit applies to each individual façade, or can be calculated based on the combined façade width of attached houses. This allows regulations to apply similarly to both attached houses on individual lots and to otherwise similar townhouses on undivided lots. The requirement for the portion of multi-dwelling structures and attached houses with four or more units that is not garage to be contiguous is intended to ensure that the majority of the façade (or combined façades) is not interrupted by garages or structured parking (see Figure 120-13 on page 177). Without this contiguous façade requirement, analysis indicates that a row of five attached houses or townhouse units on a 100-foot wide site could meet the standard with four units that each have front garages that exceed the 50% limit on a per unit basis, but could meet the combined façade calculation by having a fifth attached unit with no front garage on the same frontage. This would result in multiple front garages, driveways, and curb cuts, counter to objectives for limiting such features.

Amendments on this page also remove the exemption (former paragraph 4) that allowed structures on narrow lots (primarily houses) to have a front garage up to 12 feet wide, which resulted in narrow lot houses whose primary ground-level features were front garages.



The amendments are intended to limit front garages but provide flexibility for some units (including attached houses) to have front garages when the majority of the length of the building (or the combined facades of attached houses) does not have garages. The amendments will allow configurations similar to these examples, regardless of whether they are duplexes, triplexes, or attached houses.

- 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.
- 4. ~~Exception. Where the street-facing facade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following. See Figure 120-10.~~
 - a. ~~Interior living area above the garage. The living area may be set back no more than 4 feet from the street facing garage wall, or~~
 - b. ~~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.~~

Commentary

33.120.283 Additional Standards for Structured Parking and Garages (continued)

E. Street lot line setbacks

The street lot line setback standards are being modified so that the limitations on garages extending in front of the rest of the building also apply to structured parking and all housing types. Changes include replacing "dwelling unit" with "building" so that the standard works for more types of residential structures, such as multi-dwelling structures with multiple units. Other changes are intended to bring consistency with similar regulations in the single-dwelling zones.

E. Street lot line setbacks.

1. Where this standard applies. The standard of this paragraph applies to structured parking and garages that are accessory to houses, attached houses, manufactured homes on their own lots, and duplexes 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 ~~which~~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.
 - 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 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 dwelling unit. 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-~~11~~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 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 120-~~12~~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.

Commentary

33.120.283 Additional Standards for Structured Parking and Garages (continued)

Figure 120-12

No change, except to figure number.

Figure 120-10

This figure is being deleted, as the exception it illustrates is being deleted.

Figure 120-912
Length of Street-Facing Garage Wall

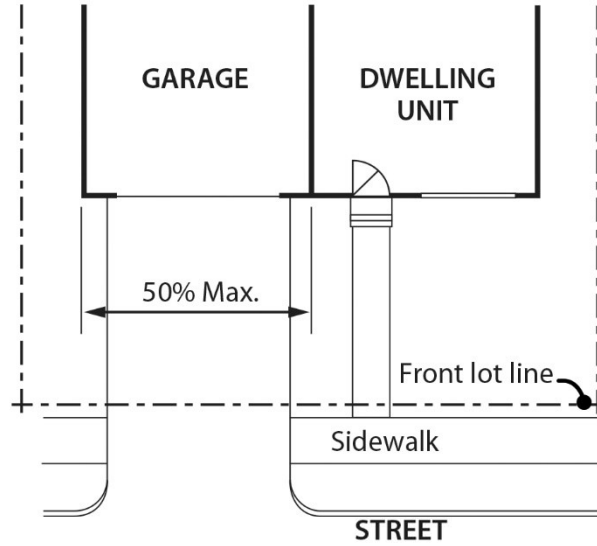
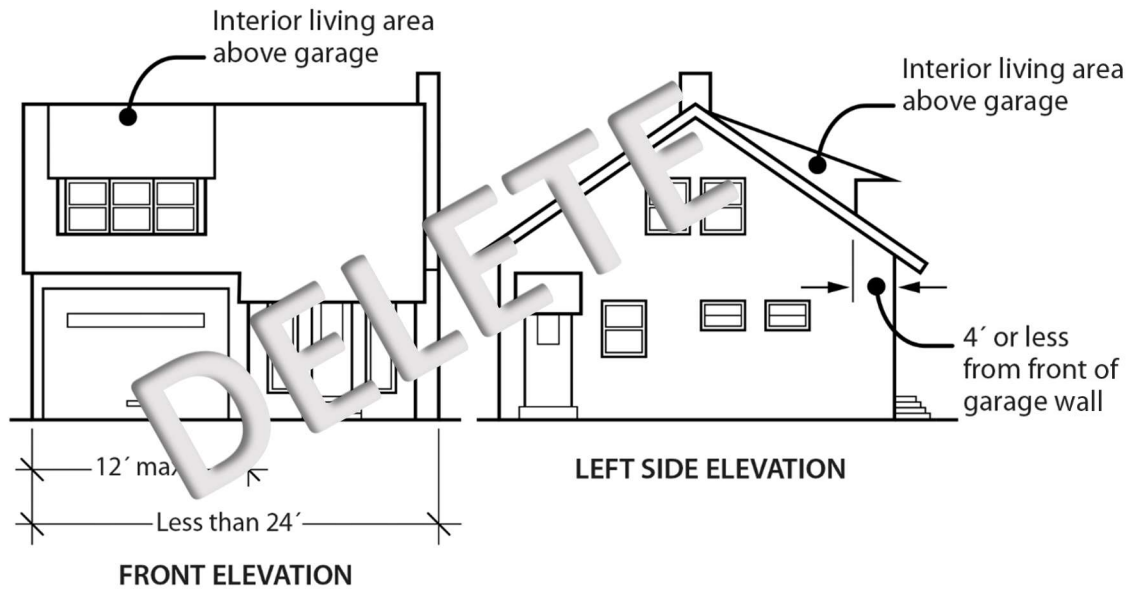


Figure 120-10
Length of Street-Facing Garage Wall Exception



Commentary

33.120.283 Additional Standards for Structured Parking and Garages (continued)

Figure 120-13

This new figure illustrates standards (in 33.120.283.D.3 b and c) in which the limitations on the length of structured parking and garages is based on the total length of the street-facing building façade. For attached houses, where any units are less than 22-feet wide, this illustrates how the garage limitation measurement applies based on the combined facades of the attached house units, including the requirement that the portion of the combined facades that is not garage must be at least 50 percent of the length of the combined facades (this percentage must be contiguous).

Figure 120-14

No changes, except to figure number.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Figure 120-13
Combined Length of Street-Facing Garage Wall

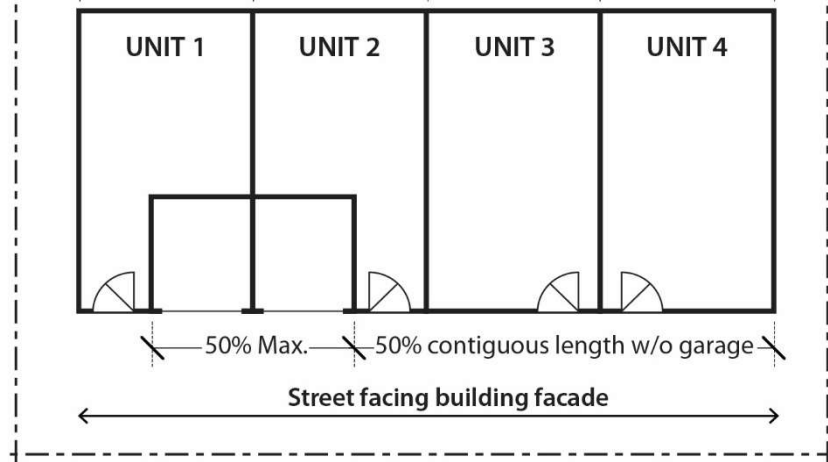
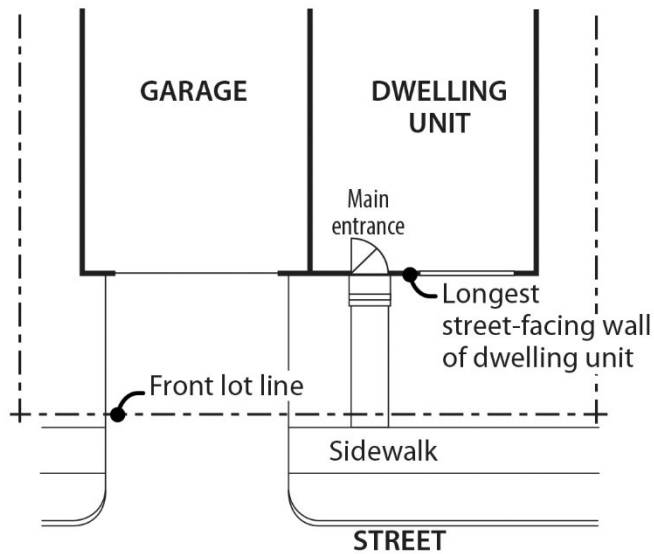


Figure 120-~~1114~~
Street Lot Line Setback



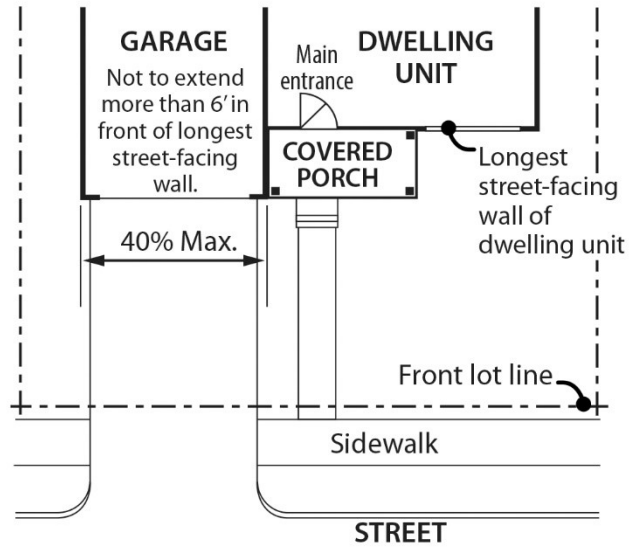
Commentary

33.120.283 Additional Standards for Structured Parking and Garages (continued)

Figure 120-15

No changes, except to figure number.

Figure 120-~~12~~15
Garage Front Setback Exception



Commentary

33.120.284 Additional Development Standards for Flag Lots

These regulations are essentially unchanged, but have been moved into this new section from 33.120.270 (Alternative Development Options), for consistency with code section restructuring proposed by the Residential Infill Project.

33.120.284 Additional Development Standards for Flag Lots

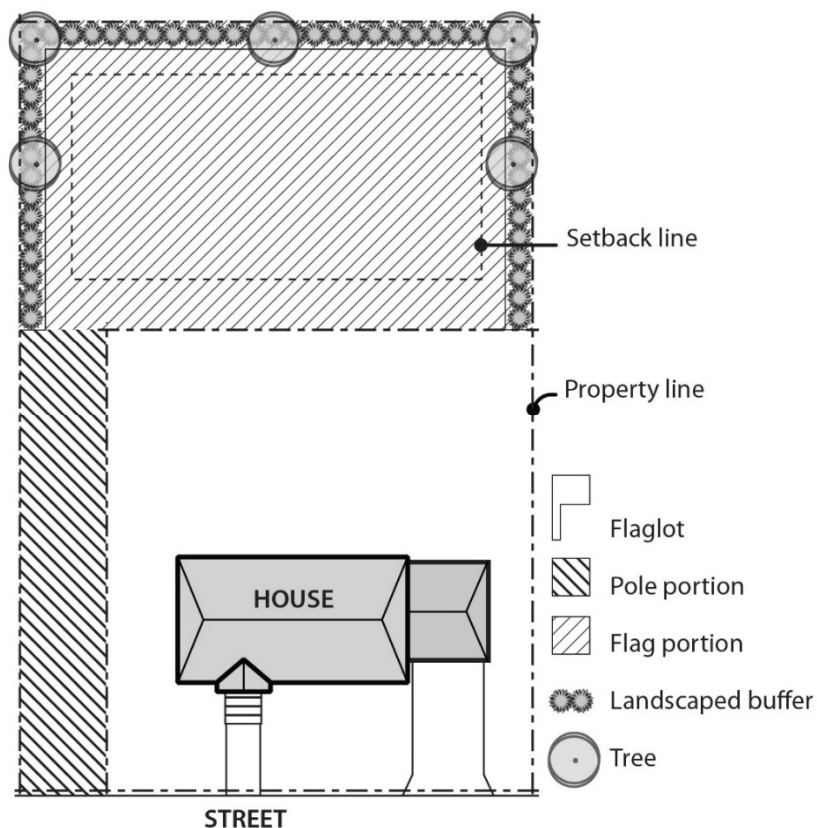
- A. Purpose.** These standards include required screening and setbacks to protect the privacy of abutting residences and increase the compatibility of new development on flag lots.
- B. Where these standards apply.** The additional standards of this section apply to flag lots in the multi-dwelling zones 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:

<u>Zone</u>	<u>Setback</u>
RM1, RM2, RM3, RM4	<u>10 feet</u>

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

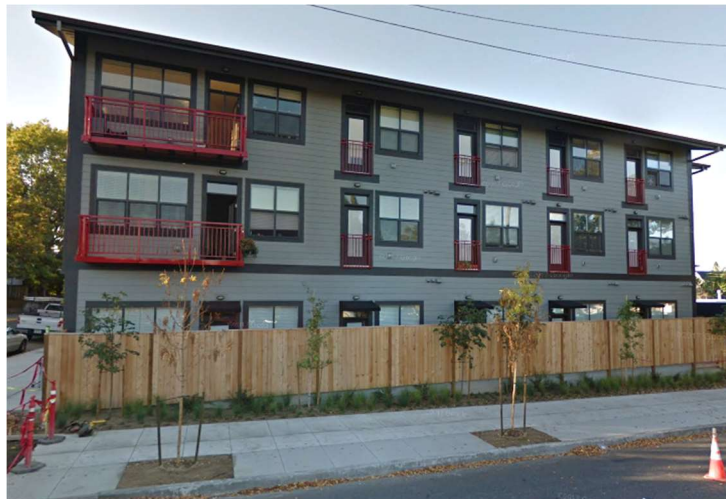


Commentary

33.120.285 Fences

This section is being reorganized for greater clarity, dividing the fence standards by housing type, with separate standards for houses and duplexes, versus other housing types.

The most substantive amendment to this section is that, for multi-dwelling structures and development, fences are always limited to 3.5 feet in height in required setbacks along street lot lines (including along pedestrian connections). Currently, this fence height limitation primarily applies to the front of lots, which are defined as being the narrower frontage of a corner site. For multi-dwelling development on corner sites, the longer "side" setback is often the primary frontage, where tall fences are not appropriate. Allowances for 8-foot high fences in some setbacks are being changed to only apply to houses/attached houses/duplexes, etc., which tend to more frequently have the narrow dimension of lots correspond to the "front" and have more of a convention of a private backyard on corner lots. Unlike some other standards, triplexes and fourplexes are not grouped with the other small housing types, because on corner lots the majority of townhouse-type triplexes and fourplexes are oriented to the longer "side" street lot line, where tall fences would not be appropriate.



Tall fence in front of a new multi-dwelling building along a transit corridor, which the proposed amendments would not allow. This change will help implement policies that call for street-oriented buildings, especially along corridors that are intended to become pedestrian- and transit-oriented places.

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.

Commentary

33.120.285 Fences (continued)

See previous commentary.

- 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.
24. 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.
- b2. 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)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)a. 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.
3. ~~Exception for corner lots in R3 and R2 zones. On corner lots in the R3 and R2 zones, 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.:~~
- 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.~~
- c4. 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.

Commentary

33.120.330 Street and Pedestrian Connections

The intent of this new section is to require public pedestrian connections, meeting the connectivity requirements of Title 17, on large sites over 5 acres. The regulations allow flexibility for the location of such connections and provide exemptions for environmental overlay zones and steep slopes. This section mirrors standards recently adopted for the commercial/mixed use zones.

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.

Commentary

33.120.310 Street and Pedestrian Connections (continued)

See previous commentary.

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.

Commentary

Civic and Neighborhood Corridors Map 120-1

This new map shows where limited use allowances for Retail Sales and Service and Office uses apply for sites abutting a Civic or Neighborhood corridor (see 33.120.100.B). This map also shows where the 70 percent maximum building coverage allowance in the RM2 zone, indicated in Table 120-3, applies for sites that abut these types of corridors, as well as where allowances for no setbacks between properties along this corridors apply in the Inner Pattern Area (see pages 89-91).

These Civic Corridors and Neighborhood corridors are streets classified on the Street Design Classification maps of the Transportation System Plan (TSP) as Civic or Neighborhood main streets and Civic or Neighborhood corridors.

Civic and Neighborhood corridors are indicated in the 2035 Comprehensive Plan as places intended to be locations for commercial activity and residential living, with transit-supportive densities of housing and employment.

Map 120-1

This is a detailed street map of the Portland, Oregon area. The map shows a grid of streets, including major thoroughfares like Interstate 5, Interstate 84, and various local streets such as St. Louis Ave, Fessenden St, Lombard St, and others. The Columbia River is visible on the right side of the map, flowing into the Pacific Ocean. The map also shows the Portland International Airport, the city of Vancouver, and the city of Tigard. The map is oriented with North at the top.

- Page 193

Commentary

Minimum Required Site Frontage Areas Map 120-2

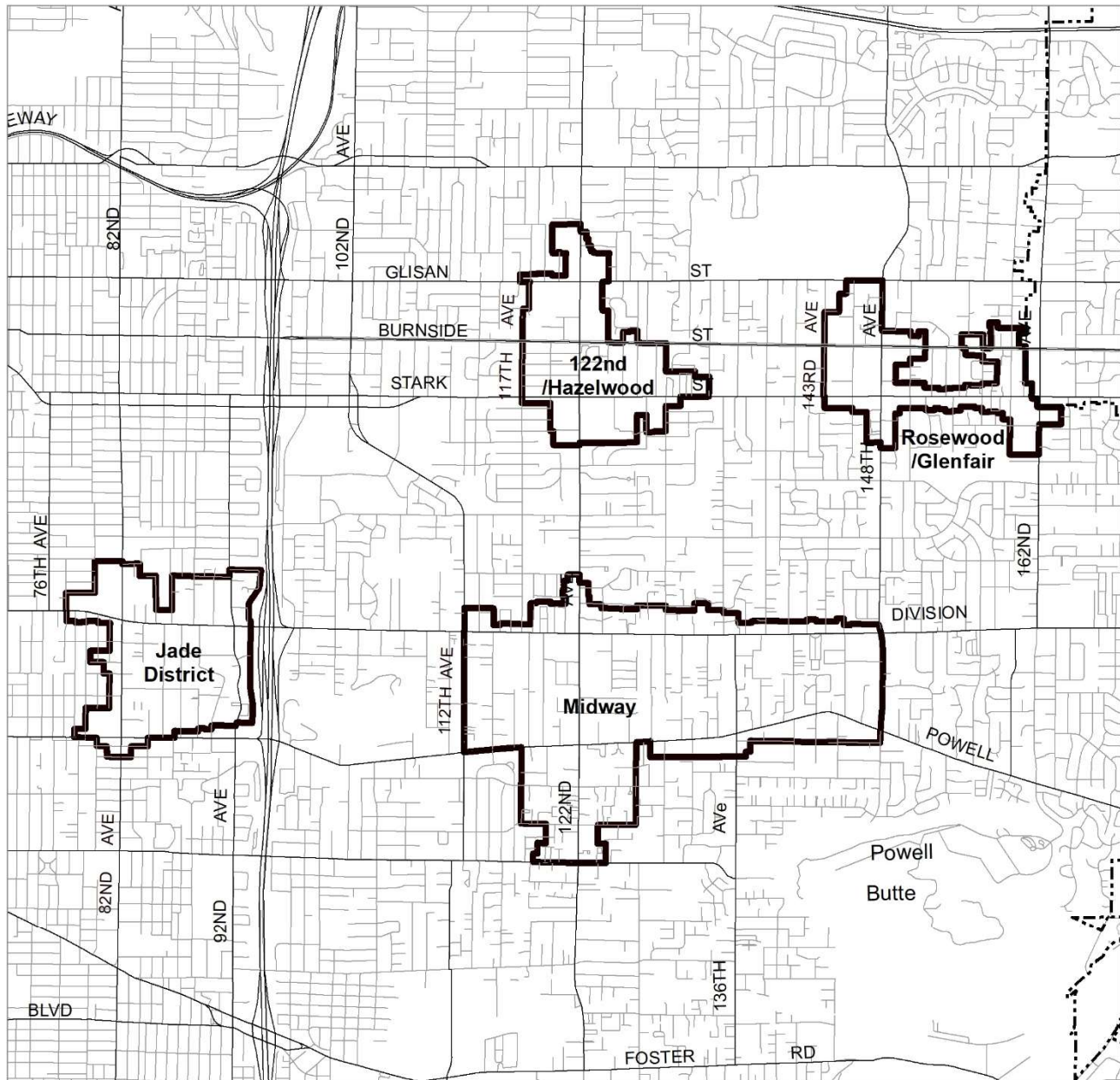
This new map shows where the Minimum Required Site Frontage for New Development requirements will apply to properties with multi-dwelling zoning (see 33.120.206, pages 52 to 53). The mapped areas correspond to the adopted center boundaries for the Jade District, 122nd/Hazelwood, and Rosewood/Glenfair centers. The Midway boundaries include areas within this center's adopted boundaries, plus a broader area with multi-dwelling zoning that was within the Division-Midway Neighborhood Street Plan area (this plan was a joint project undertaken in 2013-2014 by PBOT, ODOT, and BPS to improve street connectivity in the area).

The requirements of section 33.120.206 will apply only to properties with multi-dwelling zoning within the mapped areas and will not apply to properties within the single-dwelling or commercial/mixed uses zones.

Minimum Required Site Frontage Areas

Map 120-2

Map Revised Xxxxx X, 201X



----- City Boundary



Minimum required site frontage areas



0 2,500 5,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

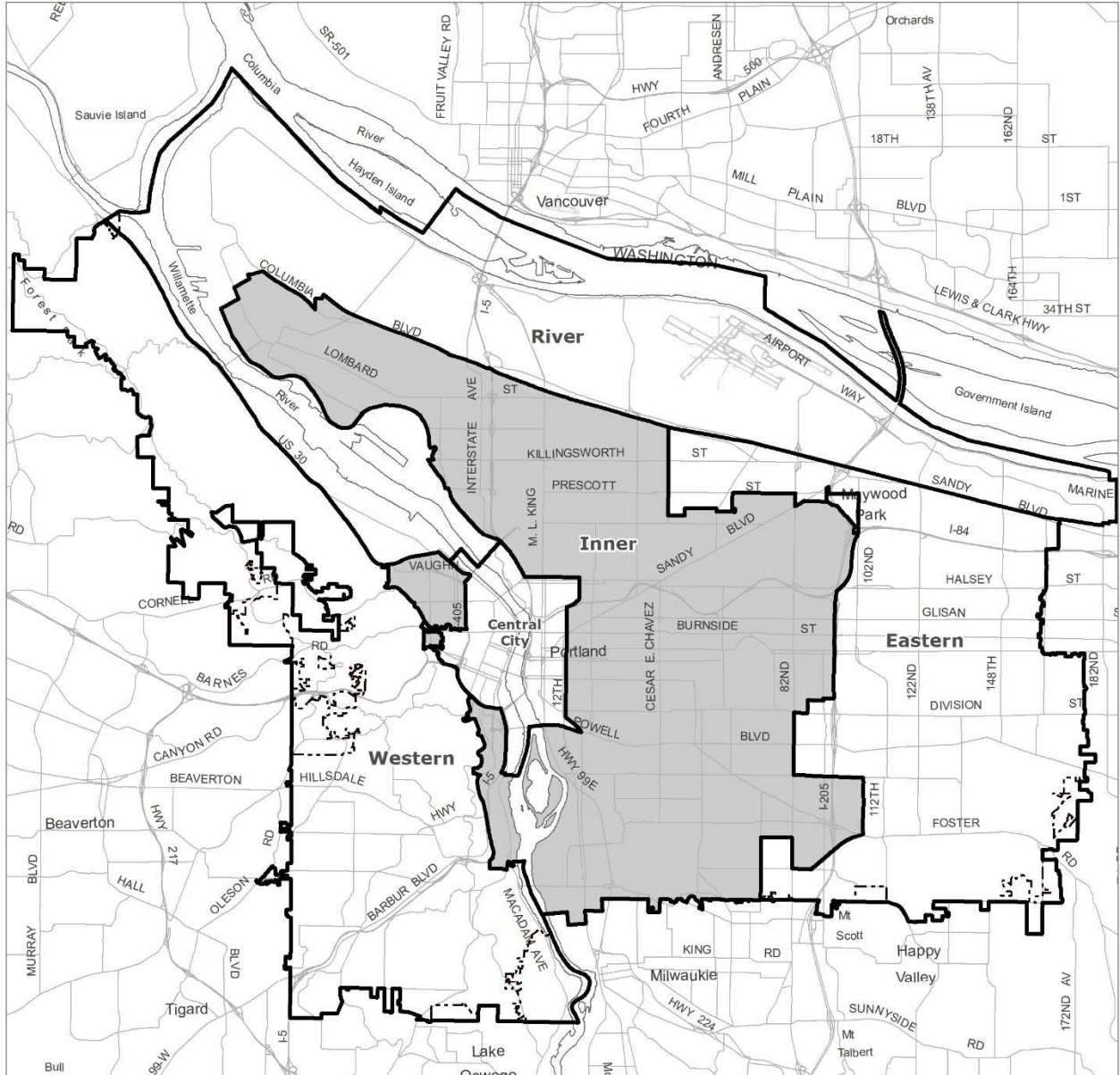
Pattern Areas Map 120-3

This new map shows where the Eastern Pattern Area special rear setback applies. It also shows the Inner Pattern Area, where allowances for reduced side/rear setbacks apply along Civic and Neighborhood corridors. See 33.120.220 (Setbacks), pages 89 to 91.

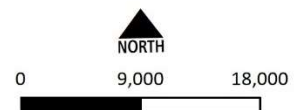
Pattern Areas

Map 120-3

Map Revised Xxxx XX, 201X



----- City Boundary
———— Pattern Area Boundaries



Scale in Feet

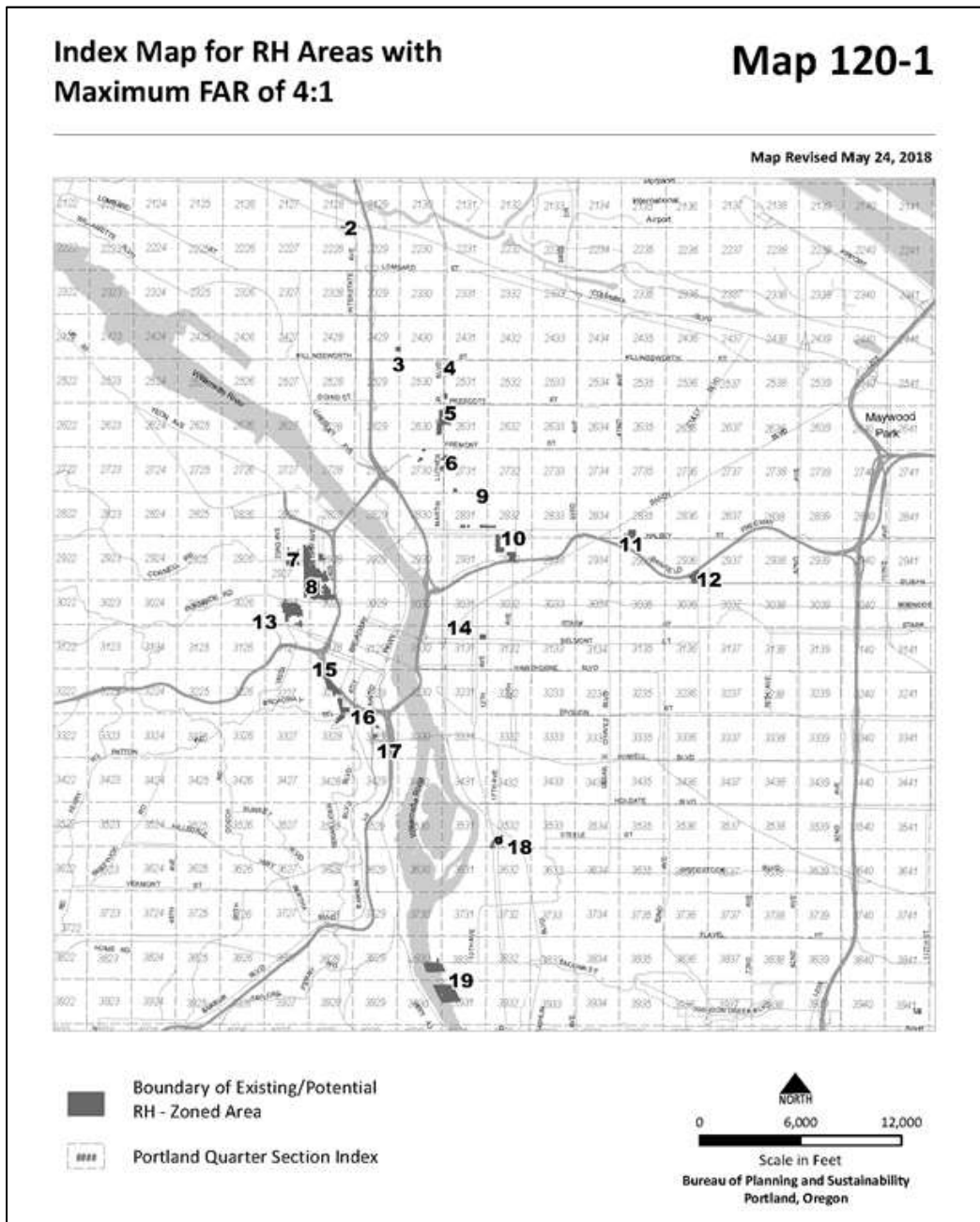
Bureau of Planning and Sustainability
Portland, Oregon

Commentary

Maps of RH Areas with Maximum FAR of 4:1 (Maps 120-1 through Map 120-18)

Existing Maps 120-1 through Map 120-18 are being deleted because they will no longer be necessary due to the proposed new zoning framework. The RH areas with an FAR of 4 to 1 shown on these maps will now be assigned a separate Zoning Map designation, RM4, differentiating them on the Zoning Map from areas with RH zoning that have an FAR of 2 to 1 (which will be zoned RM3).

The existing Index Map (below) indicates the locations of the RH zoning shown on deleted Maps 120-2 through 120-19.



Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Delete Maps 120-1 through 120-19

Commentary

Proposed Zoning Code Amendments to Chapters 258, 266, 405, 612, 910, and 930

This section presents proposed zoning code amendments to other Zoning Code chapters that regulate development in the multi-dwelling zones. The section is formatted to facilitate readability by showing draft code amendments on the right-hand pages and related commentary on the facing left-hand pages.

Commentary

Chapter 33.258 Nonconforming Situations

Only those chapter sections that are proposed for amendments are included here.

33.258.060 Nonconforming Residential Densities

This section is being amended to provide a limited number of ways for new units to be added to sites with existing development without coming all the way into conformance with minimum density standards. Currently, regulations allow any number of units to be added to existing development without having to meet the minimum density requirements. This has resulted in situations in which the majority of a site is redeveloped with new construction, but substantially underbuilds the intended density of the site's multi-dwelling zoning (see page 70). The amendments in this chapter provide a more targeted set of exceptions, so that most substantial development projects meet the intended densities of multi-dwelling zones, while providing some flexibility for the addition of units to existing buildings and manufactured home parks. These exceptions to requirements to come into conformance with minimum density standards include:

- Allowing accessory dwelling units (ADUs) to be added, to accommodate the fact that single-family houses are still the predominant housing in most multi-dwelling zones - this would retain the ability of homeowners to build ADUs.
- Allowing flexibility to add units within an existing building, as an alternative to demolition and new construction (this would allow, for instance, a house in a higher-density multi-dwelling zone to be converted into a duplex, when minimum density standards would otherwise require several additional units, which can be problematic to achieve in an existing house when commercial code requirements are triggered).
- Allowing for units to be added to sites in the RMP zone without coming into full conformance with minimum density standards to accommodate unique aspects of manufactured home parks, where units are often added incrementally to available spaces.
- Exemptions for sites in flood or landslide hazard areas.

The amendments would leave unchanged an existing provision that exempts properties with historic resources (individual landmarks and contributing structures in Historic or Conservation districts) from minimum density requirements (see 33.445.610.C.6). This is intended to help accommodate the preservation of historic resources.

Subparagraph A.2 is being deleted because it concerns maximum density regulations that are being deleted as part of the shift to regulating development intensity in the multi-dwelling zones by building scale/FAR.

33.258 Nonconforming Situations

258

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, On sites where the minimum residential density standard is not met, 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-33.120.210.C.

Commentary

33.258.060 Nonconforming Residential Densities (continued)

The only amendment on this page is an update to a multi-dwelling zone name (new RM1 replaces R2).

B. Discontinuance and damage.

1. [No change]
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) [No change]
 - (2) [No change]
 - (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 RM1R2 zone.
 - b. [No change]
3. [No change]

Commentary

Chapter 33.266

Only those chapter sections that are proposed for amendments are included here.

33.266.110.D Exceptions to the minimum number of parking spaces.

These amendments change the affordable housing parking exception so that the exemption from minimum parking requirements for projects providing inclusionary housing units applies regardless of location, instead of limiting this exemption to locations within 500 feet of frequent-service transit lines or within 1,500 feet of transit stations. The amendment also adds the Deeper Housing Affordability Bonus to the types of affordable housing that can use this exemption. The intent of this amendment is to reduce costs and support the economic feasibility of projects that provide affordable housing units by making parking optional, instead of required.

95 percent of multi-dwelling and mixed use zone properties are located within 1,500 feet (just over a quarter mile) of frequent-service transit, meaning that most development in these zones is within walking distance of frequent transit. A feasibility analysis (see Appendix C - Part 2) indicated that parking requirements impact the economic feasibility of projects with inclusionary housing units (structured parking typically costs around \$40,000 per parking space and takes up building area that could be used for housing units).

33.266 Parking, Loading, And Transportation And Parking Demand Management

266

33.266.110 Minimum Required Parking Spaces

A.-C [No change]

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.~~
 - a. ~~Exception for sites close to transit. The minimum number of required parking may be reduced to zero when the following are met:~~
 - (1) ~~The site is located 1500 feet or less from a transit station, or 500 feet or less from a transit street with 20-minute peak hour service; and~~
 - (2) ~~The applicant demonstrates compliance with the on-site or off-site affordable dwelling unit requirements of Chapter 33.245, Inclusionary Housing, or the on-site or off-site affordable dwelling unit requirements of an applicable voluntary inclusionary housing bonus. 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.~~
 - b. ~~Exception for sites far from transit. Affordable dwelling units are not counted toward the total number of dwelling units when calculating the number of required parking spaces when the following are met:~~
 - (1) ~~The site is located more than 1500 feet from a transit station, or more than 500 feet from a transit street with 20-minute peak hour service; and~~
 - (2) ~~The applicant demonstrates compliance with the on-site or off-site affordable dwelling unit requirements of Chapter 33.245, Inclusionary Housing, or the on-site or off-site affordable dwelling unit requirements of an applicable voluntary inclusionary housing bonus. 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. [No change]

Commentary

Table 266-1

This table is being revised to provide small sites in multi-dwelling zones the same allowance for no or low amounts of parking that applies in the commercial/mixed-use zones. For both types of zones, the small site threshold is being amended to include sites up to 10,000 square feet in size, instead of 7,500 square feet. This approach acknowledges the difficulty of including parking on small sites, and provides opportunities for small multi-dwelling structures, such as triplexes and fourplexes, that can more readily be integrated into neighborhood patterns when no off-street parking is required (including parking with multi-dwelling structures on small sites often results in structured parking occupying much of the ground level, with living spaces up above, requiring taller buildings). The parking requirements for small sites are similar to the parking ratios that apply in areas close to frequent transit, exempting small projects of less than 31 units from providing off-street parking.

This small-site exemption will also apply to small lots created through land divisions, such as attached houses, which will facilitate pedestrian-oriented building design that is not dominated by parking. This will provide an exemption similar to parking exemptions proposed by the Residential Infill Project, providing options for small-lot development that is not dominated by parking.



Recent five-plex project with no off-street parking, allowing it to fit into neighborhood context.

Table 266-1 Minimum Required and Maximum Allowed Parking Spaces By Zone [1], [2]	
Zone	Requirement
OS, RF – <u>R2.5RH</u> , RMP, EG, I, IR	<p>Minimum is Standard A in Table 266-2.</p> <p>Maximum is Standard B in Table 266-2.</p>
<u>RM1 – RM4</u> , CR, CM1, CM2, CM3, CE, CI	<p>Minimum for sites that are <u>10,000</u>7,500 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.</p> <p>Minimum for all other sites is Standard A in Table 266-2</p> <p>Maximum is Standard B in Table 266-2.</p>
EX	<p>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.</p> <p>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.</p>
RX, CX	<p>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.</p> <p>Maximum is Standard B in Table 266-2.</p>

[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 Impat review may establish different parking minimum and maximum requirements through the review.

Commentary

Table 266-2
Parking Spaces by Use

Standard A

This table is being amended to assign to all multi-dwelling zones the minimum parking requirements that currently apply in the RH zone (Standard A). This standard is only applicable when off-street parking is required, such as for sites more than 10,000 square feet in size that are further than 500 feet from a frequent-service transit street (or more than 1,500 feet of a transit station). The amended standard will require 1 parking space for every 2 units, instead of the current standard of 1 parking space per each unit that had applied for residential development in other zones when not close to frequent transit. The allowance for projects with up to three units to include no parking is being deleted, as it is now redundant with parking regulations that will apply to small sites (see previous pages). For consistency, this parking ratio of 1 space per 2 units will apply to all household living uses in most zones, including within the mixed use zones (the RIP project proposes to require no off-street parking in the single-dwelling zones). No changes are proposed to existing allowances for no or low parking for sites close to frequent transit service.

Parking, especially when included along with the housing densities intended in the multi-dwelling zones, competes with other elements, such as outdoor spaces, for site area, and can add substantially to project costs. This change reduces the need to include as much parking on sites in the multi-dwelling zones, which is an especially challenging issue in these zones, which extend further from transit lines compared to the commercial/mixed use zones (as is the case with the multi-dwelling zones in the Jade District neighborhood center, which extend from SE Division south to SE Powell). 40 percent of land in the multi-dwelling zones is outside the distances that currently qualify for lower parking requirements, and generally have parking required at a 1 to 1 ratio of spaces to units.

Standard B

Another amendment to this table is the application of a maximum parking ratio for development in the multi-dwelling zones in locations close to transit. This is indicated by the inclusion of the multi-dwelling zones in the Standard B column for Household Living. In areas close to transit, a maximum parking ratio of 1.35 parking spaces per unit will apply (this limit applies primarily to surface parking lots, not to structured parking or to houses, attached houses, or duplexes).



Apartment development in East Portland providing parking at the current required ratio of one space for each unit, leaving little room for outdoor areas and trees.

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 <u>2 units</u> , except SROs exempt, and in RH, where it is 0 for 1 to 3 units and 1 per 2 units for four + units	None, except 1.35 per unit on sites that are both in a commercial/mixed use <u>or multi-dwelling</u> 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
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

Commentary

33.266.120 Development Standards for Houses, Duplexes, Triplexes and Fourplexes.

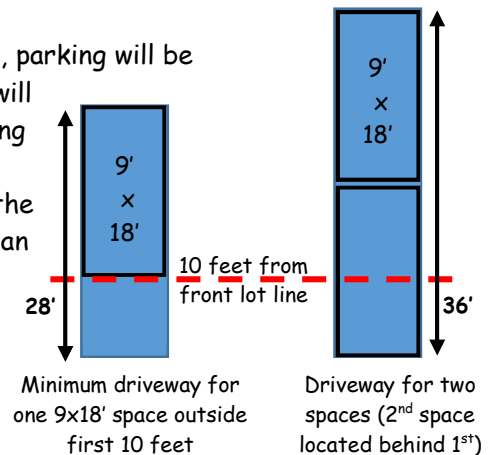
The existing parking standards are broken into two groups: standards for houses and duplexes and standards for all other development. These amendments group triplexes and fourplexes with houses and duplexes. These types of residential structures have relatively small numbers of units and parking spaces, compared to other types of development, such as large multi-dwelling buildings, retail, or office development. The regulations of this section apply to these types of small residential structures regardless of zone, including in the multi-dwelling and single-dwelling zones.

The amendments to these parking regulations are intended to improve the pedestrian experience along streets. These amendments were originally included as part of the Residential Infill Project proposals, but are now being included as part of the Better Housing by Design (BHD) amendments because the latter is moving forward to City Council consideration first. This will allow the amendments in this section to apply in conjunction with the other BHD parking- and garage-related amendments, as was originally intended.

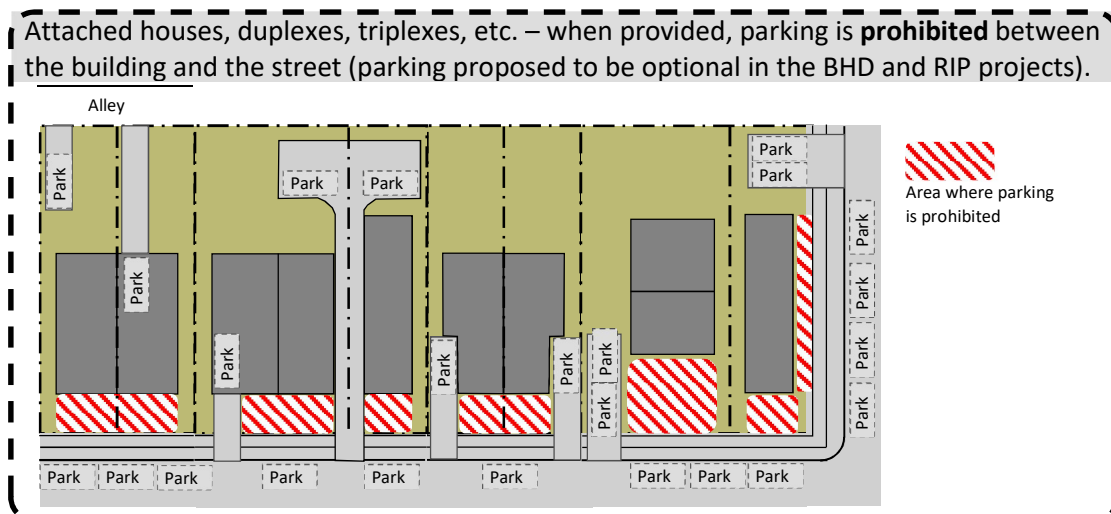
33.266.120.C. Parking area locations

To reduce the prominence of vehicles in the front of residences, parking will be prohibited between the building and the street. Parking spaces will be allowed when they are either entirely behind the front building line (either in a garage or on a parking pad), or when they are located to the side of the building (i.e. not in the area between the building and the street). Driveways will only be allowed between an allowed parking space and the street.

Where the parking is proposed on the site to the side of a building the parking space must be outside the first 10 feet or street side setback. Parking in the first 10 feet is only allowed when it is directly behind another space that is located entirely outside the 10-foot area.



Paving in the front yard is limited to 40% (20% on a street side yard), except for flag lots which can have a 12-foot-wide driveway (otherwise the 40% limit would mean a maximum 4.8 foot wide driveway on a 12 foot wide pole).



33.266.120 Development Standards for Houses, ~~and 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~~required and excess~~ 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.

Commentary

33.266.120 Development Standards for Houses, Duplexes, Triplexes and Fourplexes.

See previous commentary.

~~1. Required parking~~

- ~~a. Generally, Required parking spaces are not allowed within the first 10 feet from a front lot line or in a required front setback, whichever is greater. In addition, on corner lots, required parking spaces are not allowed within the side street setback.~~
- ~~b. Exception for common greens and shared courts. 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.~~

~~2. Non-required parking. Where non-required parking is provided on a site, at least one parking space (required or not required) must meet the standards for required parking stated in Paragraph C.1 above. A non-required parking space is allowed within the first 10 feet from a front lot line or in a required front setback if it is in a driveway immediately behind a required parking space (See Figure 266-1, Non-Required Parking). On a corner lot, where the driveway is in the required side setback, a non-required space is allowed within the first 10 feet from the side street lot line or in the required side setback if it is in a driveway immediately behind a required parking space.~~

~~3. Front yard restrictions:~~

- ~~a. 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. In addition, 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. See Figure 266-2. As an exception to the area limitations in this subparagraph the following is allowed:
 - ~~(1) A lot is allowed at least a 9 foot wide vehicle area.~~
 - ~~(2) In the multi-dwelling, C, E, I, CI, and IR zones, on sites where the front lot line abuts a shared court, paving blocks or bricks may be used to surface the entire area between the front lot line and the front building line.~~~~
- ~~b. For flag lots, where the width of the pole is greater than 30 feet, 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. As an exception to the area limitation of this subparagraph, a flag lot is allowed at least a 12-foot wide vehicle area.~~

34. Parking in garages. Parking in garages is subject to the garage setback standards of the base zone, overlay zone or plan district.

D.-E. [No change]

Commentary

Figure 266-1

With the changes to eliminate minimum required parking for small sites in the multi-dwelling zones, the figure delineating the distinction between “required” and “non-required” parking is being replaced to instead illustrate where parking spaces are/are not allowed. The amended graphic also includes hatching showing that parking is not permitted between the front building line and the street (a driveway and additional parking space are allowed between the street and a garage or parking space that is set behind the front building line).

Duplex/Attached House Examples



*For small housing types such as houses, duplexes, and attached houses, the amendments to this section will allow parking to the side of the fronts of buildings (**right**), but will disallow parking spaces from being located entirely in front of buildings (**above**).*



Triplex/Fourplex Examples



Not Permitted

Parking entirely in front of building.



Permitted

Parking to side of front of building (center) and also rear- and no-parking arrangements (right).



Figure 266-1
Non-Required Parking

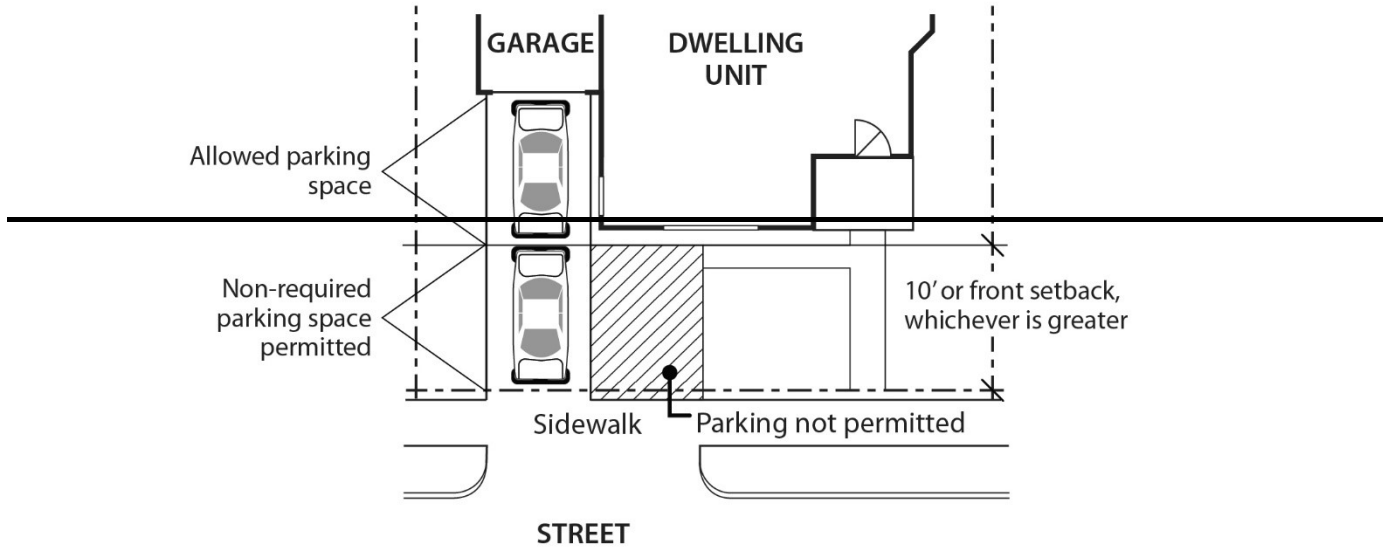
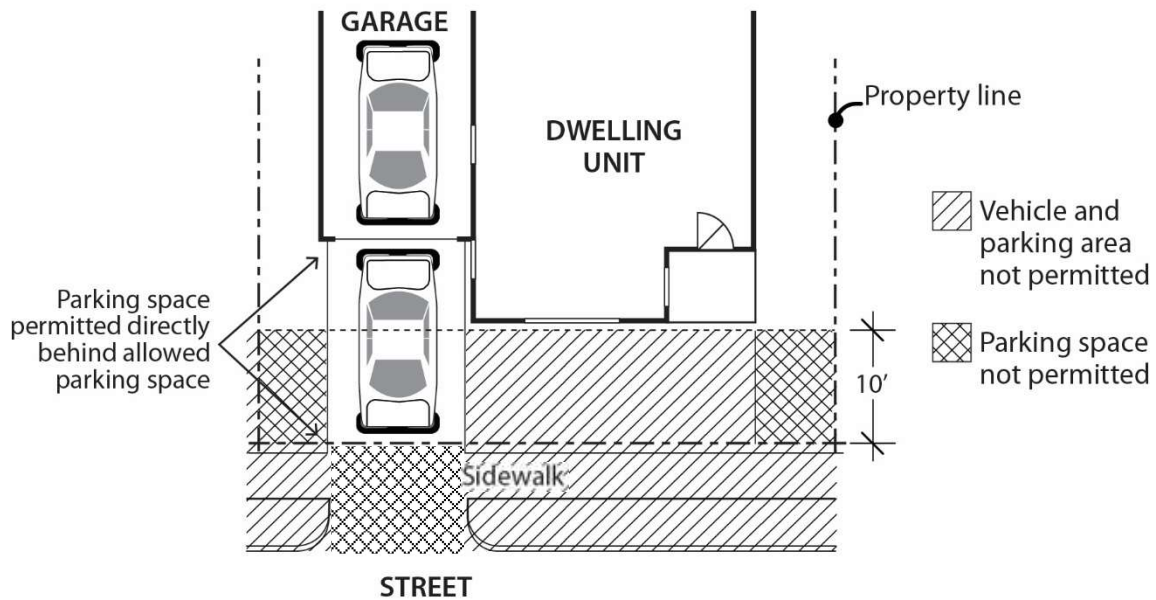


Figure 266-1
Parking Space Locations



Commentary

33.266.130 Development Standards for All Other Development

Changes to the purpose statement provide greater clarity regarding the intent of the regulations in this section, including amendments that limit large surface parking lots and asphalt paving.

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 ~~for sites on transit streets and in Pedestrian Districts:~~

- Provide ~~a~~ 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; and~~
- 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 ~~parking~~ vehicle areas subject to the standards of 33.266.120.

Commentary

33.266.130.C On-site locations and size of vehicle areas.

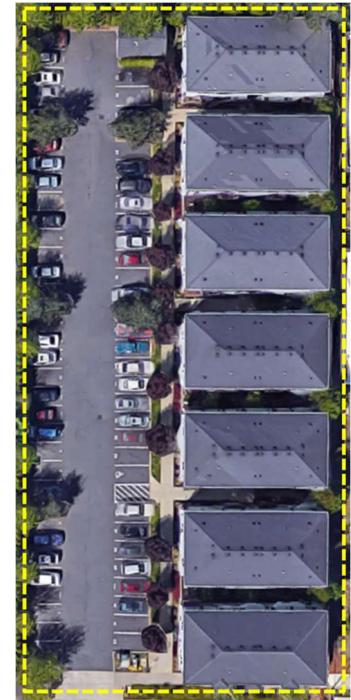
Amendments to Subparagraph 1. When small sites (up to 10,000 square feet) in multi-dwelling zones abut an alley, this amendment will require any parking provided to be accessed from the alley (the Residential Infill Project proposes a similar requirement for houses, attached houses and duplexes). In cases where an existing alley may not be accessible to vehicles, other amendments provide the option for small sites to not include off-street parking (see Table 266-1).

Amendments to Subparagraph 3 limit vehicle areas in the RM1-RM4 zones from occupying more than 40 percent of street frontages (a reduction from the current 50 percent allowance). The new limit is consistent with the front vehicle area limitation that applies to houses, attached houses, and duplexes.

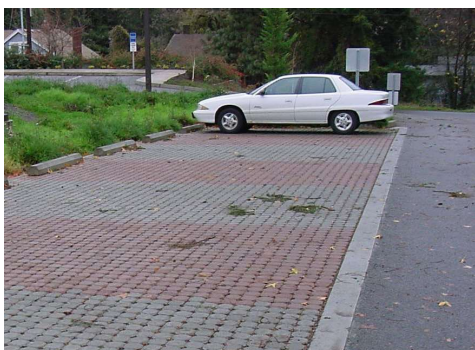
New Subparagraph 4. This new regulation is intended to reduce the proportion of site area that can be devoted to surface parking lots, with additional limits on asphalt paving. This helps implement Comprehensive Plan policies that call for reducing urban heat island effects and paved areas, and fosters design that is more pedestrian oriented.

Modeling of urban heat islands indicates that development with large amounts of asphalt paving can be over five degrees (°F) hotter than typical existing neighborhood conditions (see Better Housing by Design Concept Report, Appendix C). This modeling shows that similar amounts of other paved surfaces with higher levels of reflectivity, such as concrete, also increase temperatures, but to a lesser amount (concrete results in an increase of approximately three degrees). While existing multi-dwelling zone regulations limit the amount of building coverage, there is not a similar limit on the amount of surface parking area. Multi-dwelling development with large amounts of surface parking are a common development type in East Portland.

These regulations limit surface parking and driveway areas to 30 percent of a site. Because of the greater heat impacts of asphalt, this regulation limits asphalt paving to 15 percent of total site area. For a project seeking to maximize the amount of surface vehicle areas and fully utilize the 30 percent coverage, this would mean that up to half of this area could be paved with asphalt and the rest could be paved with concrete, paving blocks, or other materials.

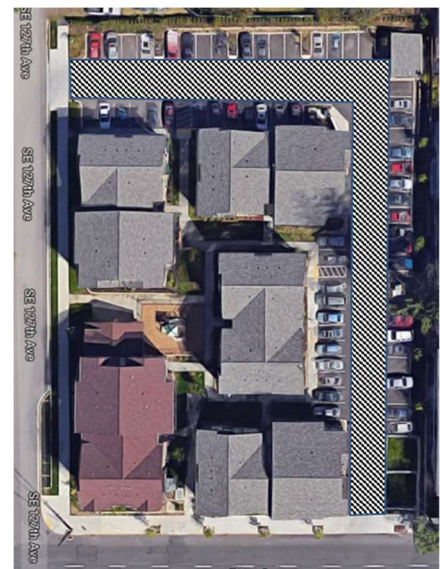


Apartment development in East Portland with almost 40 percent of the site paved for vehicle areas.



Right: Apartment development with approximately 30 percent of site used for surface vehicle areas. The hatched area shows the maximum 15 percent of site area that could be paved with asphalt.

Left: parking lot with a mix of asphalt and permeable pavers that help manage stormwater.



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 ~~s~~Subparagraph applies outside the Central City plan district in the ~~R3, R2, R1~~RM1, RM2, RM3, RM4 and RMP zones. No more than ~~540~~ 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 ~~p~~Paragraph applies outside the Central City plan district in the ~~RH, 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.-E. [No change]

Commentary

33.266.130.C On-site locations and size of vehicle areas (continued)

Table 266-3

Location of Vehicle Areas

Amendment to this table shift small sites (up to 10,000 square feet) in the multi-dwelling zones into the same category as other urban zones (such as the Commercial/Mixed Use zones), in terms of how the location of vehicle areas are regulated. This change will prevent parking from being located in front of multi-dwelling buildings in these zones. Off-street surface parking will need to be located to the rear or to the side of buildings in most situations. This will help implement policies that call for development to contribute to pedestrian oriented streets, where buildings are not separated from sidewalks by vehicle areas.

Larger sites in the RM1-RM3 zones, which sometimes have buildings far from public streets (especially on large sites in Eastern and Western Portland) are provided more flexibility to allow some vehicle areas in front of buildings, as long as vehicle areas are not located in areas subject to maximum street setbacks along transit streets and in pedestrian districts. All multi-dwelling development will also need to meet standards that prevent vehicles areas from occupying more than 40% of the street frontage (see previous page).

Table 266-3 applies to multi-dwelling development and structures, but does not apply to houses, attached houses, and duplexes. Parking location for these housing types are regulated by a different set of standards in 33.266.120, which also limit front parking (see pages 212-217).

A note is being added to clarify that the vehicle area limitations do not apply to parking that is located behind a building, but in front of other buildings further to the rear of a site.



The proposed limitations on front parking in the multi-dwelling zones will help implement policies that call for street frontages that enhance neighborhood context and contribute to pedestrian-friendly street frontages.

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, R10, EG2, I	No restrictions.		
R3, R2, R1, RH, RMP, IR, CE, EG1, CI; <u>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</u>	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; <u>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</u>	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.

Commentary

Chapter 33.266.130.C On-site locations and size of vehicle areas (continued)

33.266.130.F Parking area layouts. The only change to this paragraph is an amendment to subparagraph 1.b.(2). This change provides more flexibility to allow parking spaces accessed from alleys to be designed so that vehicles can back out into an alley. Currently, regulations allow parking areas with up to four spaces to have vehicles back out into alleys, which accommodates parking for single-family housing types and small multi-dwelling projects, but does not accommodate alley-accessed parking for mid-sized or larger multi-dwelling projects. The amendment removes the four-space limit in order to facilitate alley-accessed parking for more types of development, and works in conjunction with Chapter 33.120 and Chapter 33.266 amendments that place greater limits on front garages and front parking (including an amendment that requires parking access for small sites to be from an alley, where alleys exist – see pages 220-221).



This amendment will allow parking to be designed so that vehicles can back out into alleys, as is currently allowed for driveways. This will facilitate rear parking arrangements for more types of development when adjacent to existing or new rear alleys.

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 ~~with up to four spaces~~ 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.-5. [No change]

G. [No change]

Commentary

33.266.410 Transportation and Parking Demand Management (TDM)

These amendments add Transportation and Parking Demand Management (TDM) requirements to most of the multi-dwelling zones. TDM strategies are intended to help reduce drive-alone trips and to limit transportation impacts of new development, while providing people with incentives to ride transit, walk, bike, and carpool.

TDM requirements were previously adopted for the commercial/mixed use zones, and will now also apply to the new multi-dwelling zones (RM1, RM2, RM3, and RM4), which allow a similar scale of residential development. TDM requirements only apply to sites that are close to frequent transit service (e.g., within 500 feet from frequent bus lines), in recognition of the more limited transportation options outside of these areas.

Where the requirement applies, a TDM plan will be required of new development that includes a building with more than 10 units or that adds more than 10 units to an existing building. This threshold is a change from the current regulation, which had a threshold of 10 units with no reference to building size. This change is intended to accommodate the fact that some TDM approaches are not suited to small-scale housing types, such as houses and townhouses, that typically do not have building managers. The amended language ensures that the TDM requirements only apply to larger buildings.

The TDM requirements allow an applicant/building manager to adopt a pre-approved “off the shelf” TDM plan. As an alternative, an applicant may choose to develop a custom TDM plan through a Transportation Impact Review.

Pre-approved TDM plans will consist of the following components:

- **Multimodal financial incentives:** One-time multimodal financial incentives, equivalent in value to an annual TriMet pass (currently \$1,100), will be required for each residential unit (affordable units will be exempt through June of 2020, and then would have reduced fees). Options will be provided for the use of these funds to be applied toward TriMet passes for residents, bike share memberships, or car share programs.
- **Education and Information:** Print materials about walking, bicycling, transit, and other transportation options will be made available to building tenants and displayed in building common areas.
- **Surveys:** Building operators will be required to participate in an annual transportation options survey.

Transportation and Parking Demand Management

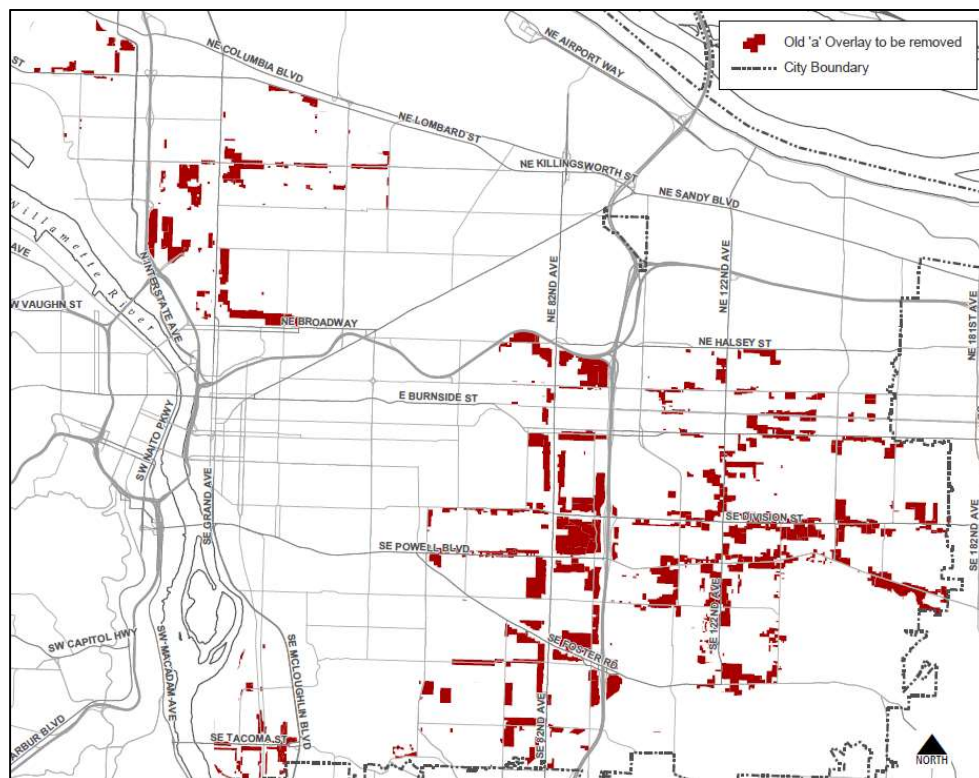
33.266.410 Transportation and Parking Demand Management

- 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.

Chapter 33.405 Alternative Design Density Overlay Overlay Zone

- 50 percent additional density in the R1, R2 and R3 zones for projects approved through discretionary design review (Type III process).
- In the R2 zone, allowances for triplexes on sites usually limited to two units and also allowances for flag lots, for projects meeting design standards or approved through design review.

In conjunction with the deletion of the a-overlay provisions for the multi-dwelling zones, the Zoning Map is being amended to remove a-overlay zoning from all the multi-dwelling zones, as well as from small areas of non-residential zoning (for which the a-overlay includes no regulations). This map shows areas where the a-overlay is being removed.



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

~~33.405.050 Bonus Density for Design Review~~

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 ~~RH, RX, IR, C, 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

~~33.405.050 Bonus Density for Design Review~~

~~A. — Purpose. This section is intended to encourage the provision of well designed housing that is attractive and compatible with an area's established character. Increased density through this bonus provision is allowed in areas zoned for multi-dwelling development. These areas include those within the ADD zone that have a base zone of R1, R2, or R3.~~

Commentary

Chapter 33.405 Alternative Design Density Overlay Overlay Zone (continued)

33.405.070 Alternative Development Options in the R2 and R2.5 Zones

This section is being amended to remove the R2 (new RM1) zone, since proposed base zone amendments to Chapter 33.120 will allow triplexes (or even more units) on standard 5,000 square foot lots in the new RM1 zone, making this a-overlay provision redundant. See also previous commentary.

- ~~B. **Where the bonus may apply.** The bonus density for design review is applicable in areas within the ADD zone that are zoned R3, R2, or R1. It is not, however, allowed on sites in design or historic resource zones.~~
- ~~C. **Bonus density.** Fifty percent more dwelling units than allowed by the base zone is granted for projects that voluntarily go through a Type III design review process. If a land division is required or requested, the design review process must be concurrent with the land division. Design review must be approved in order for the land division to be approved. The development will be judged against the Community Design Guidelines.~~
- ~~D. **Relationship to other density bonuses.** Development taking advantage of the provisions of this section is not eligible for density bonus allowed by other sections of the code, including Section 33.120.265, Amenity Bonuses.~~

33.405.070 Alternative Development Options in the ~~R2 and R2.5~~ Zones

- 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 ~~or low-density multi-dwelling~~ 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.** [No change]
- C. **Flag lots averaging 2,500 square feet.** Lots in the ~~R2 and~~ 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.-5. [No change]
- D. **Design review required.** [No change]

Commentary

Chapter 33.405 Alternative Design Density Overlay Overlay Zone

Table 405-1

Changes to this table reflect updates to the multi-dwelling zone names. Although the provisions of Chapter 33.405 will only apply to single dwelling zones, this table shows the maximum limits that apply to other zones in other situations where the Community Design Standards serve as an alternative to discretionary design review.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

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
<u>RM1R2 & R3</u> -Zones	10 dwelling units
<u>RM2, RM3, RM4R1, RH, RX,</u> C, & 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	<ul style="list-style-type: none"> • 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.

Commentary

Chapter 33.612 Lots in Multi-Dwelling Zones

Amendments to this page relate to the proposed shift to regulating development intensity in the multi-dwelling zones by FAR, instead of maximum unit densities.

Also, reference to minimum density in Chapter 33.150 (Campus Institutional) is being removed, since this chapter has no minimum residential densities.

33.612 Lots in Multi-Dwelling Zones and IR

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 and not exceed the maximum density stated in Chapter 33.120 ~~or in Chapter 33.150~~. Site area devoted to streets is subtracted from the total site area in order to calculate minimum and maximum density. ~~However, the area used for common greens and shared courts is not subtracted from the total site area to calculate maximum density.~~
- B. All other development.** When development other than single-dwelling or duplex is proposed, minimum ~~and maximum~~ 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.

Commentary

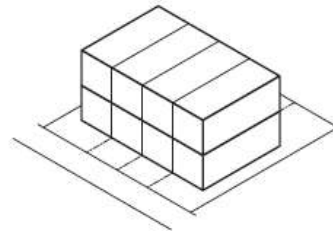
Table 612-1
Minimum Lot Dimensions

The column for the R3 zone is being removed to reflect the R3 zone's deletion from Chapter 33.120 (Multi-Dwelling Zones).

"Attached Duplexes" are being added the section of the table that applies to Attached Houses, due to these housing types' similar characteristics. In many cities where rowhouses with attached sidewalls are common, attached duplexes are a common rowhouse variant and are often located on the same size lots as standard rowhouses. This change will provide attached duplexes with the same lot dimension requirements as applies to attached houses to allow for feasible development configurations.

"Triplexes" and "Fourplexes" are being added to the section of the table currently provided for duplexes. Triplexes and fourplexes are currently considered to be "multi-dwelling structures," which in most of the multi-dwelling zones require a minimum size of 10,000 square feet for new lots. The BHD amendments are redefining triplexes and fourplexes as distinct structure types appropriate for small residential lots, and regulate these housing types in Chapter 33.120 similarly to other small-lot "middle housing" types, such as duplexes and attached houses. The amendments to this table will allow triplexes and fourplexes on small lots, as is currently the case with duplexes.

"Duplexes" are being moved to the same section of the table for detached houses. Allowing duplexes on the same size lots as detached houses is necessary to comply with House Bill 2001, which requires duplexes to be allowed on each lot zoned for residential uses that allows for the development of detached single-family dwellings.



Attached duplexes. The move to a scale/FAR-based approach could open up new opportunities for this type of housing, which is similar in form to attached houses. When each duplex is built on a separate foundation, they can be constructed using 1-2 dwelling building code regulations.



Example of a duplex on a small lot (less than 2,000 square feet in size).

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Table 612-1 Minimum Lot Dimensions								
	R3	RM1R2	RM2R1	RM3RH	<u>RM4</u>	<u>RX</u>	<u>RMP</u>	<u>IR (1)</u>
Lots to be developed with:								
Multi-Dwelling Structures or Development:								
Minimum Lot Area	6,000 sq. ft.	4,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	<u>10,000 sq. ft.</u>	None	10,000 sq. ft.	10,000 sq. ft.
Minimum Lot Width	50 ft.	33 ft.	70 ft.	70 ft.	<u>70 ft.</u>	None	70 ft.	70 ft.
Minimum Lot Depth	70 ft.	70 ft.	70 ft.	100 ft.	<u>100 ft.</u>	None	100 ft.	100 ft.
Minimum Front Lot Line	50 ft.	30 ft.	70 ft.	70 ft.	<u>70 ft.</u>	10 ft.	70 ft.	70 ft.
<u>Attached Houses and Attached Duplexes</u>								
Minimum Lot Area	1,600 sq. ft.	1,600 sq. ft.	None	None	<u>None</u>	None	NA	None
Minimum Lot Width	15 ft.	15 ft.	15 ft.	None	<u>None</u>	None	NA	None
Minimum Lot Depth	None	None	None	None	<u>None</u>	None	NA	None
Minimum Front Lot Line	15 ft.	15 ft.	15 ft.	10 ft.	<u>10 ft.</u>	10 ft.	NA	10 ft.
<u>Detached Houses and Duplexes</u>								
Minimum Lot Area	1,600 sq. ft.	1,600 sq. ft.	None	None	<u>None</u>	None	NA	None
Minimum Lot Width	25 ft.	25 ft.	25 ft.	None	<u>None</u>	None	NA	None
Minimum Lot Depth	None	None	None	None	<u>None</u>	None	NA	None
Minimum Front Lot Line	25 ft.	25 ft.	25 ft.	10 ft.	<u>10 ft.</u>	10 ft.	NA	10 ft.
<u>Triplexes and Fourplexes</u>								
Minimum Lot Area	4,000 sq. ft.	2,000 sq. ft.	None	None	<u>None</u>	None	NA	2,000 sq. ft.
Minimum Lot Width	50 ft.	33 ft.	None	None	<u>None</u>	None	NA	None
Minimum Lot Depth	50 ft.	50 ft.	None	None	<u>None</u>	None	NA	None
Minimum Front Lot Line	50 ft.	30 ft.	10 ft.	10 ft.	<u>10 ft.</u>	10 ft.	NA	30 ft.

Notes:

[1] This regulation may be superseded by an Impact Mitigation Plan.

Commentary

33.910 Definitions

Courtyard

This definition is being modified for clarity. The existing definition left uncertainty regarding whether or not a building setback could be considered to be a "courtyard" (regulations in some Zoning Code chapters require building entrance to either be oriented to a street or to a courtyard that provides a connection to a street).

The modified definition clarifies that courtyards are surrounded by buildings on at least two sides. The reference to courtyards being designed for use by pedestrians is intended to clarify that courtyards are not vehicle parking areas. Minimum dimensions for courtyards are found in specific regulations (these minimum dimensions can vary).



Examples of two-sided (left) and three-sided (right) courtyards.

Garage

This definition is being amended to include triplexes and fourplexes, which were both previously defined as multi-dwelling structures. This brings consistency in applying standards for garages to small residential structures, treating parking for triplexes and fourplexes in common with other small residential housing types, such as houses, attached houses, and duplexes (instead of applying standards for "parking structures" that apply to much larger multi-dwelling structures).

33.910 Definitions

910

Exterior 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. ~~An area enclosed in part by buildings or walls and open on at least one side to an adjacent right-of-way.~~

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.

Commentary

33.910 Definitions (continued)

Residential Structure Types

Fourplex. A new definition of fourplex is being added to differentiate this small-scale housing type from multi-dwelling structures, which can be much larger in scale and numbers of units. Including this new definition also accommodates Residential Infill Project proposals to allow fourplexes (four units in one structure) on some R2.5, R5, and R7 lots.

Multi-Dwelling Development. The example in the definition is removed because it creates confusion. The terms "house" and "duplex" are defined as structures located on their own lots. Therefore, the statement that a "duplex in front with either 1 or more single dwelling houses behind or 1 or more duplex units or multi-dwelling structures behind " is not technically accurate. The moment a separate primary unit in a separate building is added to a site with a house or duplex, the site is considered multi-dwelling development.

Multi-Dwelling Structure. The definition is being changed to reflect that triplexes and fourplexes are no longer defined as a multi-dwelling structure type, but are their own distinct structure type, like "duplexes". This makes these residential structure types mutually exclusive and removes overlap.

Triplex. Triplexes are not a new residential structure type, but they had previously been considered a subset of multi-dwelling structures. They are now redefined as their own structure type (distinct from multi-dwelling structures), but continue to be defined as three dwelling units in one structure on a lot.

Residential Structure Types

- **Accessory Dwelling Unit.** [no change]
- **Attached Duplex.** [no change]
- **Attached House.** [No change]
- **Duplex.** [No change]
- **Dwelling Unit.** [No change]
- **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.** [No change]
- **House.** [No change]
- **Houseboat Moorage.** [No change]
- **Manufactured Dwelling.** [No change]
- **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. ~~A multi-dwelling development project may include an existing single dwelling detached building with 1 or more new detached structures located to the rear or the side of the existing house. It might also include a duplex in front with either 1 or more single dwelling houses behind or 1 or more duplex units or multi-dwelling structures behind.~~ 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 ~~three~~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).** [No change]
- **Triplex.** ~~A multi-dwelling~~ 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.

Commentary

33.910 Definitions (continued)

Street Types

Street type definitions are being updated to correctly identify the Transportation System Plan (TSP) as the source of the transit street classifications.

Local Service Street - this new definition is being added because several zoning code regulations refer to "local service streets," but this is not currently defined and the term does not entirely match TSP terminology.

Structured Parking

The revisions to the definition of "garage" added triplexes and fourplexes. Consequently, these residential structure types are being identified as not being associated with "Structured parking".

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 Element of the Comprehensive Plan~~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 Element of the Comprehensive Plan~~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 Element of the Comprehensive Plan~~Transportation System Plan. Regional Transitways that are entirely subsurface are not included for the purposes of this Title.

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.

Commentary

33.930.025 Measuring Development Standards

This section is being amended to allow calculation of floor area ratios to be determined prior to right-of-way dedication. This will remove a disincentive to the creation of new street connections to facilitate the expansion of the street systems and connectivity as development occurs. Currently, floor area allowances are calculated after right-of-way dedication reduces the size of a property. This reduction of development potential when streets are provided has served as a barrier to creating new street connections, especially on small sites where area needed for street connections can occupy a relatively high portion of site area (such as the narrow, deep sites common in East Portland).

Not reflected in this paragraph is that land divisions will continue to have a separate methodology for calculating the effect of street dedications on allowed densities.

Currently, development that provides a public street connection loses development allowances (above), while a development that only includes a private driveway (below) has no such loss of development potential.



33.930 Measurements

930

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 to widen ~~an existing~~ public right-of-way, calculation of floor area ratio is based on the site area at the time of building permit application.

Commentary

33.930.050 Measuring Height

Amendments to this page provide multi-dwelling structures in multi-dwelling zones the opportunity to use the same height measurement methodology that applies in the commercial/mixed use zones. This allows for height to be measured from the elevation of the adjacent sidewalk. This allowance anticipates changes to the base point height measurements proposed by the Residential Infill Project, which proposes to measure building height from the lower base point (instead of the current higher base point). For multi-dwelling structures, measurement from the low point would have the effect of penalizing projects with below-grade structured parking (as in image, below), because the new height measurement base point would be the elevation of the below-grade driveway ramp. The proposed amendments would allow the building height of multi-dwelling structures to instead be measured from the sidewalk, while also providing the option to use the standard height measurement methodology that will apply outside the commercial/mixed use zones. This helps accommodate below-grade structured parking, which can be preferable from a design perspective to structured parking that occupies the ground-level of buildings.

The amendment to the bulleted subparagraph regarding flat roofs accommodates allowances for parapets and railings to extend above building height limits in the multi-dwelling zones (see pages 82-83). Only the single-dwelling residential zones, where there is a greater priority on compatibility of building scale, will measure the height of flat roofs to the top of the parapet.

There are no changes to the rest of the text of this section or to the figures.



Driveway ramp providing access to below-grade structured parking. Amendments to the Measuring Height section will allow for building height to be measured from the sidewalk elevation, instead of being based on the low point of the driveway ramp.

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. ~~The base point used is the method that yields the greater height of building.~~ 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.-b [No change]

Commentary

Better Housing by Design

AN UPDATE TO PORTLAND'S MULTI-DWELLING ZONING CODE

As Amended by
City Council

December 2, 2019

Volume 3:

Additional
Zoning Code
Amendments



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.
City of Portland, Oregon



The Better Housing by Design project is updating Portland’s multi-dwelling zoning rules to meet needs of current and future residents:

For more information ...

Visit the project website: www.portlandoregon.gov/bps/betterhousing

Email the project team: betterhousing@portlandoregon.gov

Call project staff: 503-823-4203

The Bureau of Planning and Sustainability is committed to providing meaningful access. For accommodations, modifications, translation, interpretation or other services, please contact at 503-823-7700, or use City TTY 503-823-6868, or Oregon Relay Service 711.

Traducción o interpretación	Chuyển Ngữ hoặc Phiên Dịch	翻译或传译	Письменный или устный перевод
Traducere sau Interpretare	Письмовий або усний переклад	翻訳または通訳	Turjumida ama Fasiraadda
	الترجمة التحريرية أو الشفهية	ການແປພາສາ ຫຼື ການອະທິບາຍ	
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Summary

This is Volume 3 of the ***Better Housing by Design As Amended by City Council*** report. Volume 3 includes full code and commentary for additional amendments to the Zoning Code and other City titles that complement the core Zoning Code amendments in Volume 2. The preceding *Recommended Draft* incorporated the Portland Planning and Sustainability Commission’s (PSC) changes to the earlier *Proposed Draft* and served as the PSC’s recommendation to City Council. The *As Amended* report includes amendments passed by City Council on November 21, 2019.

The major components of the Better Housing by Design proposals include the following (code language for these major proposals are in Volume 2):

- **Diverse housing options and affordability.** Amendments provide more flexibility for a diverse range of housing options – regulating development intensity by building size instead of numbers of units – and prioritize incentives for affordable housing and physically-accessible units.
- **Outdoor spaces and green elements.** Amendments expand requirements for outdoor spaces for residents, provide more options for innovative green options to meet landscaping requirements, reduce parking requirements, and limit large paved areas.
- **Building design and scale.** Amendments include design standards that limit front garages, require entrances oriented to the street, facilitate compact development, and provide new design options for development on major corridors.
- **East Portland standards and street connections.** Amendments include standards focused on improving outcomes in East Portland, including approaches to facilitate new street connections.

Other major components that are part of the *As Amended* report include a new array of multi-dwelling zones and related Zoning Map changes, and corresponding changes to Comprehensive Plan land use designations.

Volume 3 includes amendments to commercial/mixed use zone regulations (Chapter 33.130) and other Zoning Code chapters to bring consistency with the core Better Housing by Design proposals for the multi-dwelling zones found in Volume 2.

Next Steps

City Council held public hearings on the *Better Housing by Design Recommended Draft* on October 2 and November 6 of 2019. City Council deliberated and voted on amendments to the *Recommended Draft* on November 21, 2019. City Council is scheduled to make a final decision on the Better Housing by Design provisions on December 18, 2019, with the effective date for the new regulations and map amendments scheduled for March 1, 2020. Project updates will be posted on the project website:

www.portlandoregon.gov/bps/betterhousing.



Volume 3

Additional Zoning Code Amendments

This volume presents proposed amendments to Title 33 (Zoning Code), Title 18 (Noise Control), and Title 32 (Signs and Related Regulations) of the City Code. These proposed amendments complement the core Zoning Code amendments presented in Volume 2. See the Introduction, page 1, for more information on the types of amendments included in Volume 3.

This document is formatted to facilitate readability by showing draft code amendments on the right-hand pages and related commentary on the facing left-hand pages.

The code amendments appear on the odd-numbered pages. Text that is added is underlined, and text to be deleted is shown with ~~striking through~~. To reduce the size of the document, provisions of code that are not proposed to change are indicated by “[No Change]”.

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**Amendments are to multi-dwelling zone names only.*

Introduction

This volume contains additional zoning code amendments that complement the core zoning code amendments presented in Volume 2. The *Staff Report* (Volume 1) provides a comprehensive summary and analysis of the major Better Housing by Design proposals.

The proposed zoning code amendments in this volume include the following types of amendments:

1. **Changes to multi-dwelling zone names in various zoning code chapters to correspond to the proposed new multi-dwelling zone names** (such as changing “R1” to “RM2”). These minor amendments are the majority of the changes in this document. Page 2 of this document summarizes the current zones and their corresponding new zones.
2. **Amendments to other zoning code chapter regulations intended to be similar to corresponding regulations in Chapter 33.120.** These amendments are based on changes to Chapter 33.120 regulations and are proposed in order to maintain regulatory consistency. An example of this type of amendment are changes to the Required Outdoor Areas requirements in Chapter 33.130 that apply to multi-dwelling development in the commercial/mixed use zones (see page 33), to correspond to proposed amendments to similar regulations in the multi-dwelling zones.
3. **Amendments to plan district regulations to discontinue regulations that are redundant with proposed new multi-dwelling zone regulations.** An example of this type of amendment is the discontinuation of allowances for ground-floor commercial uses in the RH zone provided by some plan districts along major corridors, given that proposed amendments to Chapter 33.120 (see Volume 2, pages 32-34) will allow limited amounts of commercial uses in multi-dwelling zones along major corridors citywide. See pages 109-163 for plan district amendments.
4. **Amendments to discontinue some plan district regulations that provide minimum densities that are lower than Chapter 33.120 base zone minimum densities.** These amendments affect RH (new RM3 and RM4) zoning in the Albina and North Interstate plan districts (see page 111 and 149) and the R1 (RM2) zone in the St. Johns plan district (see page 163). These areas are along a Civic Corridor, near light rail stations, and in a Town Center that are intended to be a focus for higher-density housing, but allow a low-scale of development that is equivalent to R2 densities intended for duplexes or townhouses. These amendments are part of a broader Better Housing by Design approach intended to strengthen minimum density requirements.

Summary of the Multi-Dwelling Zones

The new framework for the multi-dwelling zones include four zones that are based on existing zones - keeping a similar scale but providing more flexibility for numbers and types of units. The summary standards and graphics reflect the development standards proposed in the Recommended Draft. The Bonus FAR is provided for projects with affordable housing or FAR transfers from sites where historic buildings, existing affordable housing or trees are being preserved.

New Zone: RM1

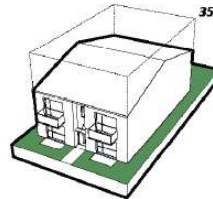
Former Zones: R2 and R3

This is a low-scale zone that provides a transition to lower density residential areas, often located at edges of centers or along neighborhood corridors or other areas to provide continuity with the scale of established residential areas.

Maximum Height: 35 feet

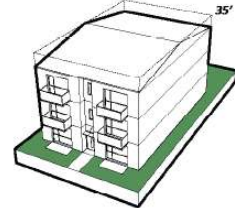
Maximum Building Coverage: 50%

Base FAR



1 to 1

Bonus FAR



1.5 to 1

New Zone: RM2

Former Zones: R1

This zone is applied in and around a variety of centers and corridors to contribute to the intended urban scale of these locations, while providing transitions in scale and characteristics to lower scale residential neighborhoods.

Maximum Height: 45 feet

Maximum Building Coverage: 60% (70% on Corridors)



1.5 to 1



2.25 to 1

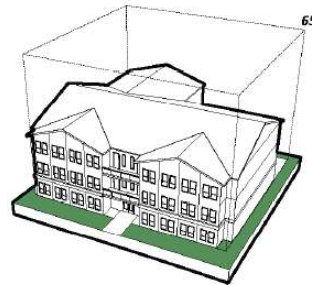
New Zone: RM3

Former Zones: RH [2:1 FAR]

This is a high-density zone applied in locations close to the Central City and in centers and major corridors. It allows for a mid-rise scale of buildings (up to six stories), and calls for landscaped front setbacks to integrate with established residential neighborhoods.

Maximum Height: 65 feet

Maximum Building Coverage: 85%



2 to 1



3 to 1

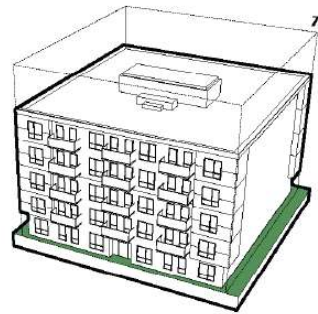
New Zone: RM4

Former Zones: RH [4:1 FAR]

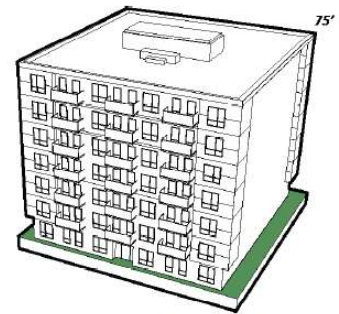
This is a high-density, more intensely urban zone applied in locations close to the Central City and in centers and major corridors. It is intended to provide a mid-rise or high-rise scale of up to seven or more stories.

Maximum Height: 75 - 100 feet

Maximum Building Coverage: 85%



4 to 1*



6 to 1*

* In historic districts, the RM4 base FAR is 3 to 1 and the bonus FAR is 4.5 to 1.

Section 1:

Zoning Code Amendments

Commentary

33.130 Commercial Zones

The listing of Chapter 33.130 code sections is being modified to reflect a change to the title of Section 33.130.250 (see page 41).

33.130 Commercial 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
- 33.130.242 Transit Street Main Entrance
- 33.130.245 Exterior Display, Storage, and Work Activities
- 33.130.250 General Requirements for Small Housing Types ~~Houses, Attached Houses, Manufactured Homes, and Duplexes~~
- 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

Commentary

33.130.030 Characteristics of the Zones

This section is being amended to add language to clarify that the design ("d") overlay zone will always be applied to the higher-density CM3 and CX zones.

This application of the d-overlay zone to these higher-density zones is not a new approach, but there had in the past been inconsistency with the application of this overlay in historic or conservation districts. Moving forward, the d-overlay will always be applied to these zones, regardless of location, although development in historic or conservation districts will be subject to historic resources review and will be exempt from design review.

33.130.030 Characteristics of the Zones

A.-C. [No change]

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. ~~Design review is typically required in~~The Design overlay zone is applied to this zone.

E. [No change]

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.

Commentary

33.130.205.B FAR Standard

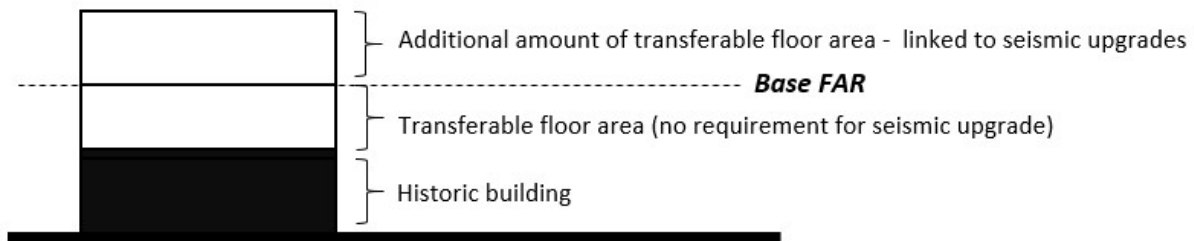
This paragraph is being amended to exempt indoor common areas (such as community or recreation rooms), used to meet residential outdoor area requirements, from maximum FAR calculations, so that providing indoor common areas does not reduce the amount of building space available for residential units. The amended code shows language regarding an FAR exemption for required bicycle parking recently approved by City Council for the Bicycle Parking Code Update.

33.130.205.C Transfer of floor area from historic resources

Amendments to this paragraph include:

Transfer of floor area from historic resources - additional FAR transfer allowance for seismic upgrades. Amendments to the historic resources transfer provision will allow an additional amount of FAR (beyond the amount of unused development capacity), equivalent to 50 percent of the base FAR of each zone, to be transferred to other sites, but use of this additional increment of transferable FAR will only be available in conjunction with seismic upgrades. This amendment is consistent with changes proposed for the multi-dwelling zones (Chapter 33.120) and is intended to provide an incentive for seismic upgrades to historic buildings by helping to defray the costs of these upgrades.

This regulation uses an existing provision that applies in the Central City, but will extend it to multi-dwelling and mixed use zones citywide. The need for seismic upgrades to unreinforced masonry buildings (URMs) is an especially important issue for Portland's historic resources, as nearly 600 historic buildings are URMs - often brick - and seismic upgrades are costly.



(See also commentary on next commentary page)

33.130.205 Floor Area Ratio

- A. [No change]
- 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. ~~Except in the CR zone, floor area for structured parking and required long-term bike parking, up to a maximum FAR of 0.5 to 1, is not calculated as part of the FAR for the site.~~ 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.
 1. ~~Sending sites. Sites eligible to transfer floor area must contain:~~
 - a. ~~A Historic or Conservation landmark; or~~
 - b. ~~A contributing resource in a Historic District or a Conservation District.~~

Commentary

33.130.205.C Transfer of floor area from historic resources (continued)

Receiving sites. Other amendments to this section allow FAR to be transferred to sites with commercial/mixed-use or multi-dwelling zoning citywide, including sites within historic districts, consistent with proposed FAR transfer allowances in the multi-dwelling zones. This is being done to increase the feasibility of FAR transfers by increasing the numbers of potential receiving sites. Staff anticipate that FAR transfers will only be used by relatively small projects, since buildings with 20 or more units qualify for inclusionary housing development bonuses and will not be able to receive additional FAR from transfers. Also consistent with the multi-dwelling zones, the amendments would not allow transfers into the Central City plan district, which has separate FAR transfer provisions than the rest of the city. The amendments will continue to prohibit FAR transfers into the CR zone, where development is intended to remain small scale, in keeping with the scale of the low-rise residential areas where this zone is located.

FAR transfers are generally prohibited from being used on receiving sites where a historic resource has been demolished to prevent the additional FAR from serving as an incentive for demolition of historic resources. An exception is provided for sites where a historic resource has been demolished through demolition review, which for National Register Historic Districts and Landmarks requires review by City Council and is rarely approved (this limitation is intended to help protect locally-designated Conservation Districts and landmarks, which are not subject to demolition review and are potentially more vulnerable to redevelopment pressures – this topic will be more fully considered as part of the upcoming Historic Resources Code Project).

33.130.210 Height

Amendments to this section and its graphic include:

- Updates to the multi-dwelling zone names.
- Elimination of the requirement for building height to step down in height to 45 feet adjacent to properties with RM2 (current R1) multi-dwelling zoning. A transition in scale between mixed use zones and the RM2 zone is not needed, given the role of the RM2 zone as a relatively high-density zone that allows densities and building height not very different from mixed use zones. Step down heights are retained that require transitions in scale on properties abutting single-dwelling zones and the lowest-scale multi-dwelling zones (RM1 and RMP).

33.130.205 Floor Area Ratio [continued from previous code page]

2. Receiving site. The transfer must be to a site that is zoned CM1, CM2, CM3, CE₁ ~~or~~ CX₁, RM1, RM2, RM3, RM4, or RX outside of the Central City plan district. Transferring to a site that is zoned CR is prohibited. ~~The receiving site must be within the same recognized neighborhood as the sending site, or within two miles of the transfer site, and must not be within a Historic or Conservation District.~~ 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.-6. [No change]

33.130.210 Height

- A. [No change]
- B. **Height standard.**
 1. [No change]
 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 ~~RM1R3~~ RM1R3—R1 or RMP, the step-down height limit is 45 feet. See Figure 130-1.
 - b. [No change]
- C. [No change]

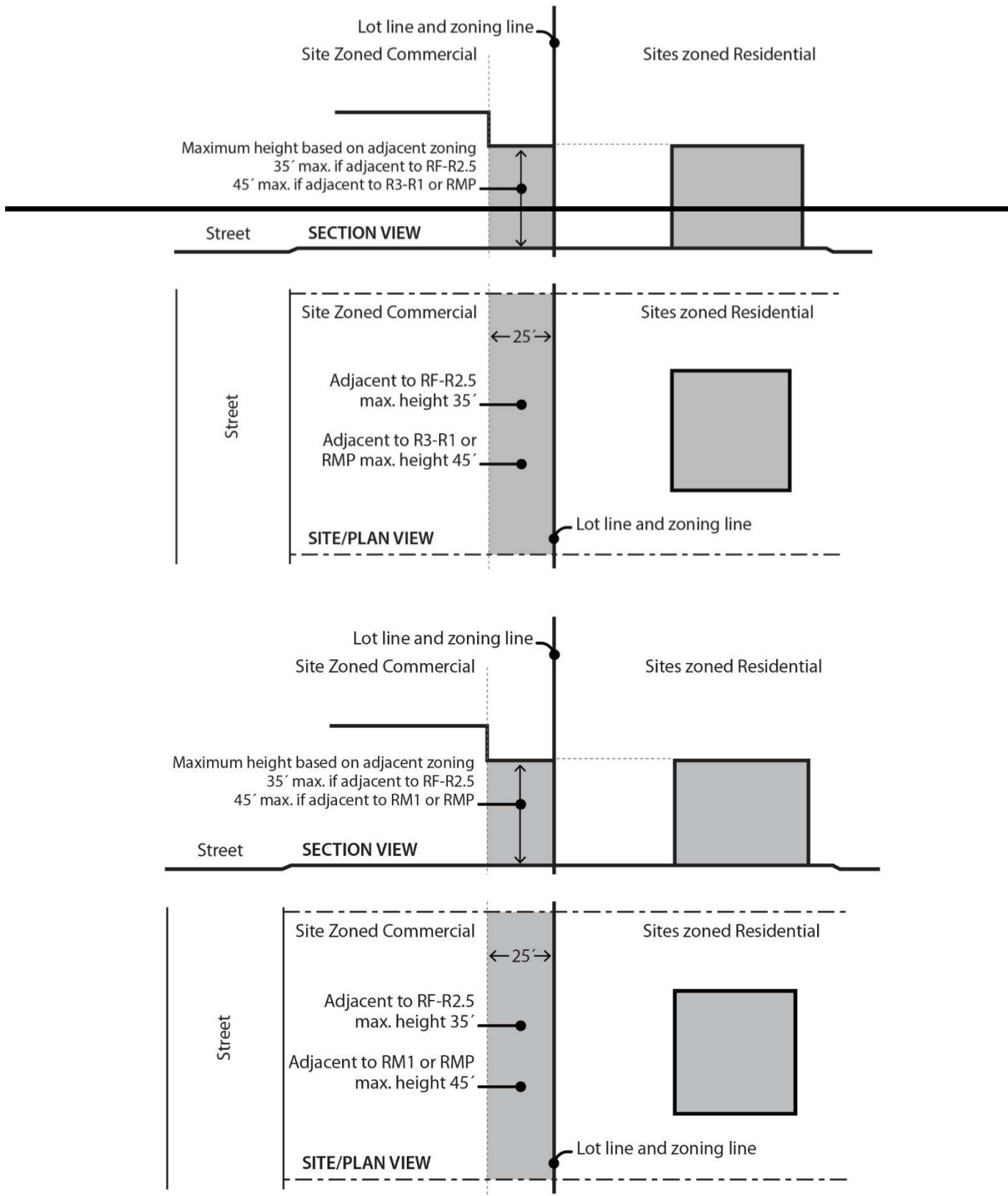
Commentary

33.130.210 Height

Amendments to this graphic are updates to the multi-dwelling zone names and to reflect that the step down height regulation is being amended so that there is no building height step down adjacent to the RM2 (R1) zone. See commentary and code on previous pages.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Figure 130-1
Step-Down Height Adjacent to Residential Zones



Commentary

33.130.210 Height

Amendments to this section include the following:

- Addition of alleys to where this step down height applies, consistent with proposed multi-dwelling zones regulations.
- Changes to requirements for building height step downs across local service streets or alleys from single-dwelling zones and low-scale multi-dwelling zones to require a step down to a 45-foot height, instead of 35 feet. This change is being made to provide consistency with proposed step-down height standards in the multi-dwelling zones, and because the transition to lower-scale zones in this situation takes place across a street. In combination with this street separation, the height step down to 45 feet provides a transition gradient by limiting development to being one story taller than the three-story height allowed in the R2.5 single-dwelling zone and the RM1 and RMP multi-dwelling zones. The changes also discontinue this step down height across a street from the RM2 (current R1) zone, because the allowed density and scale in this zone is not very different than that of most mixed use zones.

- b. Step-down across a local service street or alley from an RF through R1 a residential zone. In the CM2, CM3, CX, and CE zones the following step-down height limits ~~apply~~applies. The limits ~~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.
 - ~~(1) On the portion of the site within 15 feet of a lot line that is across a local service street from a site zoned RF through R2.5, the step-down height limit is 35 feet. See figure 130-2.~~
 - ~~(2) On the portion of the site within 15 feet of a lot line that is across a local service street from a site zoned R3 through R1, the step-down height limit is 45 feet. See Figure 130-2.~~
- 3. [No change]
- C. [No change]

Commentary

Table 130-2

Amendments to this table include:

- Updates to the multi-dwelling zone names.
- Correction to the step-down height standard of 35 feet for the CM1 zone abutting single dwelling zones. Because this step down height is the same as the CM1 base height of 35 feet, there is effectively no step-down height in this zone. The CM1 zone step down height is being changed to "NA", since the base height applies.
- Elimination of the requirement for building height to step down in height to 45 feet adjacent to or across a street from properties with RM2 (current R1) multi-dwelling zoning. A transition in scale between mixed use zones and the RM2 zone is not needed, given the role of the RM2 zone as a relatively high-density zone that allows densities and building height not very different from mixed use zones. Step down heights are retained that require transitions in scale on properties abutting single-dwelling zones and the lowest-scale multi-dwelling zones (RM1 and RMP).
- Requirements for building height step downs across local service streets from single-dwelling zones and low-scale multi-dwelling zones are being changed to require a step down to a 45-foot height (instead of 35 feet). This change is being made to provide consistency with proposed step-down height standards in the multi-dwelling zones, and because the transition to lower-scale zones in this situation takes place across a street. In combination with this street separation, the height step down to 45 feet provides a transition gradient by limiting development to being one story taller than the three-story height allowed in the R2.5 single-dwelling zone and the RM1 and RMP multi-dwelling zones.

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)	NA	<u>NA</u>				
- Within 25 ft. of lot line abutting RF-R2.5 zones		35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
- Within 25 ft. of lot line abutting R3, R2, R1, 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	NA	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
- Within 15 ft. of lot line across a local service street from RF – R2.5 zones and R3, R2, R1, 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 – RM2R1, 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 – RM4RH, or RMP, or <u>IR</u> 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	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
- Street lot line abutting selected Civic Corridors	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Max. Building Coverage (% of site area)						
- Inner Pattern Area	85%	85%	100%	100%	85%	100%
- Eastern, Western, and River Pattern Areas (see 33.130.220)	75%	75%	85%	85%	75%	100%
Min. Landscaped Area (% of site area) (see 33.130.225)	15%	15%	15%	15%	15%	None
Landscape buffer abutting an RF – RM4RH 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:

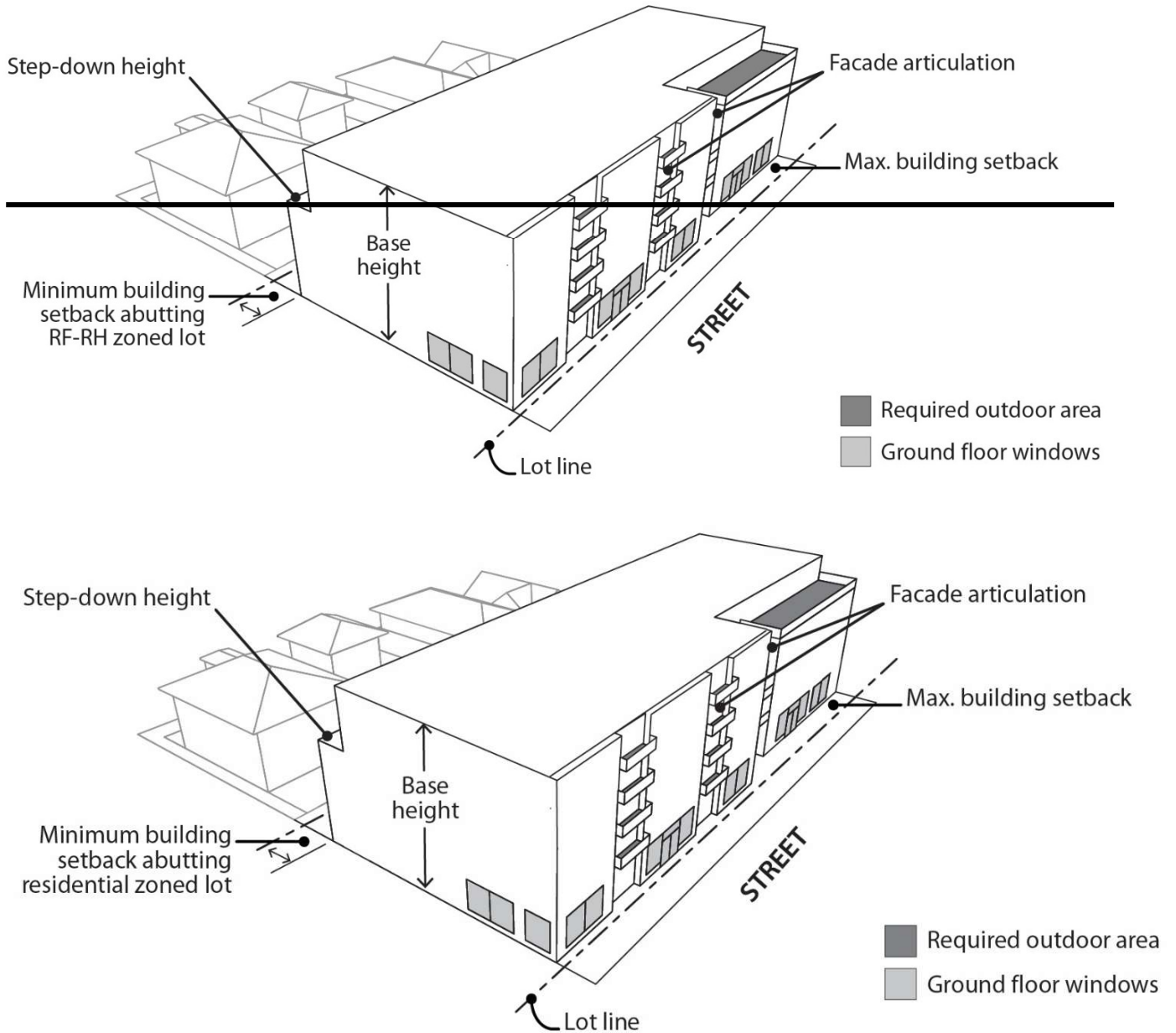
[1] On sites that do not have a Retail Sales And Service or Office use, maximum density for Household Living is 1 unit per 2,500 square feet of site area.

Commentary

Example Illustration

The amendment to the graphic on this page is a change to the text label to reflect the broad applicability of the minimum building setback that is required adjacent to residential zones.

Example Illustration:
Some building form and setback development standards



Commentary

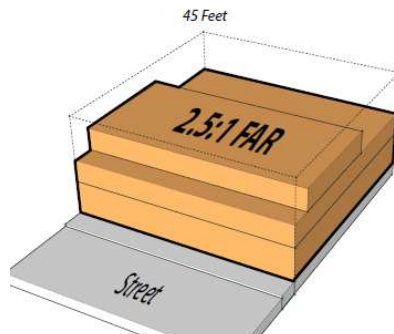
33.130.212 Floor Area and Height Bonus Options

Amendments to this paragraph will allow the use of FAR bonuses in the commercial/mixed use zones within historic and conservation districts, bringing consistency with allowances in the multi-dwelling zones. Development proposals in historic districts will be subject to Historic Resource Review, which considers context in determining the appropriate scale of new development (scale allowed by FAR bonuses may not always be approved). The majority of mixed use zoning in historic and conservation districts consists of the CM2 zone, which has a base maximum FAR of 2.5 to 1. Bonuses in this zone will allow up to a 4 to 1 FAR, with base height in historic and conservation districts limited to 45 feet. Consistent with the multi-dwelling zone amendments, bonuses are generally prohibited from being used on sites where a historic resource has been demolished to prevent bonus FAR from serving as an incentive for demolition of historic resources. An exception is provided for sites where a historic resource has been demolished through demolition review, which provides protection for National Register Historic Districts and Landmarks but does not apply to locally-designated Conservation Districts and landmarks, which are potentially more vulnerable to redevelopment pressures (see also commentary on page 8 regarding FAR transfers).

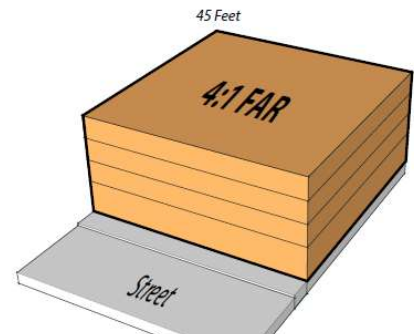
The Planned Development Bonuses is excluded from being used in historic districts because this bonus provides additional height, not FAR. Also, there are no properties in historic districts with mixed use zoning that are two acres or more in size.

CM2 zone in historic districts

Building massing of current maximum FAR and proposed bonus FAR. The maximum bonus scale of four stories is similar to historic buildings in some historic districts.



Base FAR: 2.5 to 1
(current maximum)



Bonus FAR: 4 to 1
(proposed)



Examples of buildings in the CM2 zone in the Alphabet Historic District

- **Example on left** is a newer building approved through Historic Resource Review, prior to newer regulations that applied a maximum FAR of 2.5 to 1 in historic districts that became effective in May 2018. This building is larger than currently allowed.
- **Example on right** is an older, historic building located across the street, which is larger than the newer building.

33.130.212 Floor Area and Height Bonus Options

- A.** [No change]
- 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 located within Historic or Conservation districts are not eligible to use bonus options.~~ 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. [No change]
 - 3. [No change]
 - 4. [No change]
 - 5. [No change]
- C. Inclusionary housing bonus.** [No change]
- D. Affordable commercial space bonus.** [No change]
- 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.

Commentary

33.130.215 Setbacks

Amendments to this section are updates to the multi-dwelling zone names.

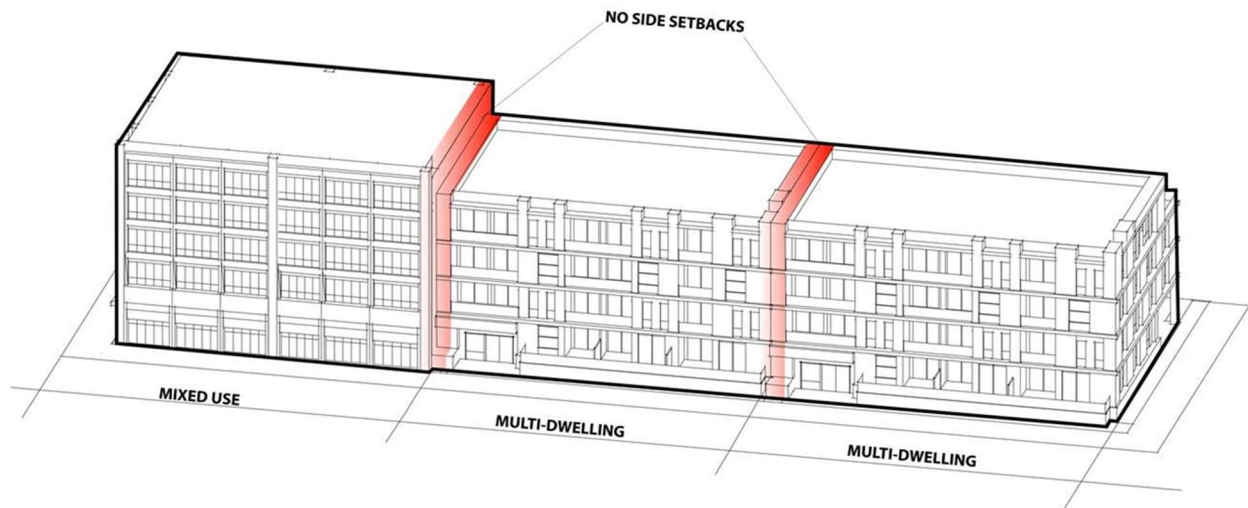
33.130.215 Setbacks

- A. [No change]
- 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. [No change]
 - 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 RM2R1 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 RM2R1 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 RM2R1 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.-d. [No change]

Commentary

33.130.215 Setbacks

Inner Pattern Area along Civic and Neighborhood Corridors. This new exception allows for zero setbacks between commercial/mixed use and multi-dwelling zone properties located along Civic and Neighborhood corridors. This allowance only applies in the Inner Pattern Area, which has an established pattern of zero side setbacks between buildings along traditional main streets. Corridors in the Inner Pattern Area, such as SE Division and SE Belmont, often include an interspersed mix of commercial and multi-dwelling zoning. The intent of this exception is to allow for a continuous frontage of buildings along Civic and Neighborhood corridors, which are intended by Comprehensive Plan policies to be transit- and pedestrian-oriented urban places. Related setback exceptions in Chapter 33.120 allow for no setbacks between multi-dwelling zone properties on these same corridors (see pages 89-90 in Volume 2). Locations abutting RM1 zoning are not included in this setback exception because this lower-scale zone is intended to continue characteristics of single-dwelling neighborhoods.



Allowances in the Inner Pattern Area allow for zero setbacks between properties with commercial/mixed use and multi-dwelling zoning along Civic and Neighborhood corridors in order to allow for a more continuous frontage of buildings along these important corridors, which are typically well served by transit and commercial services.

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 ~~RM4RH~~, 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 ~~RM4RH~~ 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, ~~however~~ 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. [No change]
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 – ~~RM4RH~~ 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

Commentary

33.130.215 Setbacks

Amendments to this page are updates to the multi-dwelling zone names.

- (3) Bays and bay windows may extend into a street setback, but not a required setback abutting an RF – RM4RH 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 – RM4RH 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. [No change]
4. [No change]
- C.-E.** [No change]

Commentary

33.130.222 Building Length and Facade Articulation

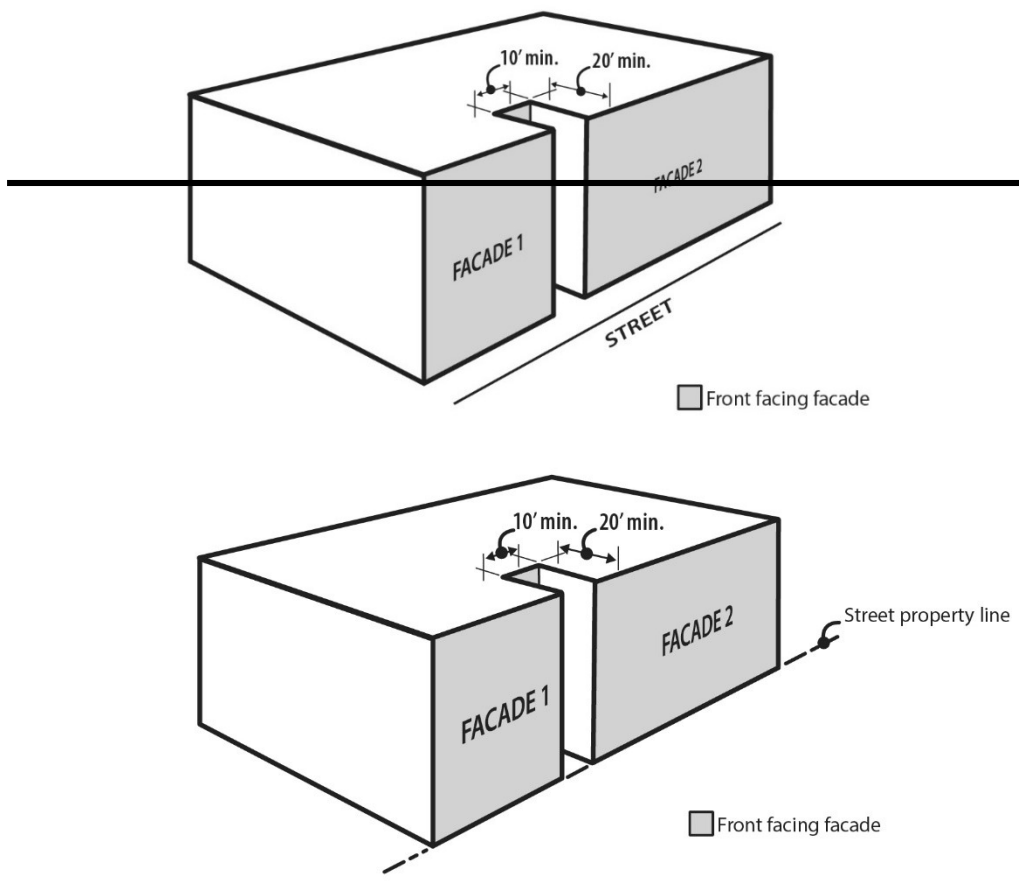
This section is being amended to include updated language from the corresponding section in Chapter 33.120 (33.120.230.C - see page 107 of Volume 2). The amendments provide greater regulatory clarity.

Figure 130-9 is being replaced to provide greater clarity. The 20-foot dimension in the accompanying text is intended to be measured from the street property line, but the graphic shows the measurement starting at the building façade, which appears to be set back from the street. The corrected graphic shows both the façade and the street lot line at the same location.

33.130.222 Building Length and Facade Articulation

- A. [No change]
- B. [No change]
- C. **Facade articulation.**
1. Where the standard applies. This standard applies in the CM2, CM3 and CE zones as follows:
 - a. [No change]
 - b. [No change]
 - c. Portions of building facades that are vertically separated by a gap of at least 10 feet in width ~~or more~~ extending at least 20 feet in depth from the street property line are considered to be separate facade 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



Commentary

33.130.225 Landscaped Areas

The raised landscaped areas option is being amended to not allow large trees (such as Beech, London Plane, Red Oak, and Douglas Fir trees) to be used to meet the L1 tree planting requirements, consistent with a similar proposed regulation in Chapter 33.120. Such trees are usually too large to thrive in raised planting areas with 30 inches of soil depth.

33.130.225 Landscaped Areas

- A. [No change]
- 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. [No change]
 - 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.-b. [No change]
 - 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. [No change]

Commentary

33.130.228 Required Outdoor Areas

This section is being amended to be consistent with similar Required Outdoor Areas purpose statement language and regulatory standards proposed for Chapter 33.120 (see pages 121-123 in Volume 2), which will apply to similar types of multi-dwelling development. Specific amendments include:

- The minimum dimension for outdoor common areas, such as courtyards, is being changed to 20 feet. This brings consistency with the new minimum common area dimension in Chapter 33.120 (see page 123 in Volume 2). The minimum 20-foot dimension helps ensure that common outdoor areas are of usable size. The 15-foot minimum dimension had sometimes resulted in corridors of 5-foot wide walkways flanked on each side by 5 feet of landscaping, rather than providing for courtyards or other types of usable outdoor space.
- Updates to the multi-dwelling zone names (RM4 replaces RH).

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 ~~that because they~~ provide opportunities for recreation or gathering.

B. Requirements.

1. [No change]
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 ~~each~~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 ~~RM4RH~~ 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~~so that a 20-foot by 20-foot square will fit entirely within it.~~ 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. [No change]
- 3.-4. [No change]

Commentary

33.130.230 Windows

This section is being amended to subject attached duplexes, triplexes, and fourplexes to the same set of development standards that apply to other types of small-scale housing, consistent with proposed amendments to Chapter 33.120 and with Residential Infill Project proposals.

33.130.230 Windows

A. [No change]

B. Ground floor windows.

1. [No change]
 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. [No change]
 - b. Exemptions:
 - (1) Houses, attached houses, manufactured homes, ~~and duplexes~~, attached duplexes, triplexes, and fourplexes are exempt from this Section; ~~and~~
 - (2) Ground floor street-facing walls of dwelling units must meet the standards in Subsection D; and
 - (3) One opening for vehicular access to onsite parking area.
- 3.-5. [No change]

Commentary

33.130.240 Pedestrian Standards

This section is being amended to provide consistency with proposed Pedestrian Standards in Chapter 33.120 (see pages 128-129 in Volume 2). The amendments in both chapters are intended to ensure that residential buildings located close to streets each have direct pedestrian connections to the street.

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. ~~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.~~ 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. ~~Sites where all of the floor area is in Household Living uses are only required to provide a connection meeting the standard of Subparagraph 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. [No change]
 - 2.-3. [No change]

Commentary

33.130.242 Transit Street Main Entrance

This section is being amended for the following purposes:

- To assign attached duplexes, triplexes, and fourplexes the same development standards that apply to other small-scale housing types, consistent with proposed amendments to Chapter 33.120 and with Residential Infill Project proposals.
- Modify the courtyard entrance option for multi-dwelling structures to be consistent with proposed standards in Chapter 33.120 (see pages 110-111 in Volume 2), which were based on analysis of the design of historic courtyard housing precedents, where courtyard entrances are typically accessed through courtyards extending more than 50 feet from the street.
- Change the title of subparagraph B.2 to refer to "small housing types," instead of listing all seven housing types in the title.

33.130.242 Transit Street Main Entrance

A.-B.[No change]

B. Applicability.

1. [No change]
2. Small housing types. ~~Houses, attached houses, manufactured homes, and duplexes.~~ Houses, attached houses, manufactured homes, ~~and 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 ~~is adjacent to~~ 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 ~~50~~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.

Commentary

33.130.250 General Requirements for Houses, Attached Houses, Manufactured Homes, and Duplexes, and Triplexes

This section is being amended for the following purposes:

- To assign attached duplexes, triplexes, and fourplexes the same development standards that apply to other small-scale housing types, consistent with proposed amendments to Chapter 33.120 and with Residential Infill Project proposals.
- To bring consistency with how front garages for attached houses are proposed to be regulated in the multi-dwelling zones (see pages 170-173 in Volume 2). This will apply the 50 percent limitation on front garages based on the combined frontage of attached houses, similarly to how this limitation is based on the total building façade width of other housing types.

33.130.250 General Requirements for Small Housing Types ~~Houses, Attached Houses, Manufactured Homes, and Duplexes~~

A. [No change]

B. Residential main entrance.

1. [No change]

2. Where these standards apply.

- a. The standards of this subsection apply to houses, attached houses, manufactured homes, ~~and 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.-4. [No change]

C. Garages.

1. [No change]

2. Where these standards apply. The requirements of Paragraphs D.3, D.4 and D.5, below, apply to houses, attached houses, manufactured homes, ~~and duplexes, attached duplexes, triplexes, and fourplexes. The requirements of Paragraphs D.4 and D.5, below, also apply to garages that are accessory to attached houses.~~ 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.

- 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 130-16. 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 facing the street is not allowed as part of that facade.~~

4.-5. [No change]

Commentary

33.130.265 Detached Accessory Structures

Amendments to this section are updates to the multi-dwelling zone names.

33.130.265 Detached Accessory Structures

A.-B.[No change]

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 RM4RH zoned lot.
2. [No change]

Commentary

Pattern Areas

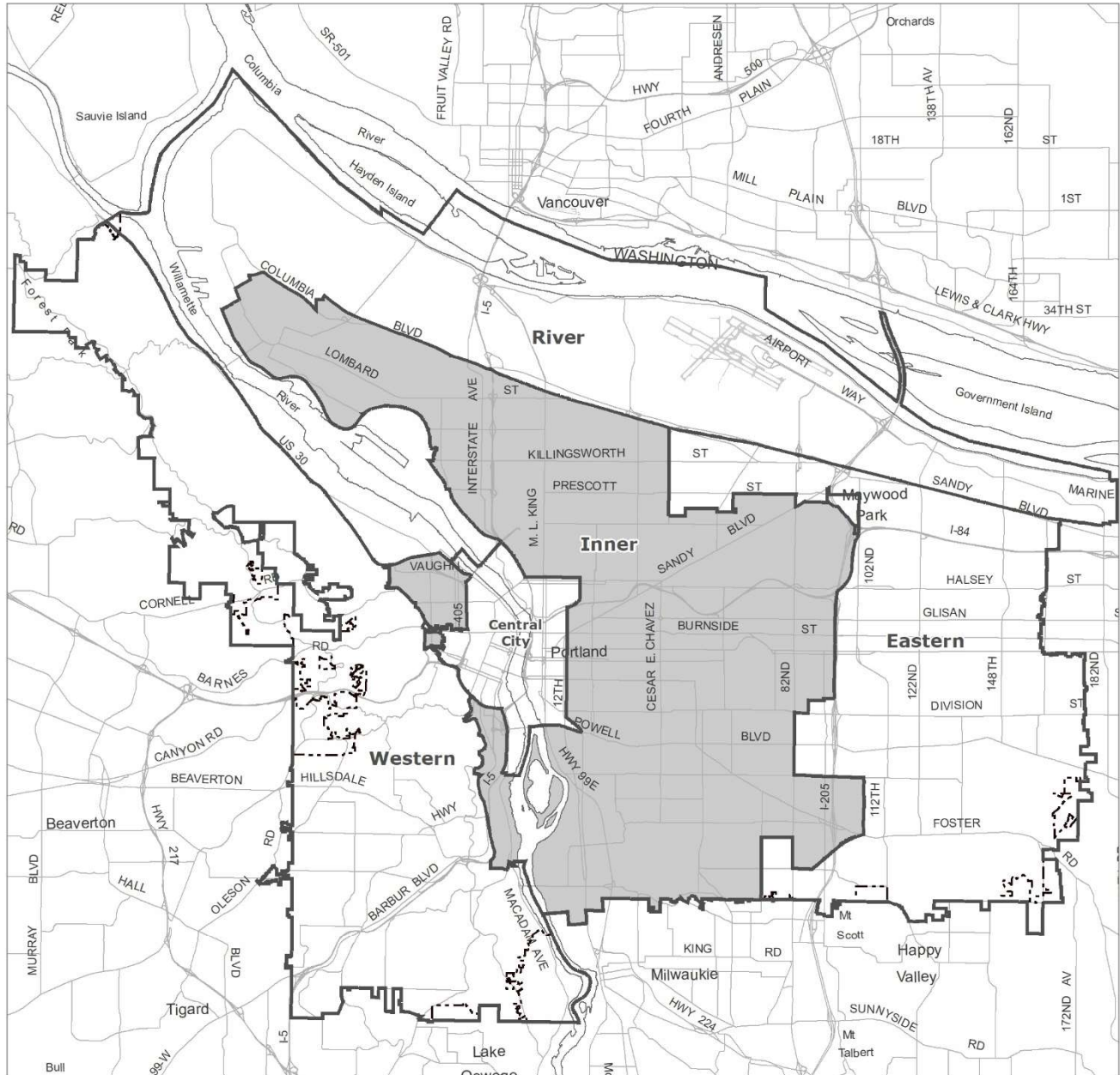
Map 130-2

The Pattern Areas map is being amended to make corrections to the pattern area boundaries. The most significant change is that the Central City Pattern Area boundaries are being amended to correspond to the Central City Plan District boundaries. The previous version of the Pattern Areas map was based on draft boundaries for the Central City Plan District that were not adopted (it included small portions of Lower Albina, Kerns, and a small area near the Clinton light rail station that had been considered for inclusion in the Central City Plan District, but were not ultimately included). Other changes include corrections to pattern area boundaries, mostly to avoid situations in which boundaries cut across properties and to more accurately reflect existing urban patterns. The revised boundaries use streets and property lines as boundaries and take into account block patterns and topography. The Pattern Areas map boundaries affect building coverage and landscaping standards, which vary by pattern area.

Pattern Areas

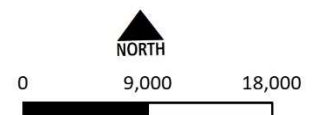
Map 130-2

Map Revised XXXX XX, 201X



----- City Boundary

———— Pattern Area Boundaries



Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

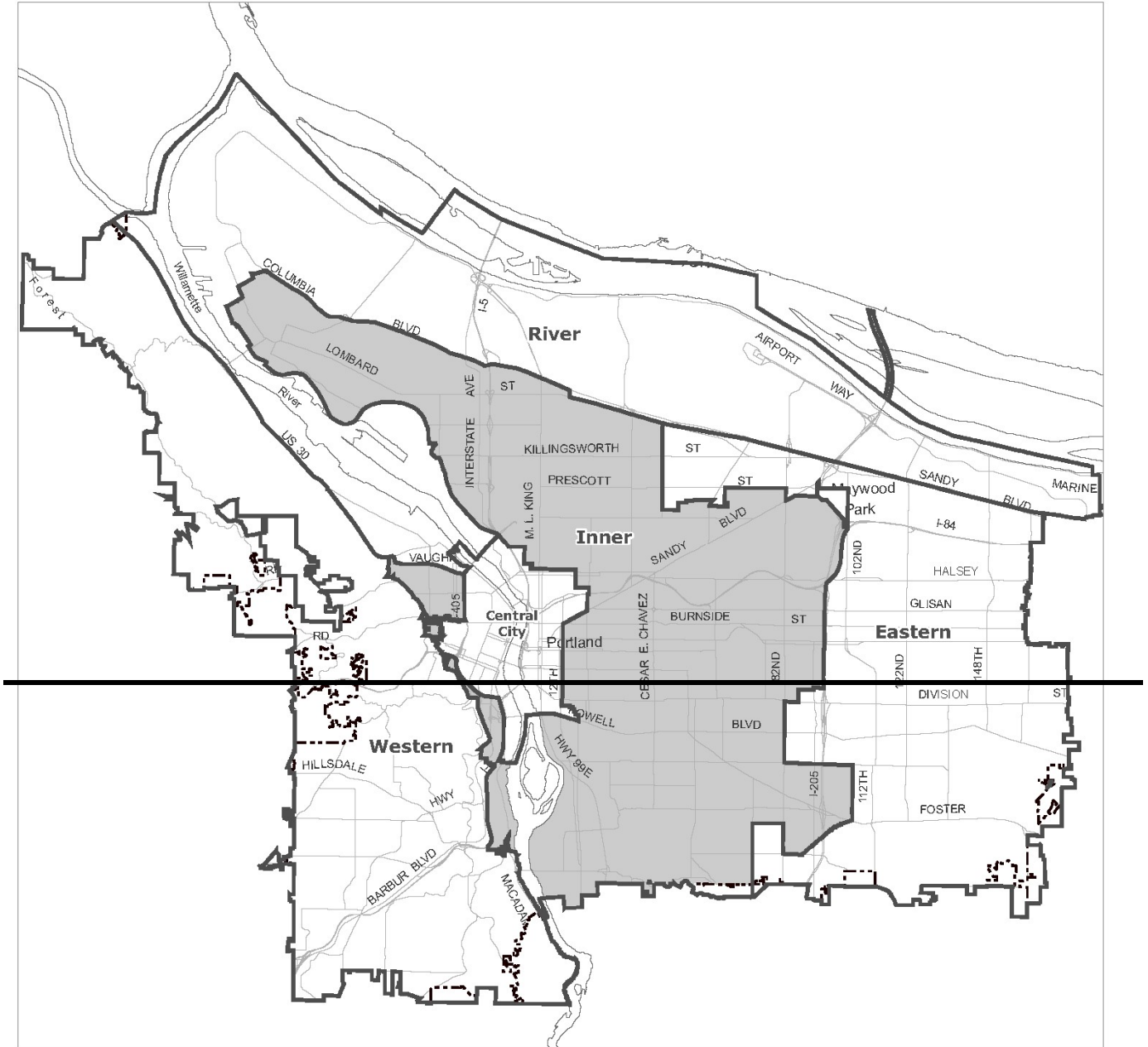
Pattern Areas Map 130-2

This is the existing Pattern Areas map that is being replaced (see previous commentary).

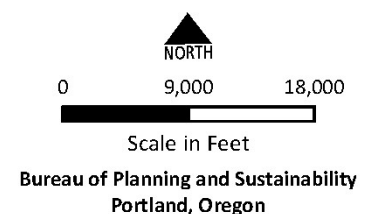
Pattern Areas

Map 130-2

Map Revised May 24, 2018



----- City Boundary
—— Pattern Area Boundaries



Commentary

Civic and Neighborhood Corridors Map 130-3

This new map shows the Civic and Neighborhood corridors, along which no setbacks are required from properties with RM2, RM3, or RM4 zoning that also abut these corridors (see 33.130.215.B.2.b on pages 24-25). The intent of this allowance, which only applies along corridors in the Inner Pattern Area (see previous pages) is to allow for a continuous urban street edge in both mixed use and multi-dwelling zones along these important corridors.

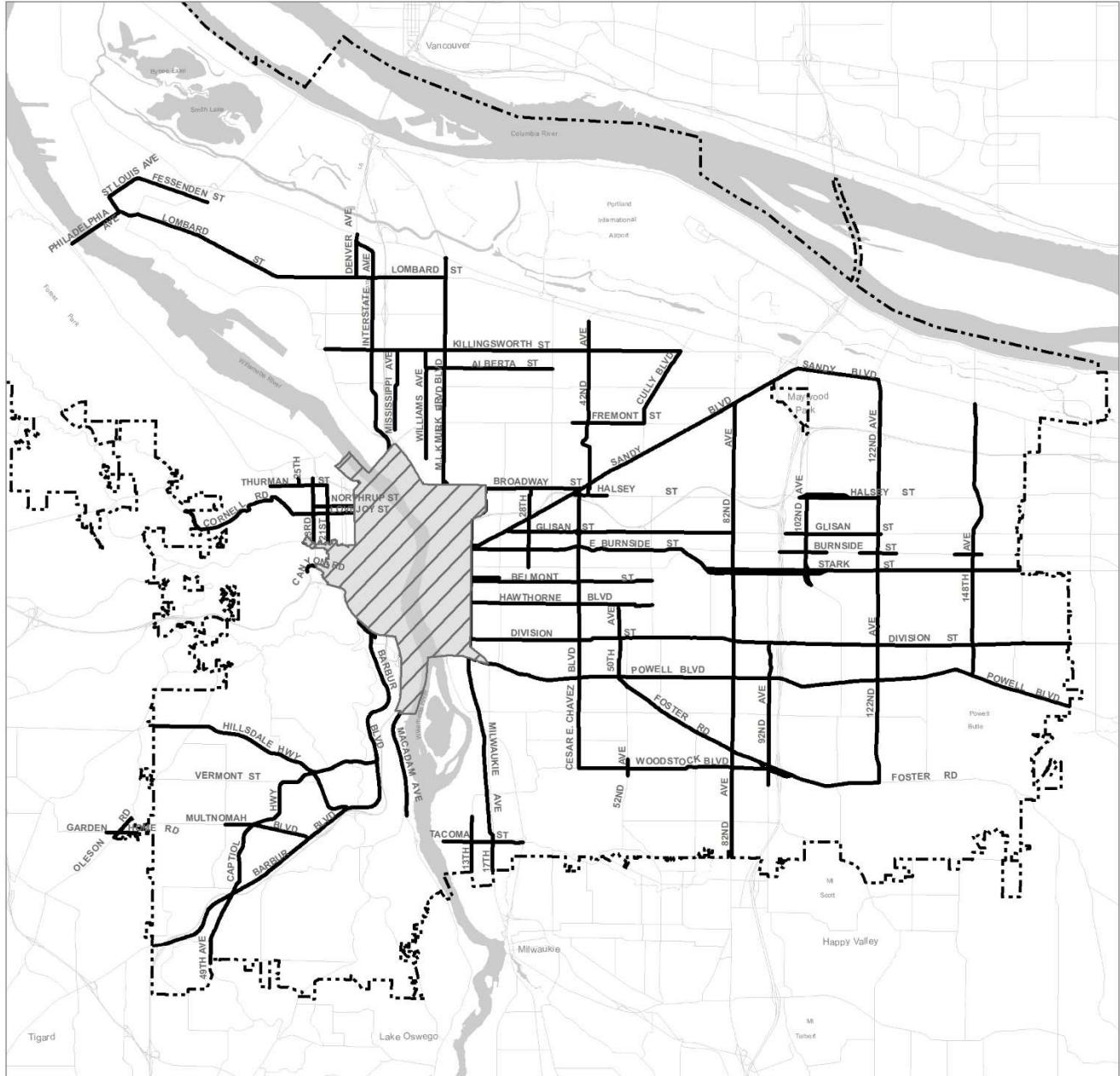
These Civic Corridors and Neighborhood corridors are streets classified on the Street Design Classification maps of the Transportation System Plan (TSP) as Civic or Neighborhood main streets and Civic or Neighborhood corridors (see also the new Street Type definition in Chapter 33.910). The TSP maps can be consulted to determine the location of properties in relationship to these corridors at a greater level of detail.

Civic and Neighborhood corridors are indicated in the 2035 Comprehensive Plan as places intended to be locations for commercial activity and residential living, with transit-supportive densities of housing and employment.

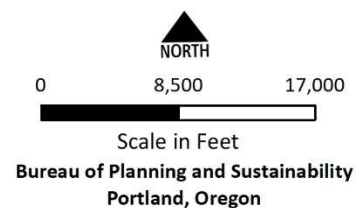
Civic and Neighborhood Corridors

Map 130-3

Map Revised Xxxxx X, 201X



- City Boundary
- Civic and Neighborhood Corridors
- ▨ Central City Plan District



Source: Portland Bureau of Transportation, TSP, Street Design Classifications

Commentary

33.140 Employment and Industrial Zones

Amendments to the sections on this page are for the following purposes:

- To assign attached duplexes, triplexes, and fourplexes the same development standards that apply to other small-scale housing types, consistent with proposed amendments to Chapter 33.120 and with Residential Infill Project proposals.
- Modification of the Residential main entrance standards so that they apply to each structure, consistent with Chapters 33.120 and 33.130. This allows for configurations in which duplexes, triplexes, and fourplexes may be served by a single front entrance, instead of separate entrances for each unit, but would still require attached houses to have individual street-oriented entrances (each attached house unit is considered to be an individual structure).
- Change the title of subparagraph B.2 to refer to "small housing types," instead of listing all seven housing types in the title.
- Deletion of the reference to Permit Ready Houses (Chapter 33.278), since this regulation no longer exists.

33.140 Employment and Industrial Zones

140

33.140.242 Transit Street Main Entrance

- A. [No change]
- B. **Applicability.**
 - 1. [No change]
 - 2. Small housing types. ~~Houses, attached houses, manufactured homes, and duplexes.~~ Houses, attached houses, manufactured homes, ~~and 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.-D. [No change]

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. **Permit Ready houses.** Chapter 33.278 contains provisions for Permit Ready houses on narrow lots.~~
- D. **Residential main entrance.**
 - 1. [No change]
 - 2. Where these standards apply.
 - a. The standards of this subsection apply to houses, attached houses, manufactured homes, ~~and duplexes,~~ attached duplexes, triplexes, and fourplexes in the employment and industrial zones.
 - b.-d. [No change]
 - 3. Location. At least one main entrance for each structure dwelling unit must:
 - a. Be within 8 feet of the longest street-facing wall of the structuredwelling unit; and
 - b. [No change]
 - 4. [No change]

Commentary

33.140 Employment and Industrial Zones

Amendments to the sections on this page are for the following purposes:

- To assign attached duplexes, triplexes, and fourplexes the same development standards that apply to other small-scale housing types, consistent with proposed amendments to Chapter 33.120 and with Residential Infill Project proposals.
- Length of street-facing garage wall - this paragraph is being amended to be consistent with similar regulations in Chapter 33.120 and 33.130. Currently exempt from this regulation, attached houses will be subject to the 50% limitation on front garages that applies in other base zone chapters. For all types of housing, the 50% limitation will be calculated based on the total length of the street-facing building façade, or, in the case of attached houses, the combined length of the facades of the attached units.

EF. Street-facing facades.

1. [No change]
2. Where this standard applies. The standard of this subsection applies to houses, attached houses, manufactured homes, ~~and 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. [No change]

FG. Garages.

1. [No change]
2. Where these standards apply. The requirements of Paragraphs F.3 and F.4, below, apply to houses, attached houses, manufactured homes, and duplexes, attached duplexes, triplexes, and fourplexes. ~~The requirements of Paragraph F.4, below, also apply to garages that are accessory to attached houses.~~ 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.
 - ~~a. Generally. 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. On corner lots, only one street-facing garage wall must meet this standard.~~
 - ~~b. Exception. Where the street-facing facade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following. See Figure 140-10.~~
 - ~~(1) 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~~
 - ~~(2) 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.~~
4. [No change]

Commentary

33.150 Campus Institutional Zones

Amendments to this page are updates to the multi-dwelling zone names.

33.150 Campus Institutional Zones

150

33.150.210 Height

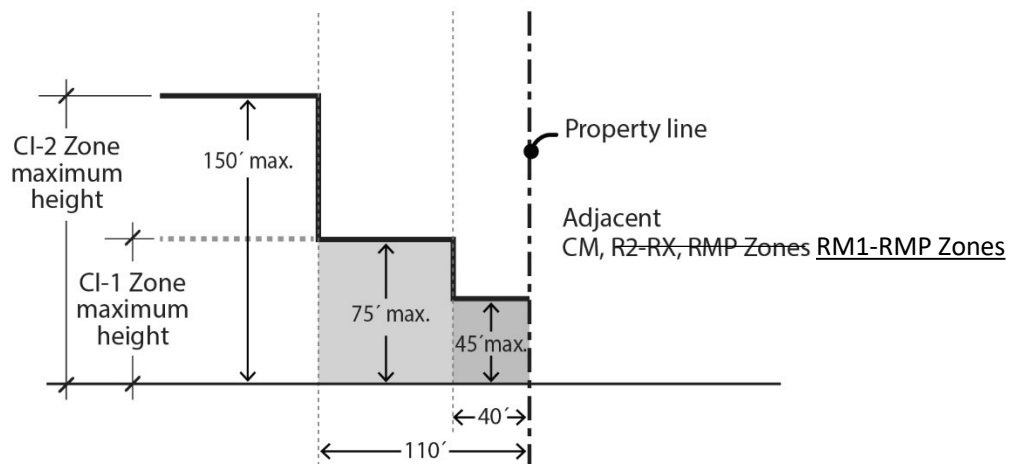
A.-B. [No change]

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 RM1R3 through RMP or commercial/mixed use zones the maximum height is 45 feet. See Figure 150-2.
2. CI2 zone.
 - a. [No change]
 - b. Maximum height is reduced on sites in the CI2 zone that abut or are across the street from a site zoned RM1R3 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 RM1R2 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 RM1R2 through RMP, or commercial/mixed use zones, the maximum height is 75 feet. See Figure 150-2.

D. [No change]

Figure 150-2



Commentary

33.150 Campus Institutional Zones

Amendments to Table 150-2 are updates to the multi-dwelling zone names.

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 <u>R2RM1</u> -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.

Commentary

33.150.250 Ground Floor Windows in the CI2 Zone

33.150.265 Transit Street Main Entrance

The sections on this page are being amended for the following purposes:

- To assign attached duplexes, triplexes, and fourplexes to the same set of development standards that apply to other types of small-scale housing, consistent with proposed amendments to Chapter 33.120 and with Residential Infill Project proposals.
- Provide a corrected reference to the relevant residential main entrance standards in Chapter 33.130.
- Provide consistency with the same courtyard-oriented entrance option for multi-dwelling structures proposed for Chapters 33.120 and 33.130.

33.150.250 Ground Floor Windows in the CI2 Zone-

A.- [No change]

B. Ground floor window standard. The following standards apply in the CI2 zone:

1. [No change]
2. Exemptions:
 - a. Houses, attached houses, manufactured homes, ~~and duplexes,~~ and triplexes are exempt from this Section;
 - b.-c. [No change]

C.-E [No change]

33.150.265 Transit Street Main Entrance

A.- [No change]

B. Applicability.

1. [No change]
2. Small housing types. ~~Houses, attached houses, manufactured homes, and duplexes.~~ Houses, attached houses, manufactured homes, ~~and duplexes,~~ attached duplexes, triplexes, and fourplexes must meet the standards of 33.130.250.~~CB~~, 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.-2. [No change]
3. Meet one of the following:
 - a.-b. [No change]
 - c. If it is an entrance to a multi-dwelling structure:
 - (1) Face a ~~shared courtyard~~ at least 15 feet in width that is connected to ~~abuts~~ the transit street ~~by a 6-foot wide pathway~~ and that is landscaped to at least the L1 level, or hard-surfaced for use by pedestrians; and
 - (2) Be within ~~50~~ 60 feet of the transit street.

D.-E.[No change]

Commentary

33.218 Community Design Standards

Amendments to this page are updates to the multi-dwelling zone names.

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 ~~R3, R2, R1~~RM1, RM2, and RMP Zones

33.218.120 Standards for Detached Accessory Structures in Single-Dwelling, ~~R3, R2, R1~~RM1, RM2 and RMP Zones

33.218.130 Standards for Exterior Alterations of Residential Structures in Single-Dwelling, ~~R3, R2, R1~~RM1, RM2, and RMP Zones

33.218.140 Standards for All Structures in ~~RH, RM3, RM4~~, RX, C, CI, and E Zones

33.218.150 Standards for All Structures in I Zones

33.218.110 Standards for Primary and Attached Accessory Structures in ~~R3, R2, and R1~~RM1, RM2 and RMP Zones

The standards of this section apply to development of new primary and attached accessory structures in the ~~R3, R2, R1~~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 Residential Zones.

The standards of this section can also apply to development of new structures in the ~~RH, 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 ~~RH, RM3, RM4~~, RX, C and E Zones.

A.-B. [No change]

C. Residential buffer. Where a site zoned ~~R1, RH, RM2, RM3, RM4~~, RX, C, or E abuts or is across a street from an RF through ~~R2~~RM1 or RMP zone, the following is required. Proposals in the Hollywood and Kenton, and Sandy plan districts, ~~the Main Street Corridor Overlay Zone, and the Main Street Node Overlay Zone~~ are exempt from this standard:

1. On sites that abut an RF through ~~RM1~~R2 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.

Commentary

33.218 Community Design Standards

Amendments to this page are updates to the multi-dwelling zone names.

2. On sites across the street from an RF through RM1~~R2~~ 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~~R2~~ 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 ~~RH~~RM3, RM4, RX, and E zones may be up to 55 feet in height.

E.-R. [No change]

33.218.120 Standards for Detached Accessory Structures in Single-Dwelling, ~~R3, R2, R1~~RM1, RM2 and RMP Zones.

The standards of this section are applicable to development of new detached accessory structures in single dwelling, ~~R3, R2, R1~~RM1, RM2 and RMP zones.

A.-J. [No change]

33.218.130 Standards for Exterior Alteration of Residential Structures in Single-Dwelling, ~~R3, R2, and R1~~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 ~~RH~~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 ~~RH~~RM3, RM4, RX, C and E Zones.

A.-G. [No change]

Commentary

33.218 Community Design Standards

Amendments to this page are updates to the multi-dwelling zone names.

33.218.140 Standards for All Structures in the ~~RHRM3~~, RM4, RX, C, CI, and E Zones

The standards of this section apply to development of all structures in ~~RHRM3~~, 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.-C. [No change]

D. Residential buffer. Where a site zoned ~~RHRM3~~, RM4, RX, CI, or E abuts or is across a street from an RF through ~~R2~~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~~R2 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~~R2 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~~R2 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 ~~RHRM3~~, RM4, RX, CI, C, and E zones.
 - a. Generally. Structures in the ~~RHRM3~~, 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 ~~RHRM3~~, RM4, RX or E abuts or is across a street from an RF through ~~RM1~~R2 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.

Commentary

33.218 Community Design Standards

Amendments to this page include:

- Updates to the multi-dwelling zone names, and
- In Paragraph M, a corrected reference to the relevant ground floor window standards in Chapter 33.130.

F. [No change]

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 ~~R1, RH, 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 RM1R2 zone are subject to the standards of Subsection D., Residential Buffer, above.

H.-L. [No change]

M. Ground floor windows. Street-facing elevations must meet the ~~Ground Floor Windows Standards of the C zone~~ 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.-Q. [No change]

Commentary

33.229 Elderly and Disabled High Density Housing

Amendments to this page are updates to the multi-dwelling zone names.

33.229 Elderly and Disabled High Density Housing

229

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~~R3~~ through RM4~~RH~~, 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~~R3, R2, R1~~, RMP, and IR zones. In the RM1, RM2~~R3, R2, R1~~, 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~~RH~~ and EX zones. In the RM3, RM4~~RH~~ 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. [No change]

Commentary

33.239 Group Living

Amendments to this page are for the following purposes:

1. Updates to the multi-dwelling zone names.
2. In paragraph C, elimination of the RH (new RM3 and RM4) zone from the exemption from outdoor area requirements, in correspondence with the application of outdoor area requirements to these zones in Chapter 33.120 (see pages 118-121 in Volume 2).
3. In paragraph C, the minimum combined outdoor area dimension is being changed to 20 feet. This brings consistency with the new minimum common area dimension in Chapter 33.120 (see page 123 in Volume 2). The minimum 20-foot dimension helps ensure that common outdoor areas are of usable size. The 15-foot minimum dimension had sometimes resulted in corridors of 5-foot wide walkways flanked on each side by 5 feet of landscaping, rather than providing for courtyards or other types of usable outdoor space.

33.239 Group Living

239

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.-2. [No change]

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
R3 and R2.5 zones	2 residents per 1,000 square feet
RM1R2 zone	2.5 residents per 1,000 square feet
RM2R1 zone	3 residents per 1,000 square feet
RM3, RM4, RH , 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. [No change]

- C. Required outdoor area.** The requirement for outdoor areas applies in all residential zones except ~~RH and 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~~the minimum dimension is 15 by 15 feet.~~

D. [No change]

Commentary

33.251 Manufactured Homes and Manufactured Dwelling Parks

Amendments to this page are updates to the multi-dwelling zone names.

33.251 Manufactured Homes and Manufactured Dwelling Parks

251

33.251.030 Manufactured Dwelling Park Regulations

A.-B. [No change]

C. **Zones allowed.** Manufactured dwelling parks are allowed only in the ~~R3, R2, RM1~~ and RMP zones. An exception is Historic Districts and Conservation Districts, where they are prohibited.

D.-J. [No change]

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.-2. [No change]

3. Existing manufactured dwelling parks in the ~~R2, R3, RM1~~ and RMP zones may have nonconforming densities and/or development depending on individual situations.

Commentary

33.270 Planned Development

33.270.100.D and E. (Triplexes and Fourplexes)

This amendment identifies triplexes and fourplexes as being allowed housing types through a Planned Development because triplexes and fourplexes will be stand-alone housing types—they were previously covered under the definition of multi-dwelling structure. Triplexes and Fourplexes, as relatively small residential structures, will share regulatory approaches with other small residential structures, such as duplexes and attached houses, instead of being considered multi-dwelling structures. The housing type multi-dwelling structures will now be defined as buildings with five or more dwelling units.

33.270.100.L (New dwelling units)

A new paragraph L is being added to the listing on this page to reflect the addition in Chapter 33.120 of an option for proposals that do not meet the Minimum Required Site Frontage for Development standard, which calls for a minimum street frontage of 90 feet in mapped locations in Eastern Portland, to be approved through Planned Development Review (see page 53 in Volume 2).

Other amendments on this page relate to the new multi-dwelling zone names, and in paragraph M, shifting the lower-scale multi-dwelling zones from the subparagraph for zones regulated by unit density to the subparagraph for zones regulated by floor area.

33.270 Planned Development

270

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;
- FD. Multi-dwelling structures.** Multi-dwelling structures may be requested in the RF through R2.5 zones;
- GE. Multi-dwelling development.** Proposals to allow multi-dwelling development on a lot may be requested in RF through R2.5 zones;
- HF. 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.
- IG. Alternative residential dimensions.** Proposals for lots that do not meet the minimum lot area, minimum lot width, 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 ~~RH and RM1~~ through ~~RM4R3~~ zones.
- JH. Commercial uses.** Commercial uses that are allowed in the CM1 zone may be requested in the RF through ~~RM2R1~~ zones;
- KI. 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;
- MJ. Transfer of development within a site.** Transfer of development rights across zoning lines within the site may be proposed as follows:
 - 1. RF through ~~R2.5R1~~ zones. If the site is located in more than one zone, and all the zones are RF through ~~R2.5R1~~, 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. ~~RH and RM1~~ through RX zones. If the site is located in more than one zone, and the zones are ~~RH and 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.

Commentary

33.270 Planned Development

Amendments to this page reflect the shift in regulating development intensity in the RM1 (former R3 and R2) and RM2 (former R1) zones from unit density to FAR. The references to the range of zones that regulate in terms of numbers of dwelling units is being amended to end at the R2.5 zone to reflect this change.

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 ~~R2.5R1~~, and at least one of the zones is ~~RH~~, 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 ~~R2.5R1~~ 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.

NM. 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~~occur~~, both the sending and receiving sites must be part of a Planned Development.

Commentary

33.285 Short Term Housing and Mass Shelters

Amendments to this page are updates to the multi-dwelling zone names.

33.285 Short Term Housing and Mass Shelters

285

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~~R3~~ – 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) [No change]
 - b. [No change]
- 2.-4. [No change]

B. Mass shelters.

1. [No change]
2. ~~R3, R2, R1,~~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 ~~R3, R2, R1,~~RM1, RM2, RMP and IR zones may choose to be an allowed use or a conditional use, as stated below.
 - a.-b. [No change]
3. RM3, RM4,~~RH~~ 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,~~RH~~ and RX zones may choose to be an allowed use or a conditional use, as stated below.
 - a.-b. [No change]
- 4.-7. [No change]

Commentary

33.285 Short Term Housing and Mass Shelters

Amendments to Table 285-1 are updates to the multi-dwelling zone names.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

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, <u>RM3</u> , and RM4 and RH	50
<u>RM1</u> , RM2 R3-R1 , RMP, IR [1]	15

Notes:

[1] The mass shelter must be operated on the site of an existing Institutional Use.

Commentary

33.296 Temporary Activities

Amendments to this page are updates to the multi-dwelling zone names and allow farmer's markets as temporary activities in all the new multi-dwelling zones.

33.296 Temporary Activities

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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 RM4RH 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 RM4RH 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 RM4RH 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.-3. [No change]
 4. Seasonal outdoor sales.
 - a. [No change]
 - b. In the IR, CI1, and RF through RM4RH and RMP zones, ~~S~~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, RMP, R1, RH, RX, C, E, I, CI, and OS zones as follows:
- 1.-4. [No change]
- E. Fairs, carnivals, and other major public gatherings.**
1. In the CI1 and RF through RM4RH 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.-4. [No change]

Commentary

33.296 Temporary Activities

Amendments to this page are updates to the multi-dwelling zone names.

F. Construction activities

1. Use of existing house or manufactured dwelling. In the IR, CI1, and RF through RM4RH 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.-4. [No change]

G.-I. [No change]

Commentary

Chapter 33.415

Centers Main Street Overlay Zone

The only amendment to this chapter involves minor changes to the Map 415-1 (Pattern Areas), see below.

Pattern Areas

Map 415-1

The Pattern Areas map is being amended to make corrections to the pattern area boundaries. The most significant change is that the Central City Pattern Area boundaries are being amended to correspond to the Central City Plan District boundaries. The previous version of the Pattern Areas map was based on draft boundaries for the Central City Plan District that were not adopted (it included small portions of Lower Albina, Kerns, and a small area near the Clinton light rail station that had been considered for inclusion in the Central City Plan District, but were not ultimately included). Other changes include corrections to pattern area boundaries, mostly to avoid situations in which boundaries cut across properties and to more accurately reflect existing urban patterns. The revised boundaries use streets and property lines as boundaries and take into account block patterns and topography. In this overlay zone, the Pattern Areas map boundaries affect standards for minimum floor area ratios and maximum building setbacks.

Commentary

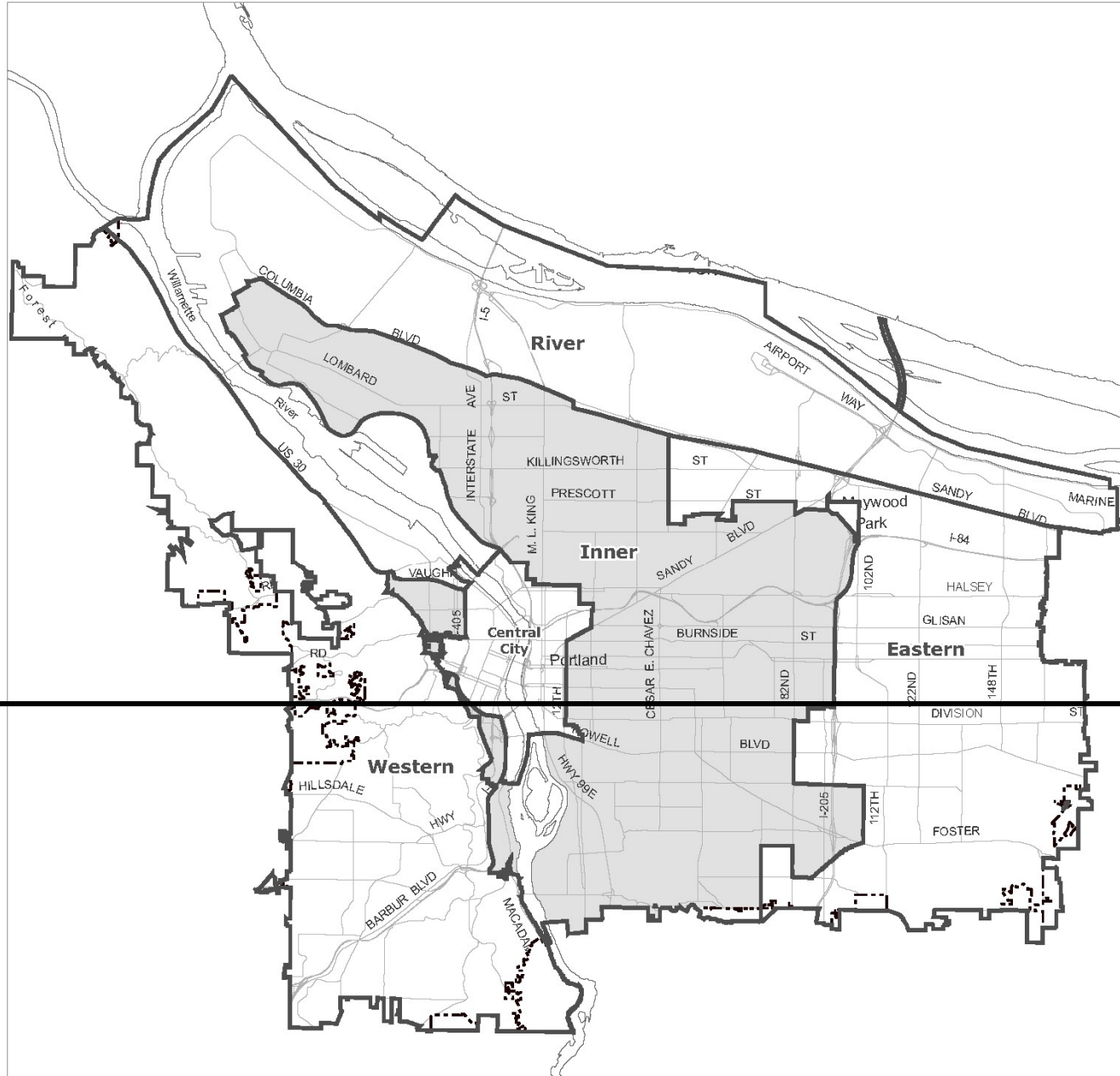
Pattern Areas Map 415-1

This is the existing Pattern Areas map that is being replaced (see previous commentary).

Pattern Areas

Map 415-1

Map Revised May 24, 2018



----- City Boundary
—— Pattern Area Boundaries

NORTH
0 9,000 18,000
Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon

Commentary

33.420 Design Overlay Zone

Amendments to this page reflect the following:

- Discontinuation of the Albina Community plan district design review provisions (see pages 108-117 of this volume).
- Updates to the multi-dwelling zone names.

33.420 Design Overlay Zone

420

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.-G [No change]

H. Proposals using one of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080;

~~**I.** Proposals in the Albina Community plan district using the provisions of Section 33.505.220, Parking Requirement Reduction, or Section 33.505.230, Attached Residential Infill on Vacant Lots in R5 Zoned Areas;~~

J. Floating structures, except individual houseboats; and

K. 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.-B.[No change]

D. Alterations to residential structures in RF through ~~RM2R1~~ zones, where the alterations are valued at \$10,000 or less;

E.-DD. [No change]

Commentary

33.420.055 When Community Design Standards May Be Used

33.420.060 When Community Design Standards May Not Be Used

Amendments to this page reflect the following:

- Discontinuation of the Albina Community plan district design review provisions (see pages 108-117 of this volume).
- Because of the above and the fact that projects using a-overlay provisions are subject to separate regulations in Chapter 33.405, this section is being simplified to reflect the fact that it will only apply in the design overlay zone.
- Updates to the multi-dwelling zone names in Table 420-1.

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, ~~below~~, proposals that ~~are within the maximum limits of Table 420-1 meet all of the requirements of this section~~ may use the Community Design Standards as an alternative to design review.

~~A. Location.~~ The proposal is in:

- ~~1. A Design Overlay Zone;~~
- ~~2. The Albina Community plan district shown on Map 505-1; or~~
- ~~3. An Alternative Design Density Overlay Zone and a Design Overlay Zone, and the proposal is not taking advantage of the provisions of Chapter 33.405, Alternative Design Density Overlay Zone. Proposals taking advantage of the provisions of Chapter 33.405 are regulated by Section 33.405.090.~~

~~B. Maximum limits.~~ The proposal is within the maximum limits of Table 420-1.

Table 420-1	
Maximum Limits for Use of the Community Design Standards [1]	
Zones	Maximum Limit—New Floor Area
<u>RM2, RM3, RM4R1, RH, RX,</u> 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	<ul style="list-style-type: none">• 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.-E. [No change]

F. For non-residential development in the RF through RM2R1 zones;

G.-J. [No change]

Commentary

33.445 Historic Resource Overlay Zone

Amendments to this page reflect discontinuation of the Albina Community plan district design review provisions (see pages 108-117 of this volume).

33.445 Historic Resource Overlay Zone

445

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.-3. [No change]
 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; and
 6. ~~Proposals in the Albina Community plan district using the provisions of Section 33.505.220, Parking Requirement Reduction, or Section 33.505.230, Attached Residential Infill on Vacant Lots in R5 Zoned Areas.~~
- B.** [No change]

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.-3. [No change]
 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; and
 6. ~~Proposals in the Albina Community plan district using the provisions of Section 33.505.220, Parking Requirement Reduction, or Section 33.505.230, Attached Residential Infill on Vacant Lots in R5 Zoned Areas.~~
- B.** [No change]

Commentary

33.445.320 Development and Alterations in a Historic District

Amendments to this page reflect the following:

- Discontinuation of the Albina Community plan district design review provisions (see pages 108-117 of this volume).
- Updates to the multi-dwelling zone names.

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.-3. [No change]
 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; and
 6. ~~Proposals in the Albina Community plan district using the provisions of Section 33.505.220, Parking Requirement Reduction, or Section 33.505.230, Attached Residential Infill on Vacant Lots in R5 Zoned Areas.~~
- B. Exempt from historic resource review.**
- 1.-9. [No change]
 10. Vents. On all residential structures in the RF through RM2R1 zones and residential structures with up to three dwelling units in other zones, vents that meet all of the following:
 - a.-b. [No change]
 - 11.-22. [No change]

Commentary

33.445.420 Development and Alterations in a Conservation District

Amendments to this page reflect the following:

- Discontinuation of the Albina Community plan district design review provisions (see pages 108-117 of this volume).
- Updates to the multi-dwelling zone names.

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.-3 [No change]
 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; and
 - ~~6. Proposals in the Albina Community plan district using the provisions of Section 33.505.220, Parking Requirement Reduction, or Section 33.505.230, Attached Residential Infill on Vacant Lots in R5-Zoned Areas.~~
- B. Exempt from historic resource review.**
- 1.-9. [No change]
 10. Vents. On all residential structures in the RF through ~~RM2R1~~ zones and residential structures with up to three dwelling units in other zones, vents that meet all of the following:
 - a.-b. [No change]
 - 11.-22. [No change]

Commentary

33.445.610 Historic Preservation Incentives

Amendments to this page reflect the following:

- Updated reference to Chapter 33.120 transfer of FAR regulations.
- Updates to the multi-dwelling zone names.

33.445.610 Historic Preservation Incentives

A.-B. [No change]

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 33.120.205.E 210.D, Transfer of ~~Density~~ FAR. In commercial and employment zones, the transfer of FAR is regulated by Subsections 33.130.205.C and 33.140.205.C.

2-7. [No change]

8. Nonresidential uses in the RM1, RM2, RM3 and RM4RH, R1 and R2 zones. In the RM1, RM2, RM3 and RM4RH, R1 and R2 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.-b. [No change]

9. [No change]

D. [No change]

Commentary

33.445.710 When Community Design Standards May Be Used

33.445.720 When Community Design Standards May Not Be Used

Amendments to this page reflect the following:

- Updates to the multi-dwelling zone names.
- Discontinuation of the a-overlay zone bonus provisions that provided options for additional density for projects in the multi-dwelling zones approved through design review (see pages 206-213 in Volume 2).

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. [No change]
- 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 <u>R2 & R3 Zones</u>	10 dwelling units
RM2, RM3, RM4 <u>R1, RH, RX, C, E, & CI Zones</u>	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	<ul style="list-style-type: none">• 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.-B. [No change]
- C. For mixed-use or non-residential development in the RF through ~~RM2~~R4 zones;
- D. If the site is in a Historic District or the proposal is for alteration to a Historic Landmark; and
- ~~E. If the proposal uses Section 33.405.050, Bonus Density for Design Review; and~~
- F. For installation of solar panels on a conservation landmark.

Commentary

33.470 Portland International Airport Noise Impact Zone

Amendments to this page are updates to the multi-dwelling zone names.

33.470 Portland International Airport Noise Impact Zone

470

33.470.040 Regulations for Residential Uses

A.-C. [No change]

D. Residential use and density.

1. [No change]
2. Within the 65 DNL noise contour. Where a site is within the 65 DNL noise contour, it is subject to the following:
 - a. [No change]
 - 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 RM2R1 zone.
3. [No change]

Commentary

33.480 Scenic Resource Zone

Amendments to this page are updates to the multi-dwelling zone names.

33.480 Scenic Resource Zone

480

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*. The standards for each subsection below apply only to areas with that designation in the 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. [No change]
- B. **Scenic Corridors.** All development and vegetation with a scenic corridor designation in the *Scenic Resources Protection Plan* are subject to the regulations of this Subsection.
 - 1. [No change]
 - 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'
RM2R1	3'
EG1, IH	5'
EG2, IG2	25'
All other base zones	20'

Notes:

[1] Larger minimum setbacks in overlay zone and plan district supersede this setback

- b.-h. [No change]

Commentary

33.505 Albina Community Plan District

The Albina Community plan district includes pioneering implementation approaches, such as allowances for ground-floor commercial uses in the RH zone along Martin Luther King Jr. Boulevard and allowances for no off-street parking on small sites, that served as models for regulatory approaches now proposed to be applied citywide as part of the Better Housing by Design Proposed Draft amendments. Because the proposed citywide application of these approaches now makes these Albina Community plan district regulations redundant, they are proposed to be discontinued. The only plan district regulation that is being retained is an allowance for attached residential infill on vacant lots in the R5 zone.

The following summarizes provisions of the Albina Community plan district that are being discontinued.

- **Allowances for limited amounts of ground-floor commercial uses in the RH zone along Martin Luther King Jr. Boulevard (33.505.100).** The BHD Proposed Draft proposes to allow limited amounts of ground-floor commercial uses in multi-dwelling zone along major corridors citywide, including along NE Martin Luther King Jr. Boulevard (see pages 32-39 of Volume 2).
- **Minimum density standard for RH zoning abutting Martin Luther King Jr. Boulevard (33.505.200).** This regulation allows for a minimum density that is lower than the base zone regulations for the RH zone. Along Martin Luther King Jr. Boulevard, this plan district regulation allows for a minimum density of 1 unit per 2,000 square feet of site area, which is a townhouse density that is the same as is allowed in the low-scale R2 zone. This low-level of density has not been used by new development along this corridor within the plan district over the past 10 years, and newer residential development has typically consisted of multi-level multi-dwelling buildings that reflect the intended development intensities of the RH zone. Discontinuing this plan district regulation means that development will need to meet the minimum density requirements of the RM3/RM4 (former RH) zones, which is 1 unit per 1,000 square feet of site area, which sets a higher expectation for housing density that reflects this boulevard's status as a Civic Corridor that is intended to be the location for larger buildings and concentrations of housing.
- **Reduced minimum parking requirements (33.505.220).** The plan district allows for small sites (up to 7,500 square feet) in the R2.5, R2, and R1 zones to not provide off-street parking, in exchange for going through design review or meeting the community design standards. This will be replaced by proposed multi-dwelling zone regulations that exempt projects from needing to provide off-street parking on small sites (up to 10,000 - see pages 204-205 in Volume 2). Also, the Residential Infill Project is proposing to discontinue off-street parking requirements in the R2.5 and other single-dwelling zones.

33.505 Albina Community Plan District

505

Sections:

General

33.505.010 Purpose

33.505.020 Where These Regulations Apply

~~Use Regulations~~

~~33.505.100 Commercial Uses in the RH Zone~~

Development Standards

~~33.505.200 Minimum Density Standards~~

~~33.505.220 Parking Requirement Reduction~~

33.505.230 Attached Houses Residential Infill on Vacant Lots in R5 Zoned Areas

~~33.505.240 Design Review and Community Design Standards~~

~~33.505.245 When Community Design Standards May Be Used~~

~~33.505.248 When Community Design Standards May Not Be Used~~

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. ~~ensure that new higher density commercial and industrial developments do not overwhelm nearby residential areas. Infill housing compatibility and affordability is encouraged by eliminating off-street parking requirements for small multi-dwelling housing projects. The plan district's provisions also encourage the development of new housing along Martin Luther King Jr. Boulevard by allowing new housing projects to include ground level commercial uses that orient to King Boulevard.~~

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.

~~Use Regulations~~

~~33.505.100 Commercial Uses in the RH Zone~~

~~A. — Purpose. A limited amount and type of commercial uses are allowed in new mixed commercial/residential projects along Martin Luther King Jr. Boulevard. These uses are permitted in recognition of the Boulevard's designation as a Major City Traffic Street in the Transportation Element of the Comprehensive Plan, high traffic counts on King Boulevard, and the City's desire to encourage residential development by permitting some commercial space as part of new residential projects.~~

Commentary

33.505 Albina Community Plan District

See previous commentary.

- B. ~~Locations and uses permitted.~~** RH-zoned sites located on blocks that abut Martin Luther King Jr. Boulevard may include Retail Sales and Service and Office uses as part of new residential developments. Other commercial uses are prohibited.
- C. ~~Regulations for commercial uses.~~** Commercial development in new mixed commercial/residential projects is allowed when the following standards are met:
1. ~~The project must include the development of new housing. The floor area for the commercial uses is not required to be in a new building;~~
 2. ~~Commercial uses are allowed only on the ground floor of a building;~~
 3. ~~Up to 35 percent of the total building's floor area may be developed for commercial uses. More than 35 percent is prohibited;~~
 4. ~~Access to parking for mixed commercial/residential development is limited as follows:~~
 - a. ~~Access must be from an arterial; or~~
 - b. ~~Access must be from a Local Service Traffic Street which is within 150 feet of the intersection with a street designated as an arterial; and~~
 5. ~~Signs. The sign standards are stated in Title 32, Signs and Related Regulations.~~

Development Standards

33.505.200 Minimum Density Standards

The minimum density for RH and RX-zoned sites on blocks that abut Martin Luther King Jr. Boulevard is one dwelling unit for each 2,000 square feet of site area.

33.505.220 Parking Requirement Reduction

- A. ~~Purpose.~~** The reduction of parking requirements is offered to allow development that is more compatible with Albina's older neighborhoods than projects built with one or more parking spaces. New housing developed without parking will also cost less than comparable housing built with off-street parking. Reducing the cost of housing will help increase affordable housing within the plan district. Performance of these provisions and any problems associated with them will be reviewed when this plan district is reviewed for timeliness.
- B. ~~Where these regulations apply.~~** The provisions of this section apply in areas zoned R2.5, R2 and R1 that are more than 1500 feet from a transit station, or more than 500 feet from a transit street with 20-minute peak hour service.
- C. ~~Regulations.~~** New residential developments may be built without off-street parking when the following requirements are met:
1. ~~The lot on which the project is built must be 7,500 square feet or smaller in size;~~
 2. ~~There will be no more than 5 dwelling units on the lot when the project is complete;~~

Commentary

33.505.230 Attached Houses on Vacant Lots in R5 Zoned Areas

This section of the Albina Community Plan District because it provides an allowance that is not made redundant either by the BHD Proposals or by the Residential Infill Project's proposals. It allows for attached houses to be built on vacant lots in the R5 zone, at the same attached house densities allowed in the R2.5 zone (allowing for 2 attached houses on a 5,000 square foot lot). This provides an option for compact ownership housing that can be less expensive than larger new single-family houses. While the Residential Infill Project is proposing to allow duplexes, triplexes, and fourplexes on lots in the R5 zone, it does not allow for this greater density to be provided by attached houses on individual lots. Amendments to this section include:

- Changing "attached residential" to "attached houses" as there is no definition for "attached residential" in the zoning code.
- Removing design requirements because design issues are addressed by the stricter design standards that now apply or are proposed in the single-dwelling zones for narrow lots. Also corresponds to the DOZA proposal to not provide design review for attached houses in the design overlay zone.

- ~~3. If there are existing dwelling units on the site with parking the parking provided for the existing dwellings must not be reduced to less than one space per dwelling unit or the existing number of spaces, whichever is less; and~~
- ~~4. Design review required.~~
 - ~~a. 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 33.505.240, 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.~~

33.505.230 Attached Houses Residential Infill 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~~residential infill.** Attached ~~houses~~ are residential development is 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~~ residential 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~~ residential development meets all development standards for attached ~~housing~~ residential development in the R2.5 zone; ~~and~~
- ~~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 33.505.240, 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.~~

Commentary

33.505 Albina Community Plan District

These sections related to design review and the use of the Community Design Standards are proposed to be discontinued, since the plan district-specific requirements for design review and the use of the Community Design Standards are being discontinued. However, development in the Albina Community Plan Area located in the design ("d") overlay zone or in Historic or Conservation districts will still be subject to requirements for design or historic review, with continued options for using design standards.

33.505.240 Design Review and Community Design Standards

Design Review ensures that development conserves and enhances the recognized special design values of a site or area, and promotes the conservation, enhancement, and continued vitality of special areas of the City. 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 standards of this chapter. If the proposal meets the Community Design Standards, no design review is required.

33.505.245 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 33.505.248, When Community Design Standards May Not Be Used, below, proposals that are within the limits of Table 505-1 may use the Community Design Standards as an alternative to design review.

Table 505-1	
Maximum Limits for Use of the Community Design Standards [1]	
Zones	Maximum Limit—New Floor Area
R1, RH, RX, C, & 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.
Zones	Maximum Limit—Exterior Alterations
All except IR	<ul style="list-style-type: none">• 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.

Notes:

[1] There are no maximum limits for proposals where any of the floor area is in residential use.

33.505.248 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.** For institutional uses in residential zones, unless specifically allowed by an approved Impact Mitigation Plan or Conditional Use Master Plan;
- B.** For alterations to sites where there is a nonconforming use, unless the nonconforming use is a residential use;
- C.** For non-residential development in the RF through R1 zones; and
- D.** For historic resources, unless allowed by Chapter 33.445, Historic Resource Protection Overlay Zone.

Commentary

33.505 Albina Community Plan District – Map 505-1

No change to this map.

Commentary

33.510 Central City Plan District

Amendments to this page reflect the following:

- Updates to the multi-dwelling zone names.

33.510 Central City Plan District

510

33.510.205 Floor Area Bonus and Transfer Options

- A. [No change]
- B. [No change]
- 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. [No change]
 - b. Bonus FAR is only available to sites zoned RM3, RM4, ~~RH~~, RX, CX, or EX, unless specifically stated otherwise.
 - c. [No change]
 - d. [No change]
 - e. [No change]
 - 2. [No change]

Commentary

33.510 Central City Plan District (continued)

Amendments to this page reflect the following:

- Updates to the multi-dwelling zone names.

- 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. [No change]
 - 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, RH, RX, CX, EX, or OS zones, and
 - (2) [No change]
 - c. Sites eligible to receive floor area:
 - (1) Must be zoned RM3, RM4, RH, RX, CX or EX; and
 - (2) [No change]
 - d. [No change]
 - e. Exceptions.
 - (1) Sites with eligible historic resources in a RM3, RM4, RH, 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, ~~33.120.205.G~~, 33.130.205.C or 33.140.205.D.
 - (2) Sites with eligible historic resources in the RM1 and RM2 ~~R1, R2 and R3~~ zones may transfer floor area density if they meet the standards of 33.120.210.D ~~33.120.205.G~~.
 2. [No change]

Commentary

33.521 East Corridor Plan District

Amendments to this page reflect the following:

- Updates to the multi-dwelling zone names.
- Clarification to the Entrances section that requirements that each ground-floor tenant space have a street-oriented entrance applies only to nonresidential tenant spaces, such as commercial uses, and not to ground-floor residential units (which can be served by a lobby or other shared entrance). This language was previously added to other zoning code chapters (such as those related to transit street main entrances) to provide this clarification.

33.521 East Corridor Plan District

521

33.521.250 Entrances

- A. [No change]
- B. **Where these regulations apply.** In the ~~RH, R1~~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.-2 [No change]

33.521.260 Building Design

- A. [No change]
- B. **Applicability.** All sites in the ~~RH, R1~~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. [No change]

Commentary

33.521.300 Additional Standards in the 122nd Avenue Subdistrict

Amendments to this page are intended to achieve the following purposes:

- Update the multi-dwelling zone names.
- Amend the Retail Sales and Service and Office uses allowances to be consistent with the limited commercial use allowances proposed in the multi-dwelling base zone regulations (see pages 32-39 in Volume 2). A difference in this plan district regulation is that it allows these limited commercial uses broadly within the RH (new RM3 and RM4) zones in the subdistrict, rather than limiting them to Civic and Neighborhood corridors (to which they are limited in the multi-dwelling base zone regulations).

33.521.300 Additional Standards in the 122nd Avenue Subdistrict

A.-C. [No change]

D. Retail Sales And Service and Office uses in the RHRM3 and RM4 zones.

1. Purpose. This regulation provides opportunity for mixed use development in the RHRM3 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 RHRM3 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.
 - a. ~~The uses are allowed in new multi-dwelling developments only. Conversion of existing structures is prohibited; and~~
 - b. ~~The uses are limited to 20 percent of the net building area of the development. More than 20 percent of the net building area used for Retail Sales And Service or Office is not allowed.~~

E.-F [No change]

Commentary

33.526 Gateway Plan District

Amendments to this page reflect the following:

- Updates to the multi-dwelling zone names.
- Revisions to the open area requirements to set a minimum dimension of 20 feet. This brings consistency with the new minimum common area dimension in Chapter 33.120 (see page 123 in Volume 2). As currently written, this plan district provision would allow a large required amount of outdoor area to include a single 20 foot x 20 foot square space, with the rest of the required open area in the form of narrower spaces that may only be usable as pedestrian connections.
- Clarification to the Entrances section that requirements that each ground-floor tenant space have a street-oriented entrance applies only to nonresidential tenant spaces, such as commercial uses, and not to ground-floor residential units (which can be served by a lobby or other shared entrance). This language was previously added to other zoning code chapters (such as those related to transit street main entrances) to provide this clarification.

33.526 Gateway Plan District

526

33.526.230 Floor Area and Height Bonus Options

- A. [No change]
- B. **General regulations.**
 - 1. Eligible sites. The inclusionary housing and Affordable Housing Fund bonus options may be used in the ~~R3, R2, R1, RH, RX,~~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.-5 [No change]
- C.-E. [No change]

33.526.240 Open Area

- A.-C. [No change]
- 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.-d. [No change]
 - e. Open area may be provided in a variety of sizes, but each open area must ~~be large enough that a 20-foot x 20-foot square can fit entirely within it~~measure at least 20 feet in all directions.
 - f. [No change]
 - 2.-3. [No change]

33.526.270 Entrances

- A. [No change]
- B. **Where these regulations apply.** In ~~R1, RHRM2, 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.-2. [No change]

Commentary

33.532 Hayden Island Plan District

Amendments to the figures on this page are updates to the zone names, reflecting both the new commercial zone and proposed multi-dwelling zone names. The diagrams have also been amended to show the proposed 35-foot maximum height of the RM1 zone, instead of the 40-foot height of the R2 zone.

33.532 Hayden Island Plan District

532

Figure 532-1
Height limits on sites abutting R zones

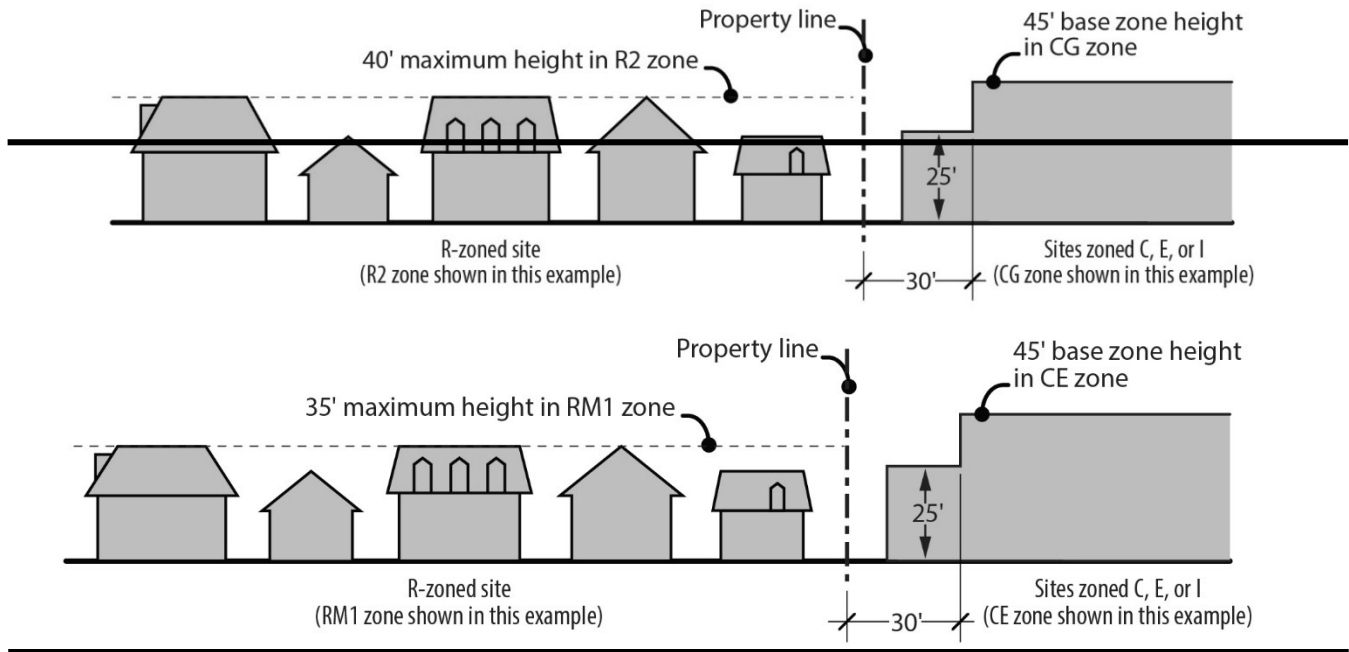
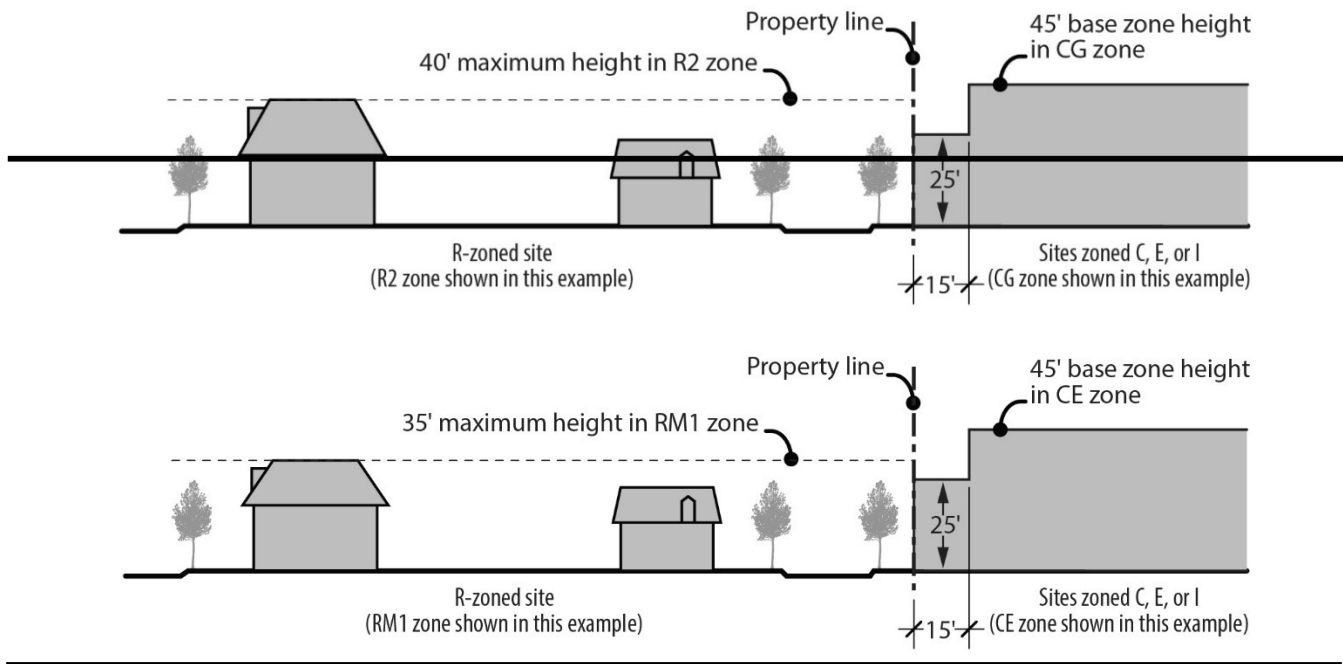


Figure 532-2
Height limits on sites across a street from R zones



Commentary

33.534 Hillsdale Plan District

Amendments to this page are updates to the multi-dwelling zone names.

33.534 Hillsdale Plan District

534

33.534.210 Setbacks

- A. Front building setback in the ~~R1RM2~~ R1RM2 zone. A setback of at least 10 feet is required in the ~~R1RM2~~ R1RM2 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.

Commentary

33.536 Hollywood Plan District

Amendments to this page are updates to the multi-dwelling zone names.

33.536 Hollywood Plan District

536

33.536.230 Transition Between Residential and Commercial/Mixed Use Zones

A.-B. [No change]

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 - ~~R1~~RM2 zones. Sites abutting RF through ~~R1~~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 ~~R1~~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 ~~R1~~RM2, the maximum building height is 45 feet.
3. Sites across a street from RF – ~~RM2~~R1 zones. Sites across a street from RF through ~~RM2~~R1 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 ~~R1~~RM2, the maximum building height is the same as the residential zone across the street. See Figure 536-2.

D. [No change]

Commentary

33.536 Hollywood Plan District

Amendments to the graphics on this page are updates to the multi-dwelling zone names.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

Figure 536-1
Height limits on sites abutting RF - ~~R1~~RM2 zones

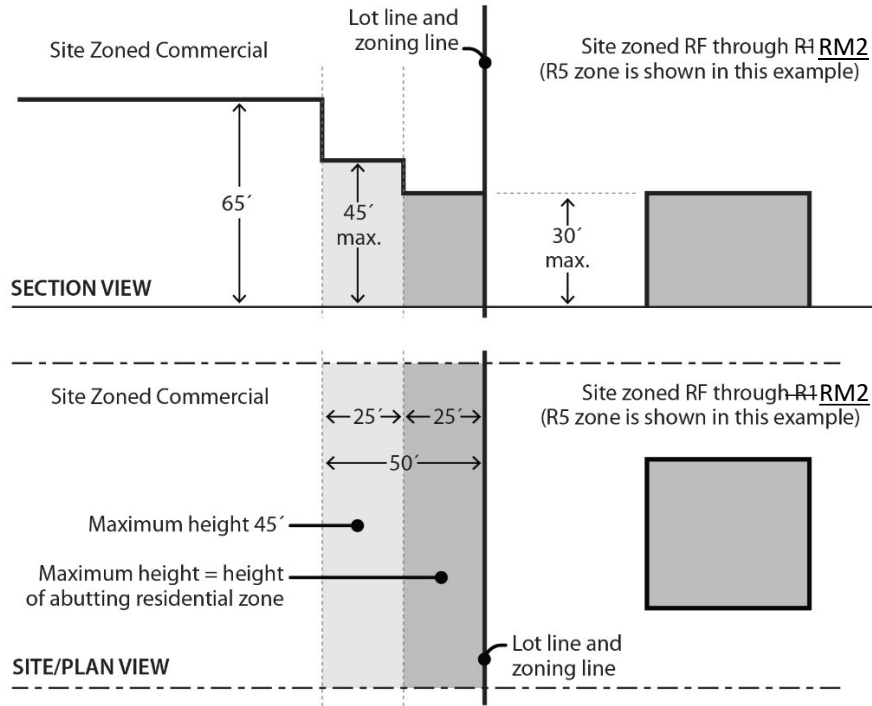
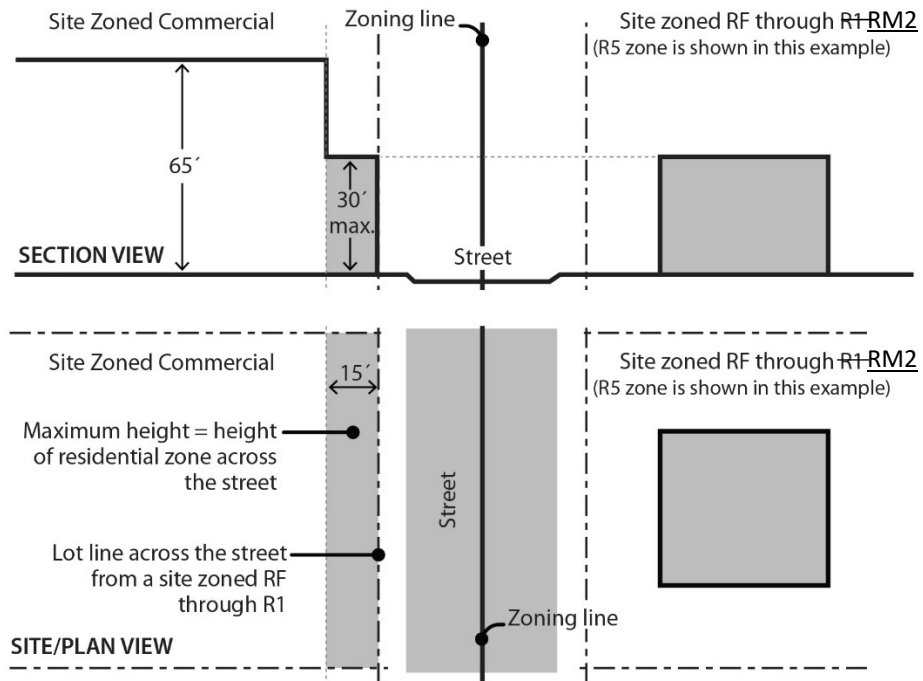


Figure 536-2
Height limits on sites across a street from RF - ~~R1~~RM2 zones



Commentary

33.536 Hollywood Plan District

Amendments to this page reflect recent zoning changes (undertaken previously as part of the Map Refinement Project) that rezoned RX zones in the plan district to the RH zone (4 to 1 FAR), which is now being renamed to RM4. The proposed amendments assign to the RM4 zone the same maximum parking amounts that had applied in the RX zone, except for Household Living (see below). The new RM4 zone allows limited amounts of commercial uses along major corridors, such as NE Halsey in the plan district.

Table 536-1 is being amended to apply maximum parking ratios to surface parking for Household Living uses. This brings consistency with maximum parking ratios proposed for the multi-dwelling zones in locations close to frequent transit (see page 207 in Volume 2) and that were recently adopted for the commercial/mixed use zones. The Hollywood plan district was adopted when there were no maximum parking requirements for Household Living uses, but the maximum parking ratios in Table 536-1 were generally intended to not allow as much parking in this transit-rich plan district as the general citywide standard.

The amendments to the Household Living maximum parking ratios in this table ensure that the plan district regulations do not allow for more parking than does the general citywide standard, in accordance with the intent of the plan district regulations. The maximum parking ratio amendments provide exemptions for structured parking and for houses, attached houses and duplexes, to correspond to exemptions provided in Chapter 33.266 (see Table 266-2 on page 207 of Volume 2).

33.536.290 Maximum Parking Allowed in the ~~RXRM4~~, CM2, and CM3 zones

- A. [No change]
- B. **Where these regulations apply.** These regulations apply to accessory parking in the ~~RXRM4~~, CM2, and CM3 zones.
- C. [No change]

Table 536-1 Maximum Parking Spaces Allowed in the RXRM4, CM2, and CM3 Zones		
Use Categories	Specific Uses	Maximum Parking Spaces Allowed
Residential		
Household Living, Group Living		<u>1.35 per unit for surface parking. No maximum for structured parking and for houses, attached houses, and duplexes.</u>
Group Living		<u>No maximum</u>
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

Commentary

33.536 Hollywood Plan District

Amendments to this page reflect recent zoning changes (undertaken previously as part of the Map Refinement Project) that rezoned RX zones in the plan district to the RH zone (4 to 1 FAR), which is now being renamed to RM4. The proposed amendments assign to the RM4 zone the same maximum parking amounts that had applied in the RX zone, except for Household Living uses (see previous commentary). The new RM4 zone allows limited amounts of commercial uses along major corridors, such as NE Halsey in the plan district.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

Table 536-1		
Maximum Parking Spaces Allowed in the RXRM4, 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

Commentary

33.537 Johnson Creek Basin Plan District

Amendments to this page include:

- Updates to the multi-dwelling zone names.
- In the **Bonus Density** section, replacement of the term "attached residential" with "any housing type that has at least two units in each structure." This responds to the fact that the zoning code has no definition for "attached residential," providing no clarity as to the intended housing type. The new language would allow a wide variety of housing types with attached units, including attached houses, multi-dwelling structures, fourplexes, triplexes, and duplexes. Such housing allows for more compact site layouts than do detached houses, helping to minimum stormwater impacts.
- In the **Floodplain Standards** section, a similar change is being made to allow for a variety of housing types with attached units, instead of listing every housing type that has more than one unit in a structure.

33.537 Johnson Creek Basin Plan District

537

33.537.120 Bonus Density

A.-B. [No change]

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~~residential~~ and must meet the development standards for ~~attached-residential development in the RM1R2~~ zones. Adjustments to this paragraph are prohibited.
2. [No change]

33.537.130 Springwater Corridor Standards

A.-B. [No change]

C. **Standards.**

1. General standards.
 - a. [No change]
 - b. Waste collection and waste storage areas. In ~~R3, R2, R1, RH, RX, IR,~~ multi-dwelling, C, E, and 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. [No change]
2. [No change]

33.537.150 Floodplain Standards

A.-B. [No change]

C. **Housing Types.** In ~~R3, R2, and R1~~ the RM1 and RM2 zones, allowed housing types are limited to residential structures with at least two units in each structure ~~multi-dwelling structures, duplexes, and attached housing~~ houses. 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.-E. [No change]

Commentary

33.545 Lombard Street Plan District

Amendments to this page are updates to the multi-dwelling zone names.

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 RM2R1 Zone

Map 545-1 Lombard Street Plan District

33.545.120 Additional Standards in the RM2R1 Zone

- A. [No change]
- 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 RM2R1.
- C. **Standards.** Adjustments may be requested to these standards; they may not be modified through design review.
 - 1.-5. [No change]
 - 6. On lots less than 10,000 square feet in the RM2R1 zone, the minimum density is 1 unit per 2,250 square feet of site area. This standard does not apply on corner lots.

Commentary

33.561 North Interstate Plan District

The Commercial Uses in the RH Zone code section is proposed to be deleted because it is largely redundant with proposed allowances for limited amounts of ground-floor commercial uses in multi-dwelling zones along major corridors, including along Interstate Avenue, where this plan district regulation applies (see pages 32-39 of Volume 2). The plan district regulations and the proposed multi-dwelling base zone regulations vary in detail, but both limit commercial uses to the ground floor of buildings and they are only allowed in conjunction with residential uses.

33.561 North Interstate Plan District

561

Sections:

General

33.561.010 Purpose

33.561.020 Where These Regulations Apply

~~Use Regulations~~

~~33.561.100 Commercial Uses in the RH Zone~~

Development Standards

33.561.210 Maximum Building Height

33.561.220 Floor Area Ratios

33.561.230 Transition Between Zones

~~33.561.240 Minimum Density in the RH Zone~~

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 RM1~~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

~~Use Regulations~~

~~33.561.100 Commercial Uses in the RH Zone~~

~~A. **Purpose.** Allowing a limited amount of commercial uses in the RH zone along Interstate Avenue improves the economic viability of residential development by allowing mixed use development, while ensuring that residential uses remain the dominant use in the zone. It also provides a more interesting and active ground floor along this busy arterial and provides an interim use for houses where owners want to add commercial uses to the ground floor.~~

~~B. **Commercial uses allowed.** Commercial uses are allowed in the RH zone on sites that have frontage on Interstate Avenue, as follows:~~

- ~~1. Only Retail Sales And Service and Office uses are allowed;~~
- ~~2. There must be floor area in Residential use on the site, either existing or proposed for development concurrent with the commercial floor area;~~
- ~~3. The commercial uses are allowed only on the ground floor of a building; and~~
- ~~4. Up to 35 percent of the total floor area on the site may be developed for commercial uses. More than 35 percent is prohibited.~~

Commentary

33.561.230 Transition Between Zones

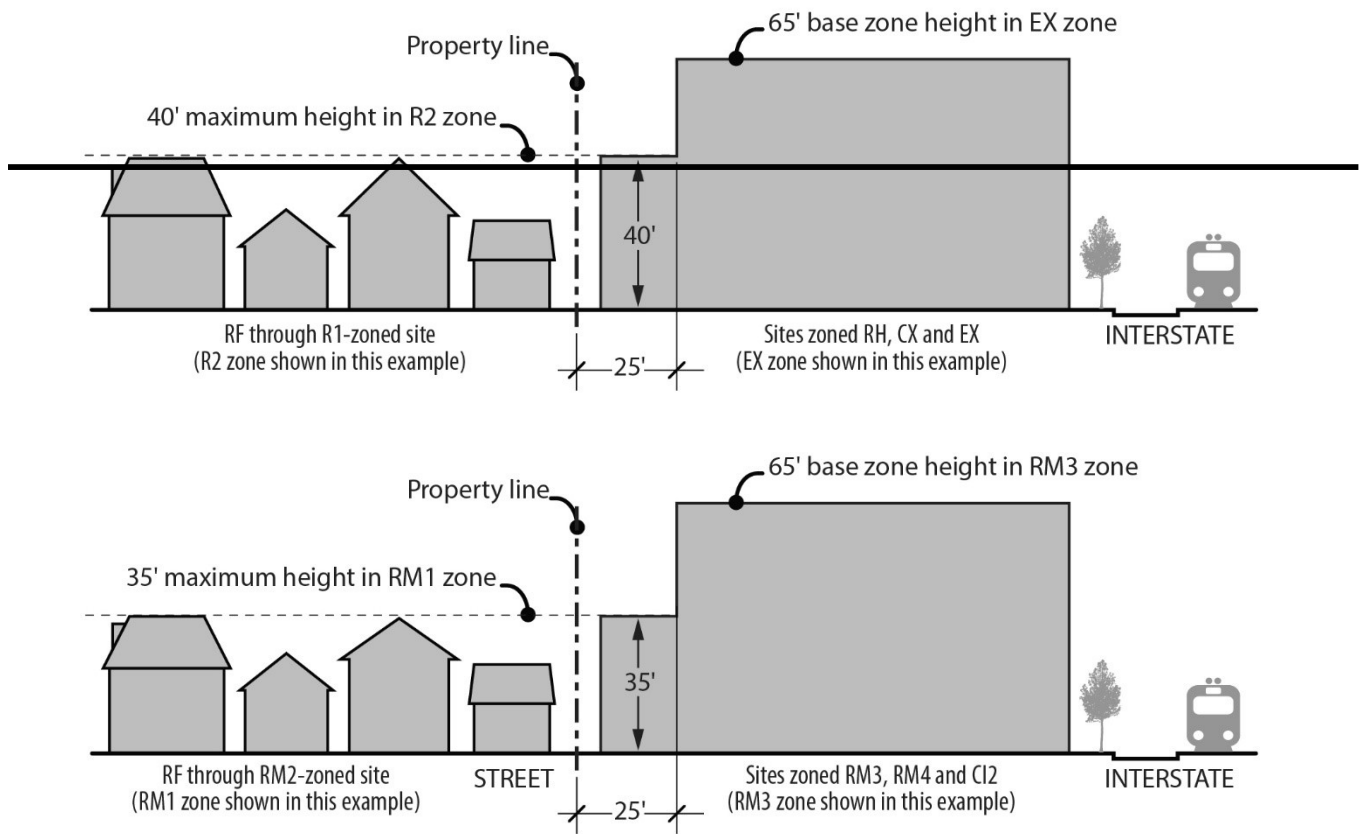
Amendments to the text on this page are updates to the multi-dwelling zone names. Figure 561-1 is also being amended to show the maximum height 35-foot height of the RM1 zone, instead of the 40-foot height of the R2 zone.

The plan district's required height limit transitions, which apply when the RH (new RM3) zone is adjacent to lower-scale multi-dwelling zones (which is not the case with the proposed Chapter 33.120 step down heights) is being continued to respond to the greater building heights allowed in the plan district compared to the base zone RH (RM3) regulations. The plan district regulations provide allowances for maximum building heights of 85 to 100 feet, instead of the maximum building height of 65 feet that otherwise applies in the RH (RM3) zone.

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 ~~RHRM3~~, RM4, CX, and CI2 zones that abut or are across a street from an RF through ~~R1RM2~~ zone
- C. Maximum building height.**
1. Sites abutting RF-~~R1RM2~~ zones. On sites abutting RF-~~R1RM2~~ zones, on the portion of the site within 25 feet of a site zoned RF-~~R1RM2~~, the maximum building height is the same as the abutting residential zone. See Figure 561-1.
 2. Sites across a street from RF-~~R1RM2~~ zones. On sites across a street from RF-~~R1RM2~~ zones, on the portion of the site within 15 feet of the lot line across the street from a site zoned RF-~~R1RM2~~, 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 - ~~R1RM2~~ zones



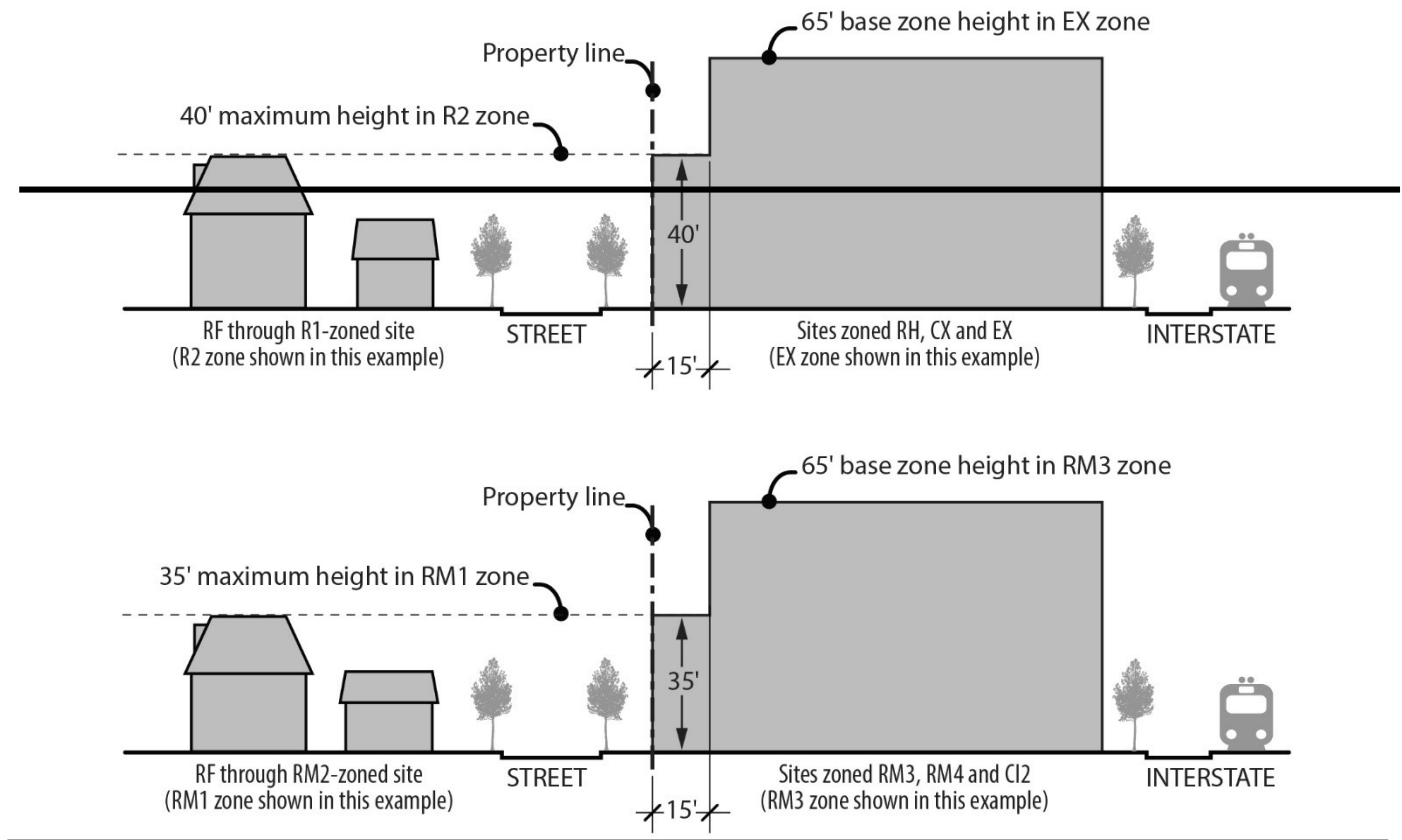
Commentary

33.561 North Interstate Plan District

Amendments to the text on this page are for the following purposes:

- Updates to the multi-dwelling zone names.
- Figure 561-2 is being amended to show the maximum 35-foot height of the RM1 zone, instead of the 40-foot height of the R2 zone.
- Deletion of the minimum density in the RH zone section. The RH (new RM3) zoning in the plan district is located close to the light rail corridor and is intended to be a focus for higher-density housing. The plan district provides allowances for an FAR of 4 to 1 and maximum heights of 85 to 100 feet for this RH zoning, but also allows a low-scale of development in the RH zone that is equivalent to R2 densities intended for duplexes or townhouses (1 unit per 2,000 square feet of site area). With deletion of this plan district regulation, new development in the RM3 (former RH) zone would need to meet RM3 base zone minimum density requirements for at least 1 unit per 1,000 square feet of site area (5 units on a 5,000 square foot lot). This amendment is part of a broader Better Housing by Design approach intended to strengthen minimum density requirements (see also Volume 2, pages 70-73 and 202-203). The base zone minimum density requirements will apply to new development, but would allow existing houses to add an accessory dwelling unit or to be converted to multiple units, without needing to come all the way to conformance with minimum density.

Figure 561-2
Height limits on sites across a street from RF – ~~RM2~~R1 zones



~~33.561.240~~ Minimum Density in the RH Zone

- ~~A. Purpose.~~** Reducing the minimum density on small lots in the RH zone provides flexibility for development of a broader range of dwelling types.
- ~~B. Standard.~~** In the RH zone, the minimum residential density on sites up to 5,000 square feet in area is one unit per 2,000 square feet of site area. This standard does not apply on corner lots or portions of sites within 200 feet of Interstate Avenue.

33.561.250 Exterior Display and Storage

In the RM3, RM4, RH 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.

33.561.310 Compatibility Standards in the R2.5 and RM1~~R2~~ Zones

- A.** [No change]
- 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.** [No change]

Commentary

33.562 Northwest Plan District

The Northwest Plan District sections listing is being amended to reflect the proposed deletion of the Retail Sales and Service and Office Uses in the RH Zone section (see next pages).

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

~~33.562.120 Retail Sales And Service and Office Uses in the RH Zone~~

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

Commentary

33.562 Northwest Plan District

The Retail Sales and Service and Office Uses in the RH Zone section is proposed to be deleted because it is largely redundant with proposed allowances for limited amounts of ground-floor commercial uses in multi-dwelling zones along major corridors, including along the street alignment in the Northwest District where this regulation applies (see pages 32-39 of Volume 2).

Other amendments to this page are updates to the multi-dwelling zone names.

33.562.120 Retail Sales And Service and Office Uses in the RH Zone

- A. Purpose.** ~~Certain commercial uses are allowed as limited uses in the RH zone to encourage mixed-use development along the streetcar alignment, while preserving the residential emphasis of areas zoned RH.~~
- B. Regulations.** ~~Retail Sales And Service and Office uses are allowed in the RH zone as follows:~~
- ~~1. The uses must be located on the portion of the site within 100 feet of a streetcar alignment; and~~
 - ~~2. The uses are limited to 20 percent of the net building area on the site.~~

33.562.130 Commercial Parking in Multi-Dwelling Zones

A.-E. [No change]

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 RHRM3 and RM4 Zones apply	
4	Regulations of the CM2 Zone apply; See Table 130-4	
5, 6, 1	None	None

- 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.-2. [No change]
 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 ~~RHRM3 and RM4~~ zones is 75 feet;
 - 4.-5. [No change]
- G.-H.** [No change]

Commentary

33.564 Pleasant Valley Plan District

Planned Development. Triplexes and fourplexes are being added to this list of prohibited uses and development because they were previously categorized as a type of multi-dwelling structure, but multi dwelling structures are now defined as buildings with five or more units.

33.564 Pleasant Valley Plan District

564

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;
- EC. Multi-dwelling structures; and
- FD. Commercial uses.

Commentary

33.575 Sandy Boulevard Plan District

Amendments to this page are updates to the multi-dwelling zone names.

33.575 Sandy Boulevard Plan District

575

33.575.100 Transition Between Residential and Commercial Zones

A.-B. [No change]

C. **Height limits for sites abutting or across the street from a RF-~~RM2R1~~ zones.** Sites in commercial zones abutting or across the street from RF through RM2R1 zones have special height limits that create a transition to the residential zone. The height limits are as follows:

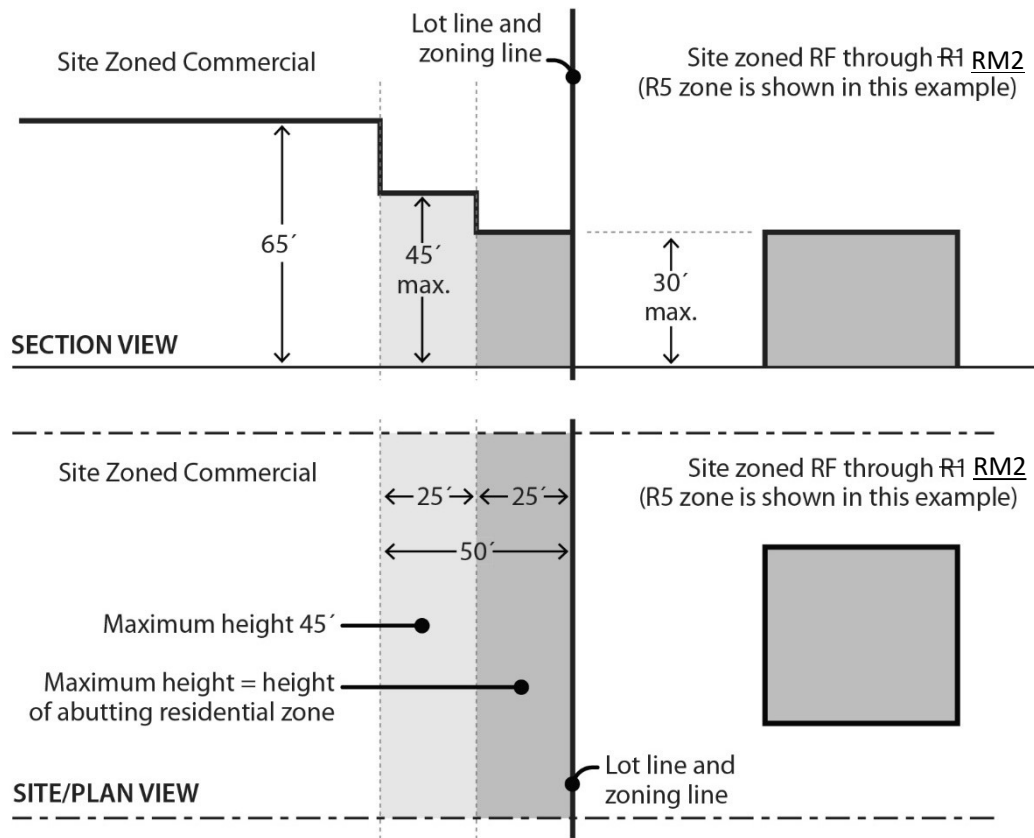
1. Sites abutting RF - ~~RM2R1~~ zones. Sites abutting RF through RM2R1 zones have height limits that decrease in two steps near the residential zone. See Figure 575-1. These height limits are:
 - a. On the portion of a site within 25 feet of a site zoned RF through RM2R1, the maximum building height 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 RM2R1, the maximum building height is 45 feet.
2. Sites across a street from RF - ~~RM2R1~~ zones. Sites across a street from RF through RM2R1 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 through RM2R1, the maximum building height is the same as the residential zone. See Figure 575-2.

Commentary

33.575 Sandy Boulevard Plan District

Amendments to the graphics on this page are updates to the multi-dwelling zone names.

Figure 575-1
Height limits on sites abutting RF – ~~RM2~~R1 RM2 zones



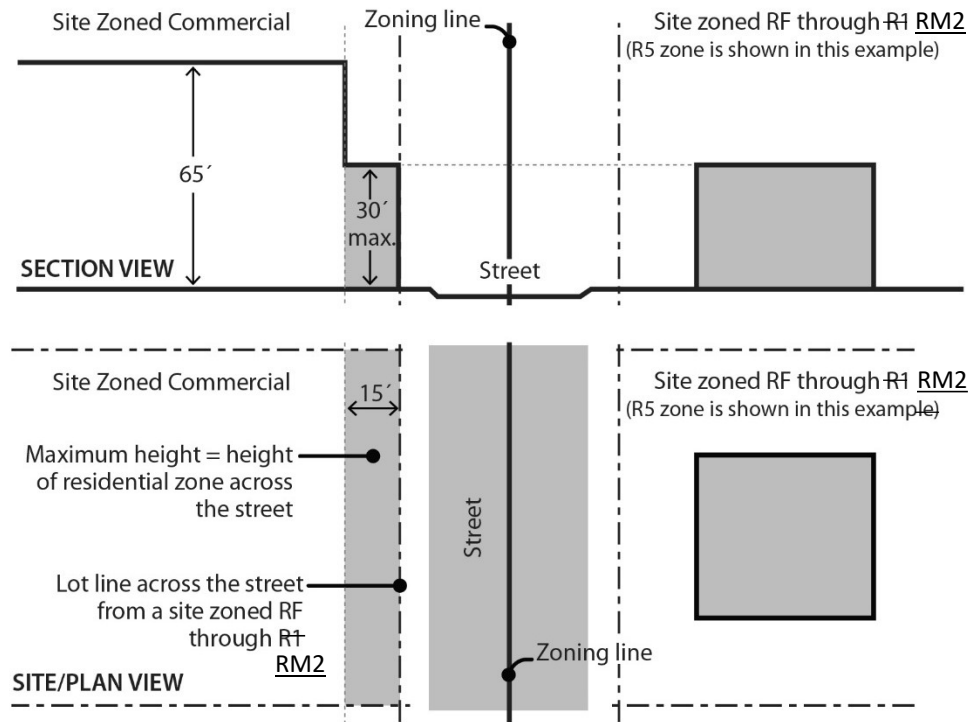
Commentary

33.575 Sandy Boulevard Plan District

Amendments to the graphics on this page are updates to the multi-dwelling zone names.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Figure 575-2
Height limits on sites across a street from zones RF - ~~RM2~~RM2 zones



Commentary

33.583 St. Johns Plan District

The Minimum Density in the R1 Zone section is proposed to be deleted, which will instead require that new development meet the standard base zone minimum density requirements for the R1 (new RM2) zone. The St. Johns plan district is a designated Town Center, which indicates the area's intended role as a place with concentrations of services and housing. The plan district provides a lower minimum density for the R1 zone, 1 units per 2,250 square feet of site area, which would allow for 4 units on a site just under 10,000 square feet. In comparison, the base R1 (new RM2) regulations require a minimum density of 1 unit per 1,450 square feet of site area (at least 7 units on a 10,000 square-foot site).

Especially because St. Johns is a designated Town Center, there is not a compelling reason for why minimum densities should continue to be less than what is generally required in the R1 (RM2) zone. The base zone minimum densities will still allow for a diversity of housing options, as it is not uncommon to have 8 to 10 townhouse units on a 10,000 square foot site (as well as a variety of multi-dwelling housing types with smaller units).

This amendment is part of a broader Better Housing by Design approach intended to strengthen minimum density requirements (see also Volume 2, pages 70-73 and 202-203). The base zone minimum density requirements will apply to new development, but would allow existing houses to add an accessory dwelling unit or to be converted to multiple units, without needing to come all the way to conformance with minimum density.

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

~~33.583.240 Minimum Density in the R1 Zone~~

33.583.250 Maximum Building Height

33.583.270 Building Coverage in the EX 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

~~33.583.240 Minimum Density in the R1 Zone.~~

~~**A. Purpose.** Reducing the minimum density on small lots in the R1 zone provides flexibility for development of a broad range of dwelling types.~~

~~**B. Standard.** On lots less than 10,000 square feet in the R1 zone, the minimum density is 1 unit per 2,250 square feet of site area. This standard does not apply on corner lots.~~

Commentary

33.631 Sites in Flood Hazard Areas

Amendments to this page are updates to the multi-dwelling zone names.

33.631 Sites in Flood Hazard Areas

631

33.631.100 Flood Hazard Area Approval Criteria

- A. [No change]
- B. ~~R3RM1~~ through RMP, C, E, I, IR, and CI zones. The following criteria must be met in the ~~R3RM1~~
through RMP, C, E, I, IR, and CI zones:
 - 1.-2. [No change]
- C. [No change]

Commentary

33.634 Required Recreation Area

Amendments to this page are primarily updates to the multi-dwelling zone names. "IR" is no longer being included among the range of multi-dwelling zones because this zone had been moved from the multi-dwelling zones (Chapter 33.120) to the Campus Institutional zones (Chapter 33.150) in previous amendments to the zoning code.

The regulations of this chapter apply to land divisions in residential zones when the proposed density is 40 or more dwelling units.

33.634 Required Recreation Area

634

33.634.200 Required Recreation Area Standards

The following standards must be met:

- A. [No change]
- B. **RF-RM1R2 and RMP zones.** In the RF-RM1R2 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~~R1-IR zones~~.** In the RM2-RX, and IR zones~~R1-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. [No change]

Commentary

33.667 Property Line Adjustment

Amendments to this page are updates to the multi-dwelling zone names.

33.667 Property Line Adjustment

667

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. [No change]
- B. **Regular ~~Lot~~ Lines.** In the R10 through RM4RH 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.
- C.-F. [No change]

Commentary

33.805 Adjustments

Amendments to this page are updates to the multi-dwelling zone names.

33.805 Adjustments

805

33.805.030 Regulations Which May and May Not Be Adjusted

- A. [No change]
- B. **Ineligible regulations.** Adjustments are prohibited for the following items:
 - 1.-3. [No change]
 - 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~~R3 and R2 zones~~. An adjustment could not be granted to allow a manufactured dwelling park in any other R zone;
 - 5.-6. [No change]
 - 7. To allow an increase in density in the RF through RM2R1 or RMP zones.

Commentary

33.815 Conditional Uses

The sections listing on this page is being amended to remove the RX zone from the title of Section 33.815.125. The Hollywood plan district conditional use allowance for commercial parking in the RX zone was deleted as part of the Code Reconciliation Project (effect May 24, 2018).

33.815 Conditional Uses

815

Sections:

General

- 33.815.010 Purpose
- 33.815.020 How to Use this Chapter
- 33.815.030 Automatic Conditional Use Status
- 33.815.040 Review Procedures
- 33.815.050 Loss of Conditional Use Status
- 33.815.060 Development Standards for Conditional Uses
- 33.815.070 Sites With Split Zoning
- 33.815.080 Approval Criteria in General

Approval Criteria

- 33.815.100 Uses in the Open Space Zones
- 33.815.105 Institutional and Other Uses in Residential and Campus Institutional Zones
- 33.815.107 Short Term Housing and Mass Shelters in R and IR Zones
- 33.815.110 Office and Retail Sales And Service Uses in the RX Zone
- 33.815.115 Specified Uses in Commercial/Mixed Use Zones
- 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
- 33.815.121 Commercial Parking Facilities in the ~~RX~~, CM2, and CM3 Zones, in the Hollywood Plan District
- 33.815.125 Specified Uses in Industrial Zones
- 33.815.126 Office Uses in the IG1 Zone in the Central City Plan District
- 33.815.127 Accessory Offices and Headquarters Offices in the IH Zone in the Guild's Lake Industrial Sanctuary Plan District
- 33.815.128 Retail Sales And Service Uses in the EG Zones
- 33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District
- 33.815.130 Residential Uses in the IG1, IG2, and IH Zones
- 33.815.140 Specified Mass Shelters, Short Term Housing, And Group Living Uses in the C, E, and CI Zones
- 33.815.200 Aviation And Surface Passenger Terminals
- 33.815.205 Detention Facilities
- 33.815.210 Helicopter Landing Facilities
- 33.815.215 Major Event Entertainment
- 33.815.220 Mining and Waste-Related
- 33.815.222 Park-and-Ride Facilities for Mass Transit
- 33.815.223 Public Safety Facilities

Commentary

33.815.121 Commercial Parking Facilities in the RX, CM2 and CM3 Zones in the Hollywood Plan District

The title of this section is being amended to remove the RX zone. The Hollywood plan district conditional use allowance for commercial parking in the RX zone was deleted as part of the Code Reconciliation Project (effect May 24, 2018).

- 33.815.225 Radio Frequency Transmission Facilities
- 33.815.230 Rail Lines and Utility Corridors
- 33.815.300 Commercial Parking Facilities in the Columbia South Shore Plan District
- 33.815.301 Industrial Businesses in the Columbia South Shore Plan District
- 33.815.302 Professional / Technical Facilities in the Columbia South Shore Plan District
- 33.815.303 Retail Sales And Service Uses in the Columbia South Shore Plan District
- 33.815.304 Retail Sales And Service Uses on Specified Sites in the CX and EX Zones in the Central City Plan District
- 33.815.305 Replacement Parking Facilities in the Central City Plan District
- 33.815.308 Commercial Parking in Multi-Dwelling Zones and Commercial Parking Access from Main Streets in the Northwest Plan District
- 33.815.310 Industrial Uses in the IR Zone
- 33.815.315 Utility Scale Energy Production in Specified C Zones

33.815.121 Commercial Parking Facilities in the ~~RX~~, 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.-C.[No change]

Commentary

33.825 Design Review

No change to the portion of Table 825-1 on this page.

33.825 Design Review

825

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 > \$459,450	Type III
		Value ≤ \$459,450	Type II
River District Design District	New floor area or Exterior alteration in CX or OS zone	>1,000 s.f. and value > \$459,450	Type III
		≤ 1,000 s.f. or value ≤ \$459,450	Type II
Gateway Design District	Development proposals	Value > \$2,297,050 included in a Gateway Master Plan Review	Type III
		Value ≤ \$2,297,050 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 > \$2,297,050	Type III
Goose Hollow			
Lloyd District			
Macadam		Value ≤ \$2,297,050	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			

Commentary

33.825 Design Review

Amendments to Table 825-1 correspond to the discontinuation of "a"-overlay provisions for additional density in the multi-dwelling zones when approved through design review (Section 33.405.050 - see pages 224-227 in Volume 2).

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 > \$2,297,050	Type III
Northwest Plan District		In design overlay zones and value ≤ \$2,297,050	Type II
South Auditorium Plan District			
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	Additional density in R3, R2, R1 zone	Using bonus density provisions in 33.405.050	Type III
	Using other provisions in 33.405	Not subject to 33.405.050 In single dwelling zones	Type II
“d” Design overlay	Development proposals	Not identified elsewhere in this table and value > \$2,297,050	Type III
		Not identified elsewhere in this table and value < \$2,297,050	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

Commentary

33.846 Historic Resource Reviews

Amendments to the tables on this page are updates to the multi-dwelling zone names.

33.846 Historic Resource Reviews

846

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 > \$459,450	Type III
		Project value ≤ \$459,450	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- RM4RH		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All	Project value > \$459,450	Type III
		Project value ≤ \$459,450	Type II

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- RM4RH		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All		Type II

Commentary

33.846 Historic Resource Reviews

Amendments to the tables on this page are updates to the multi-dwelling zone names.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

Table 846-3 Review procedures for proposals within Historic Districts			
Proposal	Zone	Threshold	Review Type
New structure	All	Project value > \$459,450	Type III
		Project value ≤ \$459,450	Type II
New accessory structure	RF- RM4RH		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- RM4RH	Affected facade area < 150 sq. ft.	Type I
Historic restoration	RF- RM4RH		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All	Project value > \$459,450	Type III
		Project value ≤ \$459,450	Type II

Table 846-4 Review procedures for proposals within Conservation Districts			
Proposal	Zone	Threshold	Review Type
New structure	All		Type II
New accessory structure	RF- RM4RH		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- RM4RH	Affected facade area < 150 sq. ft.	Type I
Historic restoration	RF- RM4RH		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All		Type II

Commentary

33.854 Planned Development Review

Amendments to this page are primarily updates to the multi-dwelling zone names. "IR" is no longer being included among the range of multi-dwelling zones because this zone had been moved from the multi-dwelling zones (Chapter 33.120) to the Campus Institutional zones (Chapter 33.150) in previous amendments to the zoning code.

33.854 Planned Development Review

854

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.-B. [No change]

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. ~~R1RM2~~ through ~~RXIR~~, C, E, ~~and I~~, and IR zones. In the ~~R1RM2~~ through ~~RXIR~~, C, E, ~~and 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.-G. [No change]

Commentary

33.855 Zoning Map Amendments

Amendments to Table 855-1 are updates to the multi-dwelling zone names.

33.855 Zoning Map Amendments

855

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	RM1R3 [3]
HR-2, A-2	RM1R2 [3]
HR-1, A1B	RM2R1 [3]
BPO	CM2
LC, C4, SC	CM1
GC, EC, C2, NC, C3	CE
LM, M3, M4	EG1
Gm, M2	IG2

Commentary

33.855 Zoning Map Amendments

Amendments to Table 855-1 are updates to the multi-dwelling zone names.

Table 855-1 Assigned City Zoning for Multnomah County Zones	
HM, M1	IH
THR	<u>RM3RH</u>
TMR	<u>RM1R3</u> [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	<u>g, r, i, n</u> [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.

Commentary

Section 2:

Amendments to Titles 18 and 32

This section presents proposed code amendments to the following City Code titles:

Title 18, Noise Control

Title 32, Signs and Related Regulations

The amendments update references to multi-dwelling zones to correspond to the proposed new zone names (see page 2 of this document for a summary of the current and proposed new multi-dwelling zones).

Commentary

Title 18, Noise Control

Amendments to Title 18 are updates to the multi-dwelling zone names (see listing of corresponding old and new zone names, below).

Current and Corresponding New Zones

Current Short Name	Current Full Name	New Short Name	New Full Name
R3 R2	Residential 3,000 Residential 2,000	RM1	Residential Multi-Dwelling 1
R1	Residential 1,000	RM2	Residential Multi-Dwelling 2
RH	High Density Residential (2:1 FAR)	RM3	Residential Multi-Dwelling 3
RH	High Density Residential (4:1 FAR)	RM4	Residential Multi-Dwelling 4

TITLE 18

NOISE CONTROL

18.04.040 Definitions.

(Amended by Ordinance Nos. 159276, 164010, 175772 and 184101, effective October 8, 2010.) The following words shall have the meanings ascribed to them in this Section:

A.-EE. [No Change]

FF. Zone: A classification of area of the City of Portland as described in Title 33 of the City Code, relating to the use to which property may be put. For the purposes of this title, the zones are based upon the Land Use Zones, as defined in Title 33 as follows:

Category	Zones
Open Space	Open Space
Residential	Residential Farm/Forest Residential 20,000 Residential 10,000 Residential 7,000 Residential 5,000 Residential 2,500 Residential 3,000 Residential 2,000 Residential 1,000 High Density Residential <u>Residential Multi-Dwelling 1</u> <u>Residential Multi-Dwelling 2</u> <u>Residential Multi-Dwelling 3</u> <u>Residential Multi-Dwelling 4</u> Central Residential Residential Manufactured Dwelling Park Commercial Residential Institutional Residential Campus Institutional 1
Commercial/Mixed Use	[No Change]
Industrial	[No Change]

Commentary

Title 32, Signs and Related Regulations

Amendments to this page of Title 32 are updates to the multi-dwelling zone names.

TITLE 32

SIGNS AND RELATED REGULATIONS

32.12.020 Exemptions.

(Amended by Ordinance Nos. 178946 and 182962, effective July 31, 2009.) The following are exempt from the regulations of this Title, but may be subject to other portions of the City Code:

A. [No Change]

B. Signs inside a building. However:

- 1.** In the OS, RF through ~~RM4RH~~, RMP, CI1, CR, and IR zones, illuminated signs in windows are not exempt; and
- 2.** Signs located within malls and atriums must comply with all provisions of this Title except Chapters 32.30 through 32.38;

C.-J. [No Change]

Commentary

Title 32 (Base Zone Regulations)

Amendments to this page of Title 32 are updates to the multi-dwelling zone names.

Signs associated with the commercial uses that are proposed to be allowed in multi-dwelling zones abutting Civic or Neighborhood corridors (see pages 32-39 of Volume 2) will be subject to the sign standards of the RX zone (signs in this zone are limited to 50 square feet, compared to 100 square feet in the CM2 and CX zones).

Chapter 32.32

BASE ZONE REGULATIONS

Sections:

- 32.32.010 Standards in the Residential Zones, Campus Institution 1, Commercial Residential, and Open Space Zone.
32.32.020 Standards in the Commercial/Mixed Use, Employment, and Industrial Zones.
32.32.030 Additional Standards in All Zones.

32.32.010 Standards in the Residential Zones, Campus Institution 1, Commercial Residential, and Open Space Zone.

- A. General standards. The standards for permanent signs in the RF through RM4RH zones and for the RMP, IR, CI1, CR and OS zones are stated in Table 1. The sign standards for the RX zone are stated in Table 2. All signs must conform to the regulations of Section 32.32.030.

Table 1 Standards for Permanent Signs in CI1, CR, IR, OS and RF Through RM4RH Zones [1]					
Use Category/Structure Type[2]	Number of Signs	Max. Sign Face Area	Types of Signs Allowed	Maximum Sign Height	Additional Signs Allowed [3]
Household Living/ Houses, Duplexes, Attached Houses.	1 per site	1 sq. ft.	Fascia, Painted Wall Freestanding	Top of wall, or 10 ft. whichever is less. 6 ft.	lawn signs, directional signs
Household Living/ Townhouse, Multi-dwelling Group Living, Day Care, Nonresidential category uses not listed below.	1 per building	10 sq. ft.	Fascia, Awning, Painted Wall Freestanding	Top of wall 10 ft.	lawn signs, directional signs
Subdivisions, PUDs, Houseboat Moorages, Mobile Home Parks, Agricultural Uses. [4]	1 per entrance	32 sq. ft.	Monument	10 ft.	lawn signs, directional signs
Parks and Open Areas [5]	1 per street frontage	10 sq. ft.	Monument	10 ft	lawn signs, directional signs
Colleges, Community Service, Medical Centers, Religious Institutions, Schools, Commercial Outdoor Recreation, Major Event Entertainment, and uses in Commercial and Industrial use categories.	The sign standards of the RX zone applies. See Section 32.32.020.				

Notes:

- [1] Temporary signs are regulated by 32.32.030 K, Temporary Signs.
[2] See 32.30.030, Uses, Use Categories, and Structure Types.
[3] These signs are allowed in addition to other signs when they meet the standards of 32.32.030 H.-J.
[4] These signs are allowed in addition to those for individual buildings.
[5] Signs in, or adjacent to and facing, a sports fields associated with Parks and Open Areas are subject to the standards of the RX zone. See 32.32.020.

Commentary

Title 32 (Base Zone Regulations)

Amendments to this page of Title 32 include the following:

- Updates to the multi-dwelling zone names.
- Removal of the Albina Community plan district provisions specific to commercial uses in the RH zone, since this plan district provision is being replaced by a citywide allowance for commercial uses on major corridors (see pages 108-111 of this volume).

- B.** Sign features. Signs in the RF through RM4RH zones and in the RMP, IR, CI1, CR, and OS zones, except for those subject to the RX zone sign standards, are subject to the standards of this subsection. Illuminated signs placed in windows are subject to these sign regulations. Extensions into the right-of-way are prohibited. Changing image sign features are prohibited and only indirect lighting is allowed.

32.32.030 Additional Standards in All Zones.

(Amended by Ordinance Nos. 176469, 185915 and 188959, effective May 24, 2018.)

A.-E. [No Change]

F. Freestanding signs and monument signs.

1.-2. [No Change]

3. Undeveloped sites. Permanent freestanding signs on sites without a primary use are subject to the regulations for Subdivisions shown in Table 1, Standards for Permanent Signs in the IR, OS and RF-RM4RH Zones.

4. [No Change]

G.-K. [No Change]

32.34.030 Additional Standards in Plan Districts.

(Amended by Ordinance Nos. 176469, 179092 and 182072, effective August 22, 2008.)

Plan districts are shown on the Official Zoning Maps.

~~**A.** Albina Community plan district.~~

~~**1.** Where this regulation applies. The regulation of this subsection applies to signs in the Albina Community plan district.~~

~~**2.** Sign standard. Signs for commercial uses in the RH zone are subject to the sign regulations for the CX zone.~~

Commentary

Title 32 (Base Zone Regulations)

Amendments to this page of Title 32 are limited to re-lettering the paragraphs to accommodate deletion of the Albina Community plan district provisions.

~~B.-F.~~ Re-letter to A.-E.

FG. South Auditorium plan district

1. Where these regulations apply. The regulations of this subsection apply to the South Auditorium plan district.
2. Standards.
 - a. Design review. Unless exempted under Subparagraphs ~~GF.2.f.~~ and g., below, all exterior signs, regardless of size, are subject to design review. See Chapter 33.420, Design Overlay Zone.
 - ~~b.-d.~~ [No Change]
 - e. Signs for other uses and developments. The maximum total sign area allowed per frontage for uses or developments not listed in Subparagraphs ~~GF.2.c.~~ and d., above is 1 square foot for each 3 lineal feet of primary building wall. Only signs attached to buildings are allowed, except in a commercial zone where up to two freestanding signs per arterial street frontage are allowed. One sign is not allowed to exceed 12 feet in height and 100 square feet in area, and the other sign is not allowed to exceed 5 feet in height and 10 square feet in area. The regulations of the base zone supersede the regulations of this subparagraph when they are more restrictive.
 - f. Temporary signs, portable signs, and lawn signs. Temporary signs, portable signs, and lawn signs are exempt from the sign regulations of Subparagraph ~~GF.2.a.~~ through e., above. Temporary signs and portable signs are limited to a total combined area of 25 square feet per site.
 - g. Directional signs. Directional signs are exempt from the sign regulations of Subparagraph ~~GF.2.c.~~ through e., above.

~~H.-I.~~ Re-letter to G.-H.

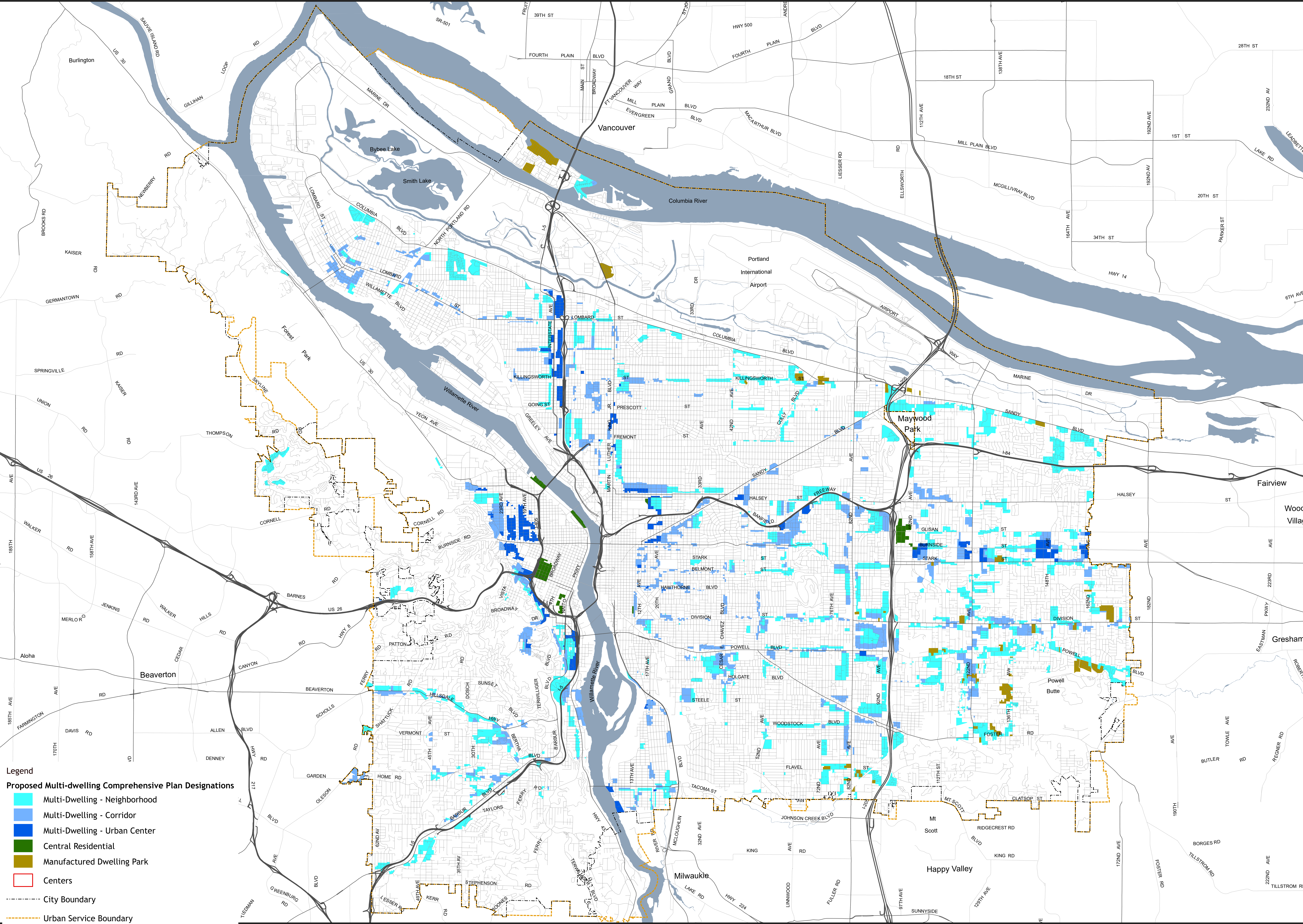
Commentary

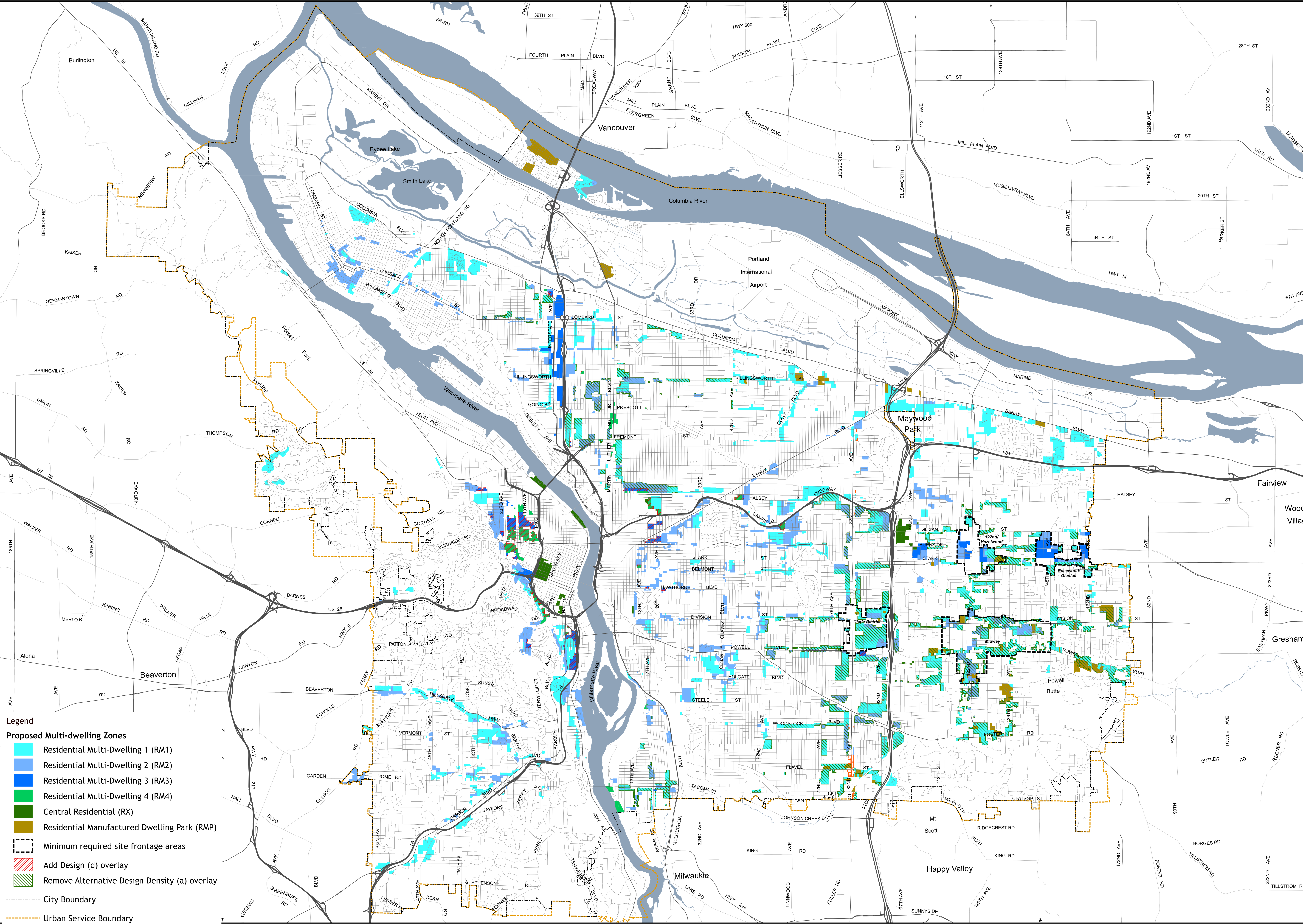
Title 32 (Base Zone Regulations)

Amendments to this page of Title 32 are limited to re-lettering the paragraphs to accommodate deletion of the Albina Community plan district provisions.

II. North Interstate plan district.

1. Purpose. Encouraging retention of the mid-century signs identified in this subsection will represent Interstate Avenue Corridor’s rich past as US Route 99, which was the West Coast’s major north-south highway before Interstate 5 was built. Because their current locations may preclude desired development, allowing them to move to other locations along the corridor is necessary to ensure preservation.
2. Where these regulations apply. The regulations of this subsection apply only to signs in the North Interstate plan district listed in Paragraph II.4.
3. Relocation allowed. The special signs listed in Paragraph II.4, below, may be relocated as follows:
 - a.-h. [No Change]
4. [No Change]





December 2, 2019

City of Portland, Oregon // Bureau of Planning & Sustainability // Geographic Information System

The information on this map was derived from City of Portland GIS databases. Care was taken in the creation of this map but it is provided "as is". The City of Portland cannot accept any responsibility for error, omissions or positional accuracy.



0 3,000 6,000 9,000 Feet



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.

City of Portland, Oregon
Ted Wheeler, Mayor • Susan Anderson, Director



Exhibit A:

Findings of Fact Report (as amended)

December 2019

Text amendments to the Zoning Code, which is an implementation tool of the Comprehensive Plan, must comply with the Comprehensive Plan. “Comply” means that amendments must be evaluated against the Comprehensive Plan’s applicable goals and policies and on balance be equally or more supportive of the Comprehensive Plan as a whole than the existing language or designation. (Policy 1.10)

Text amendments to the zoning code also must be found to be consistent with the Metro’s Urban Growth Management Functional Plan and the Statewide Planning Goals. The 2035 Comprehensive Plan defines “consistent with” as the subject meets the requirements of, satisfies, or adheres to the regulations, mandate, or plan listed in the goal or policy. In addition, the amendments must be consistent with the intent or purpose statement for the base zone, overlay zone, and plan district where the amendment is proposed, and any plan associated with the regulations. (33.835.040)

1. **Finding:** As detailed below, the City Council has identified and addressed all relevant and applicable goals and policies in this document.
2. **Finding:** Additionally, the Council has considered whether the amendments are consistent with the intent or purpose statement of the Employment and Industrial Zones (33.140) and the Description of Use Categories (33.920) that are directly amended by this ordinance.
3. **Finding:** The City Council has considered the public testimony on this matter and has weighed all applicable goals and policies has found that the Fossil Fuel Terminal Zoning amendments (the FFTZ amendments) on balance are equally or more supportive of the Comprehensive Plan as a whole and are consistent with Metro’s Urban Growth Management Functional Plan, the Statewide Planning Goals, and the applicable purpose statements of the Zoning Code.

As demonstrated by these findings, the FFTZ amendments effectively and efficiently implement the Comprehensive Plan. Specifically:

The City Council has considered applicable policies to determine that this ordinance on the whole complies with the 2035 Comprehensive Plan and on balance is equally or more supportive of the goals and policies of the 2035 Comprehensive Plan than the current regulations. In reaching this conclusion, City Council has weighed and balanced competing policy directions.

In particular, the Council finds that Goal 4.D with Policies 4.79 and 4.80, requires evaluating and reducing risk to people and property from natural hazards. The FFTZ amendments further these goals and policies because by limiting the risks of storing large volumes of hazardous materials in an area with high susceptibility to an earthquake. Large fossil fuel terminals represent a risk to people, property and the natural environments that the City Council finds as a compelling reason to limit future risk by limiting the size of new facilities and prohibit the expansion of existing facilities. Continuing to allow an unlimited increase in storage capacity at FFTs in a high risk area would be less supportive of the 2035 Comprehensive Plan than adopting the FFTZ amendments

The City Council further finds that Policy 6.48 provides direction to limit fossil fuel terminals to what is necessary to serve the region. The City Council recognizes that Portland’s fossil fuel terminals handle 90 percent of the fossil fuel for the State of Oregon and Southwest Washington. BPS

Fossil Fuel Terminal Zoning Amendments

Exhibit A Findings of Fact Report

presented evidence that national petroleum consumption forecast out to 2050 is essentially flat, which is a continuation of historic trends in Oregon and Washington, during a period of a thriving economy. In addition, ODOT is forecasting a decline in motor fuel consumption over the medium term to 2029. The more recent cargo forecasts project a modest growth in volumes, but those volumes do not exceed the historic peak volumes that were handled by the Portland terminals. No other evidence of future demand for fossil fuels was submitted in testimony. Therefore, the City Council finds that the fossil fuel storage capacity at the existing FFTs is sufficient to meet future needs. These changes support the retention of existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels. Further, the use limitations provide flexibility to FFTs to replace and reconfigure existing storage tank capacity to increase safety. In addition, limiting storage capacity to the existing facilities reduces risk from a major earthquake, which outweighs the policy direction to provide capacity to accommodate any potential future increase in fossil fuel consumption, in part, because continuing to consolidate fossil fuel storage capacity in Portland is counter to resiliency principles that emphasize redundancy and distributed facilities.

At the same time, the City Council finds that Goal 6.C with Policies 6.20 and 6.36, among others, provide for the retention and growth of businesses, especially those in the traded sector. However, the City Council interprets these policies apply to the economy in general, rather than specific types of business. These changes and restrictions only apply to a narrowly defined new land use category, Bulk Fossil Fuel Terminals, and do not have a significant effect on the other allowed uses in industrial and employment zones. There are no changes proposed to the Comprehensive Plan or Zoning Map that will impact the overall size or intensity of development in the industrial and employment areas of Portland. These amendments are narrowly constructed to apply to one class of businesses that make up a small portion of the city, regional and state economy. Further, these regulations only limit future expansion of these fossil fuel terminals, with some key exceptions, and designate these businesses as a limited use that allows their continued operation.

Guilds Lake Industrial Sanctuary (GLIS) Plan policies provide direction to maintain, protect and enhance businesses in the sanctuary. This plan was adopted in 2001 and does not address the need for resiliency in a high and medium liquefaction susceptibility area. The City Council interprets these policies to apply to the GLIS as a whole and not individual businesses. The City Council interprets the legislative intent of the GLISP is to maintain the area as an industrial sanctuary and to prohibit incompatible land uses. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses that could undermine the viability of the industrial sanctuary. These regulations apply to only one type of business that makes up a minority part of the businesses found in GLIS. The remaining industrial uses to continue to operate under current regulations. The impact of the limits on fossil fuel terminals is mitigated by designating existing fossil fuel terminals as a limited use that allows the terminals to continue to operate and make upgrades and supports limited enhancement through exceptions to the fossil fuel storage capacity restrictions.

Part I. Statewide Planning Goals

State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with the Statewide Planning Goals.

The Statewide Planning Goals that apply to Portland are:

- Goal 1 Citizen Involvement
- Goal 2 Land Use Planning
- Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces
- Goal 6 Air, Water and Land Resource Quality
- Goal 7 Areas Subject to Natural Hazards
- Goal 8 Recreational Needs
- Goal 9 Economic Development
- Goal 10 Housing
- Goal 11 Public Facilities and Services
- Goal 12 Transportation
- Goal 13 Energy Conservation
- Goal 14 Urbanization
- Goal 15 Willamette River Greenway

There are approximately 560 acres of land both within Portland's municipal boundaries and beyond the regional urban service boundary that can be classified as rural land. In 1991, as part of Ordinance 164517, the City Council took an exception to Goal 3 and 4 the agriculture and forestry goals. Because of the acknowledged exception, the following goals do not apply:

- Goal 3 Agricultural Lands
- Goal 4 Forest Lands

Other Statewide Planning Goals apply only within Oregon's coastal zone. Since Portland is not within Oregon's coastal zone, the following goals do not apply to this decision:

- Goal 16 Estuarine Resources
- Goal 17 Coastal Shorelands
- Goal 18 Beaches and Dunes
- Goal 19 Ocean Resources

Goal 1. Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

4. **Finding:** The preparation of these amendments has provided numerous opportunities for public involvement, including:

Concept Phase. In 2016, prior to the initiation of the legislative project, BPS conducted four stakeholder focus groups meetings. These meetings included participants with a range of perspectives and experience, including community group representatives, fuel terminal representatives, environmental organizations, and business organizations. These meetings served as a forum for discussing issues and potential approaches, and to help inform project staff develop concepts. In addition to the stakeholder focus groups, BPS staff met with several fuel terminals to explain the proposal, answer questions, and discuss their individual concerns. These meetings were needed because antitrust regulations constrained discussion about certain topics, for example supply chains, in the presence of representatives from other fuel terminals.

Fossil Fuel Terminal Zoning Amendments

Exhibit A Findings of Fact Report

Discussion Draft. On June 29, 2016, the Fossil Fuel Terminal Zoning Amendments Discussion Draft was published and posted on the Bureau website.

Proposed Draft. On August 12, 2016, the Fossil Fuel Terminal Zoning *Proposed Draft* was published in preparation for the Planning and Sustainability Commission (PSC) review and recommendation. In support of this process, the BPS website had a project page dedicated to this project, an email address for submitting testimony. As part of the Proposed Draft publication and legislative process requirements, the following legal notices were also sent:

- Form 1 35-day Notice
Sent to the Department of Land Conservation and Development (DLCD)
- Legislative Notice
Sent to interested parties, recognized organizations, affected bureaus, TriMet, Metro and ODOT and published in the Daily Journal of Commerce
- Measure 56 Notice
Required by Ballot Measure 56, this mailed notice was sent to property owners with industrial or employment base zoning.

The PSC held a public hearing on September 13, 2016. On October 11, 2016, the Planning and Sustainability Commission voted to recommend the Fossil Fuel Terminal Zoning Amendments to City Council, including PSC-recommended modifications to the Proposed Draft. All PSC meetings were streamed live and available for viewing on the Bureau website.

Recommended Draft. On October 24, 2016 the Fossil Fuel Terminal Zoning Amendments *Recommended Draft* was published to present the PSC recommendations to City Council. On October 25, 2016, notice of the City Council hearing on the Fossil Fuel Terminal Zoning Amendments was mailed. The City Council held public hearings on November 10 and 16, 2016, to receive testimony on the *Recommended Draft*. On December 8, 2016, the City Council voted to adopt the Fossil Fuel Terminal Zoning Amendments.

Ordinance No. 188142 was appealed to the Oregon Land Use Board of Appeals (LUBA). LUBA reversed the City's decision with a number of assignments of error in *Columbia Pacific Building Trades Council et al v. City of Portland*, LUBA Case No. 2017-001, July 19, 2017. LUBA's decision was appealed to the Oregon Court of Appeals, LUBA's decision was affirmed in part and reversed in part in *Columbia Pacific Building Trades Council v. City of Portland*, 289 Or App 739 (2018). The Oregon Court of Appeals decision was appealed to the Oregon Supreme Court, which denied review, 363 Or 390 (2018). On October 5, 2018, LUBA remanded *Columbia Pacific Building Trades Council et al v. City of Portland*, LUBA Case No. 2017-001. The assignments of error that LUBA sustained and were either affirmed or not challenged on appeal to the Court of Appeals concern insufficient findings or evidence or misconstruction of law that do not support a conclusion that the decision is prohibited as a matter of law.

The City of Portland does not have adopted code or policies to establish a decision-making process for a remand decision. The Council finds that the proposed amendments are a continuation of the initial legislative proceeding. Accordingly, the City Council determined that it was appropriate to bring the ordinance directly back to City Council, given the extensive public process that happened as part of the initial adoption of the ordinance in 2016 and that no substantive changes to the Zoning Code are required to address the remand issues. Notification of the November 20, 2019, City Council public hearing on the remand of Ordinance No. 188142 was sent to the City's legislative notice list, the fossil fuel terminal property owners, and the parties to the appeal.

Fossil Fuel Terminal Zoning Amendments

Exhibit A Findings of Fact Report

On November 20, 2019, the Portland City Council held a public hearing and received testimony on the re-adoption of the fossil fuel terminal zoning restrictions. The written record was left open for additional testimony until December 2, 2019. The evidentiary record from the initial decision is incorporated by reference and supplemented by additional evidence provided by BPS staff, the testimony Council received at the November 20 hearing and the written testimony received by December 2.

Testimony by the Portland Business Alliance et al raised concerns that there was no public involvement activities as part of the remand process. As explained above, no specific process is required by City code or policy. The City Council determined that the regular legislative process, with a public hearing and opportunity to submit written testimony, would be sufficient to address the insufficient evidence errors in the remand decision.

Testimony by Zenith Energy raised the concern that there has been two years since Court of Appeals confirmed the evidentiary deficiencies and that there is no justification for treating this decision as an emergency ordinance. The City Council has the discretion to declare an emergency. As evidenced in the oral testimony at the November 20 public hearing, this is an urgent issue that requires immediate action. The City has determined that an emergency is appropriate here due to the fact that Portland is currently at risk of a major earthquake.

As noted below in these findings, the FFTZ amendments are consistent with the goals and policies of Chapter 2 (Community Involvement) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. The events and outreach strategies summarized here demonstrate consistency with the requirements of Statewide Planning Goal 1.

Goal 2. Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

5. **Finding:** The City followed procedures for legislative amendments to the Zoning Code, which are found in 33.740 (Legislative Procedure). The amendments support Goal 2 because, as demonstrated by these findings and detailed in this ordinance, the FFTZ amendments were developed consistent with the Statewide Planning Goals, the Metro Urban Growth Management Functional Plan, and 2035 Comprehensive Plan.
6. **Finding:** On October 16, 2019 BPS filed a 35-day DLCD notice and on October 30, 2019 the City sent a legislative notice, to notify other government agencies and interested parties that the City would be reconsidering the remanded ordinance. Multnomah County and the Columbia River Intertribal Fish Commission testified in support of the ordinance. No other government agencies submitted testimony. In the initial adoption of the ordinance, the City received testimony from the Port of Portland. The City responded to the issues raised by the Port by amending the code to include an exception for 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. The City did not receive any requests from other government agencies to modify the FFTZ amendments.
7. **Finding:** The City Council's decision is based on the findings in this document, which are based on the factual evidence presented to the Planning and Sustainability Commission and City Council as part of the initial adoption in 2016 as well as the evidence presented as part of the reconsideration of this ordinance that is incorporated in the record that provides the adequate factual base for this decision.

Fossil Fuel Terminal Zoning Amendments

Exhibit A Findings of Fact Report

8. **Finding:** On remand from the Court of Appeals, the remaining assignments of error before LUBA concern insufficient findings or evidence. LUBA held that the City failed to demonstrate consistency with former Comprehensive Plan Policies 5.1, Objective C and 5.4, Objective A. Those policies have since been repealed from the Comprehensive Plan and replaced with *2035 Comprehensive Plan* policies outlined below. Next, LUBA held that the City failed to adopt findings addressing consistency with the Guilds Lake Industrial Sanctuary Plan (GLISP). As detailed below, the City Council finds that the FFT Amendments are consistent with the GLISP. Third, LUBA found that the City's finding that demand for fossil fuels will plateau or decline was not supported by substantial evidence in the record. As described in the findings for Policy 6.48, BPS staff provided a memo in the record to provide evidence that the City Council expects that the existing FFT storage capacity, with the allowed exceptions, is enough to serve the region out to a 2050 planning horizon. The Council finds the BPS staff memo compelling and considered the evidence against other assertions that speculated the demand for fossil fuels would increase. Still, the Council notes that no single finding serves as exclusive support for the Council's decision. Rather, the Council considers all of the evidence in the record and determines whether there is an adequate factual base for the decision.
9. **Finding:** In addition to understanding the storage capacity necessary to serve the region, the City Council also considered significant seismic risks that FFTs pose because most of Portland's employment and industrial zones are in areas with high to very high levels of liquefaction susceptibility, as documented by the 2018 DOGAMI Earthquake Regional Impact Analysis. The FFTs have significant seismic risks because most of the tanks have been constructed without any or only limited seismic design criteria, as documented by the Portland Bureau of Emergency Management's 2016 Critical Energy Infrastructure Hub Study and the 2012 DOGAMI Earthquake Risk Study for Oregon's Critical Energy Infrastructure Hub report. Continuing to allow the increase in FFTs in a high risk area increases the risk to the surrounding industrial district and the Willamette River. The FFTZ amendments limit future risk by limiting the size of new fossil fuel terminals and prohibiting the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels. Further, by designating existing FFTs as a limited use, as opposed to a prohibited nonconforming use, allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake, which ultimately can make Portland more resilient.

Goal 5. Open Space, Scenic and Historic Areas, and Natural Resources. To protect natural resources and conserve scenic and historic areas and open spaces.

10. **Finding:**

Open Spaces. The FFTZ amendments do not include Comprehensive Plan map or Zoning Map changes. There are no designated open spaces (OS map designations) on any of the existing fossil fuel terminals (FFT).

Scenic Resources. In 1991, the City adopted the Scenic Resources Protection Plan and applied a scenic (s) overlay zone to protect significant scenic resources. Two of the FFTs (BP West Coast and NuStar/Shore Terminals) are in a (s) overlay zone. The scenic resource protections (Chapter 33.480) are not amended by this ordinance and the height limits associated with the (s) overlay zone will continue to apply to the two FFT sites.

Historic Resources. Historic resources are located throughout the City, but very few are in the industrial zones. There are no designated Historic Landmarks or Districts in or immediately adjacent to any of the existing FFTs. Existing historic resource protections are not being amended (Chapter 33.445).

Fossil Fuel Terminal Zoning Amendments

Exhibit A Findings of Fact Report

Natural Resources. There are significant natural resources in industrial zones, especially along on the Willamette and Columbia Rivers. Six of the existing FFTs have frontage on the Willamette River with designated natural resources that are protected by the Greenway Overlay Zone (Chapters 33.440), which is not amended by this ordinance.

Generally. As noted below in the findings for the 2035 Comprehensive Plan, the FFTZ amendments are consistent with the goals and policies of Chapter 4 (Design and Development, including Historic and Cultural Resources) and Chapter 7 (Environment and Watershed Health) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, FFTZ amendments are consistent with the requirements of Statewide Planning Goal 5.

Goal 6. Air, Water, and Land Resource Quality. To maintain and improve the quality of the air, water and land resources of the state.

11. **Finding:** Goal 6 requires the maintenance and improvement of the quality of air, water, and land resources. The State has not adopted administrative rules for complying with Statewide Planning Goal 6. The City complies with federal and state environmental standards and statutes, including the federal Clean Water Act and Clean Air Act. Existing City regulations including Title 10 (Erosion Control) and the Stormwater Management Manual will remain in effect and are applicable to future development. As noted below in the findings for the 2035 Comprehensive Plan, the FFTZ amendments are consistent with the goals and policies of Chapter 7 (Environment and Watershed Health) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, FFTZ amendments are consistent with the requirements of Statewide Planning Goal 6.

Goal 7. Areas Subject to Natural Disasters and Hazards. To protect people and property from natural hazards.

12. **Finding:** The State has not adopted administrative rules for complying with Statewide Planning Goal 7. Most of Portland's employment and industrial zones are in areas with high to very high levels of liquefaction susceptibility, as documented by the 2018 DOGAMI Earthquake Regional Impact Analysis. Fossil fuel infrastructure poses considerable risks in the event of a major earthquake. According to the 2012 DOGAMI Earthquake Risk Study for Oregon's Critical Energy Infrastructure Hub report, a magnitude 8 or 9 Cascadia Subduction Zone earthquake would impact the CEI Hub with: ground shaking; liquefaction (soil behavior phenomenon in which a saturated sand softens and loses strength during strong earthquake ground shaking); lateral spreading (where surficial soil permanently moves laterally due to earthquake shaking); landslides; co-seismic settlement (where the ground surface is permanently lowered due to seismic shaking); and bearing capacity failures (when the foundation soil cannot support the structure it is intended to support).

According to the 2012 DOGAMI report, liquefaction and lateral spreading hazards are of primary concern to the fossil fuel terminals. As described in the 2012 Oregon State Energy Assurance Plan, this Critical Energy Infrastructure Hub (CEI Hub) sits on top of very poor soils that are highly susceptible to earthquake-induced permanent ground deformation. The CEI Hub is adjacent to the Willamette River and has extensive deposits of highly liquefiable soils. These soils (made of sands, silts, gravels and clays) have been naturally deposited by river activity as well as been created from man-made activities, such as hydraulically placed material from river dredging or debris placed as landfill.

In 2016, the City Council adopt Resolution #37242 to adopt the 2016 Natural Hazard Mitigation Plan, which identified the Critical Energy Infrastructure Hub as one of two of the City's most serious

Fossil Fuel Terminal Zoning Amendments

Exhibit A Findings of Fact Report

vulnerabilities to natural hazards. The 2016 Natural Hazard Mitigation Plan includes Appendix D. Critical Energy Infrastructure Hub Study that is included in the record for this decision.

The FFTs have significant seismic risks because most of the tanks have been constructed without any or only limited seismic design criteria on soils with moderate to high levels of liquefaction susceptibility, as documented by the Portland Bureau of Emergency Management's 2016 Critical Energy Infrastructure Hub Study and the 2012 DOGAMI Earthquake Risk Study for Oregon's Critical Energy Infrastructure Hub report. Continuing to allow the increase in FFTs in a high risk area increases the risk to the surrounding industrial district and the Willamette River. The FFTZ amendments limit future risk by limiting the size of new fossil fuel terminals and prohibiting the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels. Further, by designating existing FFTs as a limited use, as opposed to a prohibited nonconforming use, allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake, which ultimately can make Portland more resilient.

Testimony from the Portland Business Alliance et al., the Working Water Coalition, the Western States Petroleum Association and Zenith Energy called for the ordinance to specifically allow for safety and seismic upgrades in conjunction with expansion of storage capacity, otherwise there will be fewer tank upgrades. The testimony does not define or explain the economics of upgrades; or what is meant by “market-based infrastructure changes”; or what are the “business impacts” of regulating tank capacity; or why FFTs need to expand fossil fuel storage tank capacity in order to make safety upgrades. The FFTZ amendments designate existing FFTs as a limited use specifically to continue to operate to supply fossil fuels and to allow for safety and seismic upgrades. Transloading facilities are a defining characteristic of a Bulk Fossil Fuel Terminal, however, the ordinance the ordinance does not regulate transloading facilities and only limits new fossil fuel storage tank capacity. Existing fossil fuel storage tank capacity can be reconfigured. Other aspects of terminal infrastructure (pipelines, docks, transloading facilities) are not regulated by this ordinance. Renewable fuels and aviation fuels are exempt from these regulations. Only three storage tank upgrades with significant capacity expansion have occurred in the past 10 years under development standards that allowed for the unlimited capacity expansion. Therefore, there is no evidence that allowing for storage tank capacity expansion is an incentive that will encourage safety and seismic upgrades. Nothing in state land use law requires local jurisdictions to allow expansion of a use to make safety upgrades.

Testimony by the Working Waterfront Coalition asserts that it is important for FFTs to invest in facilities as “unforeseen emergencies continue to exist”. The testimony does not define or explain what is meant by the phrase “unforeseen emergencies”. To the contrary, the record contains ample evidence that a major earthquake is a foreseen event that state and local agencies have begun to prepare for. This ordinance specifically addresses that emergency by limiting expansion of storage capacity in an area at high risk for liquefaction. The City Council finds that the FFTZ amendments designate existing FFTs as a limited use specifically to continue to operate to supply fossil fuels and to allow for safety and seismic upgrades.

Testimony by the Western States Petroleum Association claims that the ordinance will lock existing infrastructure in place, which prevents efficiency, environmental, and safety improvements. This assertion is an oversimplification of the ordinance. The testimony does not define or specify what efficiency, environmental, and safety improvements are prevented by the ordinance. The FFTZ amendments only regulates fossil fuel storage capacity. The ordinance allows existing tank capacity to be replaced, and allows, through exceptions, for additional storage capacity for aviation fuel and

Fossil Fuel Terminal Zoning Amendments

Exhibit A Findings of Fact Report

renewable fuels. Existing FFTs are designated as a limited use specifically to allow them to continue to operate and make efficiency, environmental, and safety improvements.

Testimony by the Western States Petroleum Association claims that the City is requiring fossil fuel tanks to be located in liquefaction zones by prohibiting relocation of fossil fuel tanks outside of mapped liquefaction areas in Portland. The City Council finds that ordinance does not require locating fossil fuel tanks in liquefaction hazard areas. The ordinance allows existing fossil fuel tank capacity to continue to operate and even be reconfigured into newer, safer tanks. Further, there is a map in the record that shows that there are very few areas in Portland's industrial zones, including no areas that have marine/harbor access, that are outside of the high-risk liquefaction areas. Therefore, the ordinance prohibits new FFTs in all industrial and employment zones in Portland. No evidence has been presented to support the assertion that FFTs have to be located in Portland.

Testimony by Zenith Energy cites previous (2016) testimony that terminal operators are unable to invest in upgrades without incentives. No evidence is provided on the economics of upgrades or what kind of incentives are needed. Current regulations have provided unlimited storage tank capacity expansion and very few upgrades (three tanks in 2012) have been made in the last 10 years, since the seismic vulnerability of the Critical Energy Infrastructure (CEI) hub has become a state and local concern. Nothing in State law requires City to provide incentives as an offset to restrictive land use regulations.

Testimony by Zenith Energy claims that safety upgrades require the construction of new infrastructure without interrupting service to customers – new storage tanks are needed before old tanks can be taken out of service. No evidence is provided on storage tank capacity utilization or available land area at existing FFTs or the length of time that it takes to replace or retrofit a storage tank that indicates that new storage capacity is needed before existing storage capacity can be retrofitted or replaced. Recently, Zenith Energy expanded transloading capacity without expanding storage tank capacity and proposed adding new transloading/intermodal pipeline capacity to utilize existing storage capacity.

As noted below in the findings for the 2035 Comprehensive Plan, the FFTZ amendments are consistent with the goals and policies of Chapter 7 (Environment and Watershed Health) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, FFTZ amendments are consistent with the requirements of Statewide Planning Goal 7.

Goal 8. Recreational Needs. To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

- 13. Finding:** Goal 8 focuses on the provision of destination resorts. However, it does impose a general obligation on the City to plan for meeting its residents' recreational needs: "(1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements."

Goal 8 provides that "Recreation Needs -- refers to existing and future demand by citizens and visitors for recreations areas, facilities and opportunities." Goal 8 also provides that "Recreation Areas, Facilities and Opportunities -- provide for human development and enrichment, and include but are not limited to: open space and scenic landscapes; recreational lands; history, archaeology and natural science resources; scenic roads and travelers; sports and cultural events; camping, picnicking and recreational lodging; tourist facilities and accommodations; trails; waterway use

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facilities; hunting; angling; winter sports; mineral resources; active and passive games and activities.”

The City of Portland has robust and diverse system of parks, recreation areas and open spaces. However, there are no parks adjacent to the existing FFTs. Further, the ordinance limits development for a single type of use, which will reduce negative impacts to parks that are near industrial areas, especially Forest Park, which is located across Highway 30 from the Northwest Industrial District where the existing FFTs are located.

As noted below in the findings for the 2035 Comprehensive Plan, the FFTZ amendments are consistent with the goals and policies of Chapter 8 (Public Facilities and Services) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, FFTZ amendments are consistent with the requirements of Statewide Planning Goal 8.

Goal 9. Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to health, welfare, and prosperity of Oregon’s citizens.

14. Finding: Goal 9 requires cities to consider economic activities vital to the health, welfare, and prosperity of Oregon’s citizens. Comprehensive plans for urban areas are required to include, among other things: an analysis of economic patterns, potentialities, strengths, and deficiencies; policies concerning economic development; and land use maps that provide for at least an adequate supply of sites for a variety of industrial and commercial uses.

The 2035 Comprehensive Plan demonstrates compliance with Goal 9. Land needs for a variety of industrial and commercial uses are identified in the Economic Opportunities Analysis (EOA), which was adopted (Ordinance 187831) and acknowledged by LCDC on April 25, 2017.

The City’s acknowledged EOA analyzed and demonstrated adequate growth capacity for a diverse range of employment uses, which are organized into different geographies that represent business district types with a distinct mix of business sectors and building types. In each of the geographies, the City analyzed the future land demand for employment growth and the developable land supply to accommodate that growth. The EOA analyzed future demand for industrial land in four different broad geographies: Harbor Access Lands (which includes all or a portion of nine of the existing FFTs); Harbor and Airport Districts (which includes all or a portion of five of the existing FFTs); Columbia East (no existing FFTs) and Dispersed Employment (no existing FFTs). The future demand for industrial land is primarily based on generalized employment growth for the mix of businesses in these geographies without specific demand for FFT capacity. The EOA future land demand also includes an estimate for marine terminals based on future cargo/commodity flow forecasts. FFTs handle “liquid bulks”, which are primarily petroleum products. Estimates of existing cargo capacity are difficult to obtain, particularly for privately owned marine terminals, like the fossil fuel terminals. ECONorthwest (2012) prepared an estimate based on historical data for total cargo volumes for the years 2000 and 2010. For private marine terminals, the assumption was that recent historical peaks are a reasonable estimate of maximum existing capacity. Based on that capacity estimate, ECONorthwest found that no additional land is needed for new liquid bulk terminals in Portland through the year 2040. The EOA demand analysis did not distinguish between types of liquid bulks, such as specific land needs associated with expanding aviation fuels or non-fossil mixing fuels. Instead, the EOA analysis addressed overall liquid bulk demand and capacity, aggregating the increase of some bulk types and reduction in others. No testimony was submitted into the record contradicting the EOA analysis.

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The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes do not reduce the employment land base and continue to support a strong and diverse economy.

Testimony by the Portland Business Alliance et al. raises concern that the FFTZ amendments would hurt the local economy. The City Council finds that this is an unsupported assertion that provides no details or explanation as to how this ordinance will hurt the local economy. City Council notes that BPS staff provided evidence in the Council presentation and the written record that demonstrates the ordinance has been narrowly written to minimize impacts to the existing fossil fuel terminals (FFT), while limiting risk from future natural hazards.

Testimony by the Working Waterfront Coalition asserts that it is important for FFTs to invest in facilities as “demand continues”. The testimony does not define or explain what is meant by the phrase “as demand continues”. BPS presented evidence that national petroleum consumption forecast out to 2050 is essentially flat, which is a continuation of historic trends in Oregon and Washington, during a period of a thriving economy. In addition, ODOT is forecasting a decline in motor fuel consumption over the medium term to 2029. The more recent cargo forecasts project a modest growth in volumes, but those volumes do not exceed the historic peak volumes that were handled by the Portland terminals. No other evidence of future demand for fossil fuels was submitted in testimony. Therefore, the City Council finds that the fossil fuel storage capacity at the existing FFTs is sufficient to meet future needs.

Testimony by the Western States Petroleum Association claims that the FFTZ amendments will inflict negative impacts on the local, state, and regional economy. The City Council finds that “negative impacts” to the economy are not defined or explained. BPS presented evidence that the fossil fuel storage capacity at the existing FFTs is sufficient to meet future needs. The ordinance specifically exempts new storage capacity for renewable fuels as a means to support compliance with DEQ’s Clean Fuels Program and a transition away from fossil fuels.

Testimony by the Western States Petroleum Association claims that the ordinance will introduce a “host of ambiguities and uncertainties” into the marketplace that is “necessary for a thriving economy”. The vague terms “ambiguities and uncertainties” are not defined or explained. The FFTZ amendments designate existing FFTs as a limited use specifically to allow the FFTs to continue to operate to supply fossil fuels and to allow for safety and seismic upgrades. Transloading facilities are a defining characteristic of a Bulk Fossil Fuel Terminal, however, the ordinance the ordinance does not regulate transloading facilities and only limits new fossil fuel storage tank capacity. Existing fossil fuel storage tank capacity can be reconfigured. Other aspects of terminal infrastructure (pipelines, docks, transloading facilities) are not regulated by this ordinance. What is “necessary for a thriving economy” is not defined. BPS staff presented evidence that national petroleum consumption forecast out to 2050 is essentially flat, which is a continuation of historic trends in Oregon and Washington, during a period of a thriving economy. In addition, ODOT is forecasting a decline in motor fuel consumption over the medium term to 2029. Therefore, the City Council finds that the fossil fuel storage capacity at the existing FFTs is sufficient to support the regional economy.

Testimony by the Western States Petroleum Association claims that the regional demand for fossil fuels is an example of a product with inelastic demand. The City Council finds that no evidence is provided to demonstrate that the demand for fuel is inelastic. BPS staff presented information from the Federal Reserve Bank of St. Louis that shows an elastic relationship between fuel prices and vehicle miles travelled. An elastic demand is one in which demand is responsive to changes in price. In this case, vehicle miles travelled in an indirect measure of fossil fuel consumption and the chart

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shows that since 2009, as gas prices have increased, vehicle miles traveled decreased and since 2014, when gas prices decreased, vehicle miles traveled increased. The City Council concurs with the statement that the ordinance does not limit the regional demand for fuel. However, the Western States Petroleum Association does not provide any evidence on what the regional demand for fuel is. BPS presented evidence that national petroleum consumption forecast out to 2050 is essentially flat, which is a continuation of historic trends in Oregon and Washington, during a period of a thriving economy. In addition, ODOT is forecasting a decline in motor fuel consumption over the medium term to 2029. Therefore, the City Council concludes that the fossil fuel storage capacity at the existing FFTs is sufficient to meet future needs.

As noted below in the findings for the 2035 Comprehensive Plan, the FFTZ amendments are consistent with the goals and policies of Chapter 6 (Economic Development) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, FFTZ amendments are consistent with the requirements of Statewide Planning Goal 9.

Goal 10. Housing. To provide for the housing needs of citizens of the state.

- 15. Finding:** Goal 10 specifies that each city must plan for and accommodate needed housing types. As used in ORS 197.307 “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, and includes attached and detached single-family housing and multiple family housing for both owner and renter occupancy.

Goal 10 requires each city to inventory its buildable residential lands, forecast future needs, and zone enough buildable land to meet those needs. The FFTZ amendments do not include comprehensive plan map amendments, and, therefore, do not affect the residential development capacity of Portland.

As noted below in the findings for the 2035 Comprehensive Plan, the FFTZ amendments are consistent with the goals and policies of Chapter 5 (Housing) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, FFTZ amendments are consistent with the requirements of Statewide Planning Goal 10.

Goal 11. Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

- 16. Finding:** Statewide Planning Goal 11, Public Facilities, requires cities to adopt and update public facilities plans. Public facilities plans ensure that urban development is guided and supported by types and levels of water, sewer and transportation facilities appropriate for the needs and requirements of the urban areas to be serviced, and that those facilities and services are provided in a timely, orderly and efficient arrangement.

The adopted 2035 Comprehensive Plan includes the Citywide Systems Plan (CSP), which was adopted (Ordinance 185657) and acknowledged by LCDC on April 25, 2017. The CSP includes the Public Facilities Plan with information on current and future transportation, water, sanitary sewer, and stormwater infrastructure needs and projects, consistent with the requirements of Statewide Planning Goal 11.

The FFTZ amendments do not include comprehensive plan map amendments and do not amend the CSP. These regulations apply to only one type of use that makes up a minority part of the uses

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found in Portland's industrial districts. The remaining industrial uses continue to be regulated under the current development regulations and do not intensify the development capacity. Therefore, these changes will not adversely impact the City's public facilities.

As noted below in the findings for the 2035 Comprehensive Plan, the FFTZ amendments are consistent with the goals and policies of Chapter 8 (Public Facilities and Services) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, FFTZ amendments are consistent with the requirements of Statewide Planning Goal 11.

Goal 12. Transportation. To provide and encourage a safe, convenient and economic transportation system.

17. Finding: Goal 12 is "to provide and encourage a safe, convenient and economic transportation system."

The FFTZ amendments maintains Portland's role as a multimodal freight hub with enhanced freight access because it does not amend the City's adopted Transportation System Plan, therefore the City continues to plan for public infrastructure investments to maintain and strengthen the multimodal transportation infrastructure in the industrial areas where the FFTs are located. Also, the ordinance only restricts new fossil fuel storage tank capacity and does not regulate transloading facilities, docks or pipelines – facilities that are key components of the multimodal freight transportation system.

Goal 12 requires local governments to adopt transportation plans. The adopted 2035 Comprehensive Plan includes the Transportation System Plan (TSP), which was adopted in three phases (Ordinance 187832, 188177, and 188957). Phase 1 and 2 was submitted as part Task Four of Periodic Review; and both were approved by LCDC Order 18 – WKTSK – 001897 on August 8, 2018. Phase 3 of the Transportation System Plan was adopted as a post-acknowledgement plan amendment by Ordinance No. 188957, became effective on June 23, 2018. The FFTZ amendments do not amend the TSP.

OAR 660-012-0060 (1) requires: If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.
 - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

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- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

The FFTZ amendments do not change the functional classification of any existing or proposed transportation facility, nor do they change the standards implementing a functional classification system. Therefore, the amendments do not have a significant effect under (a) or (b).

The FFTZ amendments limit one type of use allowed in industrial areas. The remaining industrial uses continue to be regulated under the current development regulations and do not intensify the development capacity. Therefore, the amendments do not have a significant effect under (c).

Portland's Air, Rail, Water Pipeline Plan (ARWP) is adopted into the acknowledged TSP in compliance with OAR 660-012-0020(2)(e). The ARWP includes information on the location and extent of existing or planned facilities, as specified by the rule. The ARWP does not have functional classification or performance standards, and the rule does not require them.

Testimony from the Portland Business Alliance et al., the Working Water Coalition, and the Western States Petroleum Association raised the concern that the ordinance would force fuels to be transported by truck and increase vehicle miles travelled and emissions. The City Council finds that this unsupported assertion provides no details or explanation as to how this ordinance will force a change in transportation modes. There is no explanation or evidence on future demand, pipeline capacity utilization, or storage tank utilization or how or why truck traffic would increase. BPS staff provided evidence in the Council presentation and the written record that demonstrates that there is a reasonable expectation that the demand for fossil fuels will be flat and that the existing FFT storage capacity, with the allowed exceptions, will be sufficient to meet the future demand for fossil fuels.

Furthermore, as noted below in the findings for the 2035 Comprehensive Plan, the FFTZ amendments are consistent with the goals and policies of Chapter 9 (Transportation) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, the FFTZ amendments are consistent with the requirements of Statewide Planning Goal 12.

Goal 13. Energy Conservation. To conserve energy.

- 18. Finding:** The State has not adopted specific rules for complying with Statewide Planning Goal 13. Goal 13 generally requires that land use plans contribute to energy conservation. The guidelines refer to land use planning to minimize the depletion of non-renewable sources of energy; to re-use land; and increase density along high capacity transportation corridors. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses that would change the City's development pattern that will have a material impact on energy efficiency.

The City has a few provisions in the Zoning Code to support energy conservation, including energy efficiency or renewable energy improvements do not trigger nonconforming upgrade improvements (PCC 33.258); development standards for small, urban-wind turbines (PCC 33.299); and a requirement that new development in the Central City Plan District must register for green building certification (PCC 33.510). The FFTZ amendments do not amend any of these implementing provisions.

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Testimony from the Portland Business Alliance et al., the Working Water Coalition, and the Western States Petroleum Association raised the concern that the ordinance would force fuels to be transported by truck and increase vehicle miles travelled and emissions. The City Council finds that this unsupported assertion provides no details or explanation as to how this ordinance will force a change in transportation modes. There is no explanation or evidence on future demand, pipeline capacity utilization, or storage tank utilization or how or why truck traffic would increase. BPS staff provided evidence in the Council presentation and the written record that demonstrates that there is a reasonable expectation that the demand for fossil fuels will be flat and that the existing FFT storage capacity, with the allowed exceptions, will be sufficient to meet the future demand for fossil fuels.

Therefore, the FFTZ amendments are consistent with the requirements of Statewide Planning Goal 13.

Goal 14. Urbanization. To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

19. Finding: Metro is responsible for Goal 14 compliance on behalf of Portland and other cities within the metropolitan region. Metro has adopted an Urban Growth Management Functional Plan and compliance with this plan by constituent cities assures compliance with Goal 14, which is discussed in Part II of this document and those findings are incorporated by reference.

As discussed above under Goal 9, the FFTZ amendments will not change the employment development capacity inside the urban growth boundary and the City will continue to have adequate capacity to accommodate its allocated forecasted growth. Therefore, FFTZ amendments are consistent with the requirements of Statewide Land Use Goal 14.

Goal 15. Willamette River Greenway. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

20. Finding: Six of the 11 existing FFTs have frontage on the Willamette River. However, these parcels will continue to be subject to development regulations for flood plains or natural resources. Furthermore, no changes to existing protections afforded through the greenway overlay zones are proposed.

Therefore, FFTZ amendments are consistent with the requirements of Statewide Land Use Goal 15 because they do not change the protections to affected lands within the Willamette River Greenway Overlay Zone.

Part II. Metro

Under ORS 268.380 and its Charter, Metro has the authority to adopt regional plans and require city and county comprehensive plans to comply with regional plan. Metro adopted the Urban Growth Management Functional Plan and the Regional Transportation Functional Plan under this authority.

Urban Growth Management Functional Plan

In its June 2011 update to its 2010 compliance report Metro found, “The City of Portland is in compliance with all Urban Growth Management Functional Plan requirements in effect on December

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15, 2010, except for Title 13, Nature in Neighborhoods.” On January 16, 2013 the City received a letter from Metro stating that Portland had achieved compliance with Title 13.

Title 1. Housing Capacity. The Regional Framework Plan calls for a compact urban form and a “fair-share” approach to meeting regional housing needs. Title 1 requires each city and county to maintain or increase its housing capacity, especially in centers, corridors, main streets, and station communities, except as provided in section 3.07.120.

21. Finding: The FFTZ amendments do not reduce housing potential in any part of the City because the amendments affect a use of industrial land and does not change the designation of residential lands.

Therefore, the FFTZ amendments are consistent with the requirements of Title 1.

Title 2. Regional Parking Policy. (repealed in 1997)

Title 3. Water Quality and Flood Management. To protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding.

22. Finding: Title 3 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. Title 3 establishes performance standards for 1) flood management; 2) erosion and sediment control; and 3) water quality. The City has adopted overlay zones and land use regulations, including Title 10 Erosion Control and the balanced cut-and-fill standards in Title 24 Building Regulations, that, in the June 2011 update to its 2010 compliance report, Metro found sufficient to comply with Title 3. This ordinance does not change any of these overlays or regulations.

FFTs are located in the 100-year floodplain. In the Zoning Code, the City of Portland’s Title 3 program is implemented primarily through the greenway overlay zones, which are unchanged by these amendments and will ensure any new development will be done in a way to protect people and property and the functions and values of the floodplain.

Title 4. Industrial and Other Employment Areas. The Regional Framework Plan calls for a strong regional economy. To improve the economy, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of “clustering” to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region’s transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities. The Metro Council will evaluate the effectiveness of Title 4 in achieving these purposes as part of its periodic analysis of the capacity of the urban growth boundary.

23. Finding: The purpose of Title 4 is to maintain a regional supply of existing industrial and employment land by limiting competing uses for this land. Metro has not adopted a Statewide Planning Goal 9 economic opportunities analysis for the region, so Title 4 is not based on an assessment of the land needed for various employment types, nor do the Title 4 maps necessarily depict lands most suitable to accommodate future job growth. Rather, Title 4 seeks to protect the manufacturing, warehousing, and distribution of goods within three types of mapped areas by

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limiting competing uses. These three areas are Regionally Significant Industrial Areas (RSIAs), Industrial Areas, and Employment Areas.

The existing FFTs are located in the northwest industrial district, which is a designated RSIA. The RSIA regulations do not include special provisions for FFTs. The other RSIs in Portland do not have existing FFTs and new FFTs are prohibited. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, the FFTZ amendments are consistent with the requirements of Metro Title 4.

Title 5. Neighboring Cities (repealed 1997)

Title 6. Centers, Corridors, Station Communities and Main Streets. The Regional Framework Plan identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high-capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro's approval.

24. Finding: Title 6 establishes eligibility criteria for certain regional investments, and the use of more flexible trip generation assumptions when evaluating transportation impacts. Title 6 also contains aspirational activity level targets for different Metro 2040 place types. This title is incentive-based, so these findings simply serve to document intent. There are no specific mandatory compliance standards in Title 6 that apply to this ordinance.

The existing FFTs are not located in designated Title 6 areas, therefore this title does not apply.

Title 7. Housing Choice. The Regional Framework Plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments and assistance from local governments on reports on progress towards increasing the supply of affordable housing. It is the intent of Title 7 to implement these policies of the Regional Framework Plan.

25. Finding: Title 7 addresses housing choice. Metro adopted voluntary affordable housing goals for each city and county in the region for the years 2001 to 2006, but never updated them. Title 7 does not apply. The FFTZ amendments change the City's industrial zones and do not impact the City of Portland's residential development capacity or affordable housing programs.

Title 8. Compliance Procedures. Title 8 addresses compliance procedures and establishes a process for ensuring city or county compliance with requirements of the Urban Growth Management Functional Plan. A city or county proposing an amendment to a comprehensive plan or land use regulation shall submit the proposed amendment to METRO at least 35 days prior to the first evidentiary hearing on the amendment.

26. Finding: On October 16, 2019 BPS filed a 35-day DLCD notice and on October 30, 2019 the City sent a legislative notice, to notify other government agencies, including Metro, that the City would be reconsidering the remanded ordinance. Metro was provided with the 35-day DLCD notice and the City's standard legislative notice. Title 8 also requires the City to provide findings of compliance with the *Urban Growth Management Functional Plan*, as described here. All applicable requirements of Title 8 have been met.

Title 9. Performance Measures. (repealed in 2010)

Title 10. Functional Plan Definitions. Title 10 contains definitions. When 2035 Comprehensive Plan uses a term found in Title 10 either the term has the same meaning found in Title 10, or the difference is explained.

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27. **Finding:** The FFTZ amendments do not change any definitions in the 2035 Comprehensive Plan that are also found in Title 10. All applicable requirements of Title 10 have been met.

Title 11. Planning for New Urban Areas. (not directly applicable)

Title 12. Protection of Residential Neighborhoods. Existing neighborhoods are essential to the success of the 2040 Growth Concept. The intent of Title 12 of the Urban Growth Management Functional Plan is to protect the region's residential neighborhoods. The purpose of Title 12 is to help implement the policy of the Regional Framework Plan to protect existing residential neighborhoods from air and water pollution, noise, and crime and to provide adequate levels of public services.

28. **Finding:** Title 12 addresses protection of residential neighborhoods. This title largely restricts Metro's authority to plan and regulate density in single-family neighborhoods. Further, the 2035 Comprehensive Plan does not employ any of the optional provisions of Title 12. The FFTZ amendments were originated by the City's legislative process and do not affect residential neighborhoods. Therefore, this title does not apply to this ordinance.

Title 13. Nature in Neighborhoods. The purposes of this program are to (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

29. **Finding:** Title 13 is expressly intended to provide a minimum baseline level of protection for identified Habitat Conservation Areas. Local jurisdictions may achieve substantial compliance with Title 13 using regulatory and/or non-regulatory tools. The City of Portland implements Title 13 through its adopted Natural Resources Inventory (NRI) and subsequent protection measures through the environmental overlay zones, which Metro has found to be in substantial compliance with Title 13.

No changes to the environmental or greenway overlay zones are proposed as part of this project. Therefore, FFTZ amendments are consistent with the requirements of Title 13.

Title 14. Urban Growth Management Plan. Title 14 addresses the regional urban growth boundary. Since this ordinance does not require, nor initiate, a boundary change, Title 14 does not apply.

Summary, Urban Growth Management Functional Plan Findings

30. **Finding:** The Metro Title 10 definition of comply or compliance means "substantial" rather than absolute compliance. "Substantial compliance" means city comprehensive plans and implementing ordinances, on the whole, conform with the purposes of the performance standards in the functional plan and any failure to meet individual performance standard requirements is technical or minor in nature.

For the facts and reasons stated above this ordinance substantially complies with all Urban Growth Management Functional Plan requirements applicable to the FFTZ amendments.

Regional Transportation Functional Plan

The Regional Transportation Functional Plan (RTFP) implements the goals, objectives and policies of the Regional Transportation Plan (RTP). Local implementation of the RTP by cities and counties are carried out in their comprehensive plans, transportation system plans (TSPs), other land use regulations and transportation project development.

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31. **Finding:** The City Council finds that there is no statutory or code requirement that the Council consider and demonstrate whether the proposed amendments are consistent with the RTFP. However, to the extent the demonstrating compliance is necessary, the Council finds that the proposed amendments are compliant with the RTFP as discussed below.
32. **Finding:** Titles 1-4 address transportation system design, development of transportation system plans, transportation project development and parking management. These titles concern public transportation projects design and system plans and do not address development on private land. These titles do not apply.

Title 5. Amendment of Comprehensive Plans. Title 5 addresses factors that a city or county needs to consider when amending their comprehensive plan or transportation system plan. Cities are required to consider the transportation strategies, such as transit, bicycle and pedestrian system improvements, as part of the analysis to determine if the change will result in a significant effect on the transportation system.

33. **Finding:** The FFTZ amendments do not change the functional classification of any existing or proposed transportation facility, nor do they change the standards implementing a functional classification system.

The FFTZ amendments limit one type of use allowed in industrial areas. The remaining industrial uses continue to be regulated under the current development regulations and do not intensify the development capacity. Therefore, the amendments do not have a significant effect on the transportation system.

Testimony from the Portland Business Alliance et al., the Working Water Coalition, and the Western States Petroleum Association raised the concern that the ordinance would force fuels to be transported by truck and increase vehicle miles travelled and emissions. The City Council finds that this unsupported assertion provides no details or explanation as to how this ordinance will force a change in transportation modes. There is no explanation or evidence on future demand, pipeline capacity utilization, or storage tank utilization or how or why truck traffic would increase. BPS staff provided evidence in the Council presentation and the written record that demonstrates that there is a reasonable expectation that the demand for fossil fuels will be flat and that the existing FFT storage capacity, with the allowed exceptions, will continue to meet the future demand for fossil fuels. Therefore, the City Council concludes that the existing FFT storage capacity is sufficient, and there is no evidence that the FFTZ amendments will result in an increase in truck traffic, vehicle miles travelled or emissions.

Furthermore, as noted below in the findings for the 2035 Comprehensive Plan, the FFTZ amendments are consistent with the goals and policies of Chapter 9 (Transportation) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, the FFTZ amendments are consistent with the requirements of Title 5.

Part III. Portland's Comprehensive Plan

Portland's 2035 Comprehensive Plan was adopted as part of Task Four of Periodic Review. Task Four was adopted by Ordinance No. 187832 on June 15, 2016. The 2035 Comprehensive Plan was amended as part of Task Five of Periodic Review, which was adopted by Ordinance No. 188177 on December 21, 2016. Both ordinances were made effective on May 24, 2018 by Ordinance No. 188695, and both Tasks Four and Five were approved by LCDC Order 18 – WKTSK – 001897 on August 8, 2018.

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34. **Finding:** The City Council has identified the following guiding principles, goals and policies to be applicable to the FFTZ amendments.

Guiding Principles

The 2035 Comprehensive Plan adopted five “guiding principles” in addition to the goals and policies in a comprehensive plan. These principles recognize that implementation of the plan needs to be balanced, integrated and multi-disciplinary, and the influence of each principle helps to shape the overall all policy framework of the plan.

35. **Finding:** The City Council interprets the requirement in Policy 1.10.a to demonstrate how the FFTZ amendments comply with the Guiding Principles as one that requires a general overview discussion that does not require addressing specific language in specific policies.

The FFTZ amendments further these guiding principles as described below.

Economic Prosperity. Support a low-carbon economy and foster employment growth, competitiveness and equitably distributed household prosperity.

36. **Finding:** The City Council interprets this guiding principle to support a robust and resilient regional economy, thriving local businesses and growth in living-wage jobs and household prosperity. The FFTZ amendments support a low-carbon economy by providing an exception for additional storage capacity for non-fossil, renewable fuels. It fosters employment growth, competitiveness, and contributes to more equitably distributed household prosperity because the regulations are narrowly crafted to apply to one type of use and maintains the development capacity of Portland’s industrial areas. Further, the FFTZ amendments preserve existing industrial sites because the ordinance does not include comprehensive plan or zoning map changes. Finally, the ordinance does allow FFTs to grow and intensify their level of use by only regulating fossil fuel storage tank capacity and allowing exceptions for aviation and renewable fuels.

As noted elsewhere in the findings, the FFTZ amendments are consistent with Statewide Planning Goal 9 (Economic Development) and the goals and policies of Chapter 6 (Economic Development) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference.

Human Health. Avoid or minimize negative health impacts and improve opportunities for Portlanders to lead healthy, active lives.

37. **Finding:** The FFTZ amendments further the objectives to avoid or minimize negative health impacts associated with FFTs by reducing the risks associated with a major earthquake. Continuing to allow the increase in FFTs in a high risk area increases the risk to the surrounding industrial district, the Willamette River and Portland as a whole. The first step in making the current situation better is to ensure that the situation does not get worse by continuing to allow the unlimited increase in fossil fuel terminal storage tank capacity in a moderate to high risk. The FFTZ amendments are a regulatory approach that will limit the size of new fossil fuel terminals and prohibit the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels, which will be an improvement compared to the current regulations that allow for unlimited growth in fossil fuel terminals. Further, by designating existing FFTs as a limited use allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake, which can minimize health impacts in the event of a major earthquake.

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Environmental Health. Weave nature into the city and foster a healthy environment that sustains people, neighborhoods, and fish and wildlife. Recognize the intrinsic value of nature and sustain the ecosystem services of Portland's air, water and land.

38. Finding: The FFTZ amendments foster a healthy environment and sustain the ecosystem services of Portland's air, water and land by reducing the risk associated with a major earthquake. The first step in making the current situation better is to ensure that the situation does not get worse by continuing to allow the unlimited increase in fossil fuel terminal storage tank capacity in a high risk area. The FFTZ amendments are a regulatory approach that will limit the size of new fossil fuel terminals and prohibit the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels, which will be an improvement compared to the current regulations that allow for unlimited growth in fossil fuel terminals. Further, by designating existing FFTs as a limited use allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake, which can minimize environmental impacts in the event of a major earthquake. No changes to the environmental or greenway overlay zones are proposed as part of this project, therefore the natural resource values and functions will be sustained.

As noted elsewhere in the findings, the FFTZ amendments are consistent with Statewide Planning Goal 5 (Natural Resources) and the goals and policies of Chapter 4 (Design and Development, including Historic and Cultural Resources) and Chapter 7 (Environment and Watershed Health) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference.

Equity. Promote equity and environmental justice by reducing disparities, minimizing burdens, extending community benefits, increasing the amount of affordable housing, affirmatively furthering fair housing, proactively fighting displacement, and improving socio-economic opportunities for under-served and under-represented populations. Intentionally engage under-served and under-represented populations in decisions that affect them. Specifically recognize, address and prevent repetition of the injustices suffered by communities of color throughout Portland's history.

39. Finding: This guiding principle provides a framework to ensure Portlanders more equitably share in the benefits and burdens of growth and development. A fundamental purpose of the FFTZ amendments is to reduce the risks associated with a major earthquake. Continuing to allow the increase in FFTs in a high risk area increases the risk to Portland's environment, especially the Willamette River. The first step in making the current situation better is to ensure that the situation does not get worse by continuing to allow the unlimited increase in fossil fuel terminal storage tank capacity in a moderate to high risk. The FFTZ amendments are a regulatory approach that will limit the size of new fossil fuel terminals and prohibit the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels, which will be an improvement compared to the current regulations that allow for unlimited growth in fossil fuel terminals. Further, by designating existing FFTs as a limited use allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake, which can minimize environmental impacts in the event of a major earthquake.

The amendments also maintain socio-economic opportunities for under-served and under-represented populations because the regulations are narrowly crafted to apply to one type of use and maintains the development capacity of Portland's industrial areas, which is a good source of middle-wage jobs for people without college degrees.

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Resilience. Reduce risk and improve the ability of individuals, communities, economic systems, and the natural and built environments to withstand, recover from, and adapt to changes from natural hazards, human-made disasters, climate change, and economic shifts.

40. Finding: The 2035 Comprehensive Plan describes resilience as “reducing the vulnerability of our neighborhoods, businesses, and built and natural infrastructure to withstand challenges – environmental, economic and social – that may result from major hazardous events.” Most of Portland’s employment and industrial zones are in areas with high to very high levels of liquefaction susceptibility, as documented by the 2018 DOGAMI Earthquake Regional Impact Analysis. Fossil fuel infrastructure poses considerable risks in the event of a major earthquake. The FFTZ amendments support this principle by taking the first step in making Portland more resilient is to stop increasing the risk. The FFTs have significant seismic risks because most of the tanks have been constructed without any or only limited seismic design criteria on soils with moderate to high levels of liquefaction susceptibility, as documented by the Portland Bureau of Emergency Management’s 2016 Critical Energy Infrastructure Hub Study and the 2012 DOGAMI Earthquake Risk Study for Oregon’s Critical Energy Infrastructure Hub report. Continuing to allow the increase in FFTs in a high risk area increases the risk to the surrounding industrial district, the Willamette River and Portland as a whole. The FFTZ amendments limit future risk by limiting the size of new fossil fuel terminals and prohibiting the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels. Further, by designating existing FFTs as a limited use, as opposed to a prohibited nonconforming use, allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake, which ultimately can make Portland more resilient.

Testimony from the Portland Business Alliance et al. raised the concern that the ordinance would hinder the city’s climate and safety goals. The City Council finds that this unsupported assertion provides no details or explanation as to how this ordinance will hinder climate or safety goals. BPS staff provided evidence in the Council presentation and the written record that demonstrates the ordinance has been narrowly written to support climate and safety goals. Specifically, the ordinance exempts new storage capacity for non-fossil, renewable fuels and designates the existing FFTs as a limited use to allow those businesses to continue to operate and make safety improvements.

Testimony from the Portland Business Alliance et al. raised the concern that the ordinance needs to explicitly allow the development of infrastructure that is necessary to transition towards lower emission fuel sources such as blending tanks and new intermodal links. No explanation or evidence was provided to support the assertion that additional tanks are needed. New blending tanks that contain more than 5% fossil fuel are not allowed by the ordinance, but new storage tanks for renewable fuels are allowed. New intermodal links are not regulated by this ordinance.

Testimony from the Portland Business Alliance et al. and Zenith Energy raised the concern that the decision to deny a permit application for pipes that would have been used exclusively for clean fuels undermines the ordinance’s exemption for renewable fuels, because the infrastructure for renewable fuels is essentially the same for fossil fuels. The City Council finds that the Office of Community Technology decision is in regards to a pipe in the public right-of-way and is based on the City’s franchise agreement with Zenith, and is not a land use decision and is not an indicator as to how the City will make future land use decisions that involve this ordinance.

Testimony by the Western States Petroleum Association claims that the ordinance will inflict significant impacts on the ability to supply fuel and change fuel types as the region grows, technology advances, and fuel standards change. “Significant impacts” are not defined or

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supported by evidence. The letter does not explain how technology advances and fuel standard changes will create the need for additional fossil fuel storage capacity. The ordinance specifically exempts new storage capacity for renewable fuels as a means to support DEQ's Clean Fuels Program.

Testimony by the Western States Petroleum Association claims that the ordinance will inflict negative impacts on the ability to transition energy sources. The testimony does not define or explain what are the "negative impacts" or what is needed to transition energy resources. The ordinance specifically exempts new storage capacity for renewable fuels as a means to support compliance with DEQ's Clean Fuels Program and a transition away from fossil fuels.

Testimony by Zenith Energy claims that safety upgrades require the construction of new infrastructure without interrupting service to customers – new storage tanks are needed before old tanks can be taken out of service. No evidence is provided on storage tank capacity utilization or available land area at existing FFTs or the length of time that it takes to replace or retrofit a storage tank that indicates that new storage capacity is needed before existing storage capacity can be retrofitted or replaced. Recently, Zenith Energy expanded transloading capacity without expanding storage tank capacity and proposed adding new transloading/intermodal pipeline capacity to utilize existing storage capacity.

Testimony by NW Natural raised concerns that the definition of renewable fuels was not clear. The Remand Report (Exhibit B) has been revised to clarify the legislative intent that renewable fuels are those fuels derived from biomass (plant or animal material), such as recycled cooking oil, soybean oil, or animal fats; renewable natural gas/biogas is fuel captured from the waste stream, such as methane from landfills, waste water treatment plants, and agricultural or food waste, but does not include methane and other hydrocarbons produced from fossil fuels; and renewable hydrogen is hydrogen produced using renewable energy derived from wind power sited in ecologically responsible ways, solar, existing and low-impact hydroelectric, geothermal, biogas (including biogas produced from biomass), and ocean/wave technology sources.

As noted elsewhere in these findings, the FFTZ amendments are consistent with Statewide Planning Goal 7 (Natural Hazards) and the goals and policies of Chapter 7 (Environment and Watershed Health) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference.

Chapter 1: The Plan

Goal 1.A: Multiple goals

Portland's Comprehensive Plan provides a framework to guide land use, development, and public facility investments. It is based on a set of Guiding Principles that call for integrated approaches, actions, and outcomes that meet multiple goals to ensure Portland is prosperous, healthy, equitable, and resilient.

41. **Finding:** The FFTZ amendments are an amendment to the Zoning Code and do not amend the 2035 Comprehensive Plan. As noted above, FFTZ amendments are consistent with the guiding principles of the 2035 Comprehensive Plan. As part of an integrated approach to meet multiple goals, the City Council has considered, weighed and balanced applicable policies, as described on page HTU-5 of the 2035 Comprehensive Plan, to determine that this ordinance on the whole complies with the 2035 Comprehensive Plan. As described below, the City Council's decision to adopt the FFTZ amendments have considered the multiple goals of the comprehensive plan, including the guiding principles, to determine that the adoption of this ordinance will ensure that Portland is prosperous, healthy, equitable, and resilient by minimizing the risk posed by fossil fuel terminals.

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Goal 1.B: Regional partnership. Portland’s Comprehensive Plan acknowledges Portland’s role within the region, and it is coordinated with the policies of governmental partners.

42. Finding: The findings show how the amendments are consistent with Metro’s Urban Growth Management Functional Plan and the Statewide Planning Goals, including Goal 2 which requires coordination. In 2016, as part of the original adoption process, Metro, TriMet, and other state agencies received notice of the proposed FFTZ amendments from the 35-day DLCD notice and the City’s legislative notice. In 2019, as part of the re-adoption of the remanded ordinance, the City posted a new 35-day DLCD notice and sent a legislative notice to government partners for the November 20, 2019 City Council hearing.

Goal 1.C: A well-functioning plan. Portland’s Comprehensive Plan is effective, its elements are aligned, and it is updated periodically to be current and to address mandates, community needs, and identified problems.

43. Finding: The City Council defines “effective” as being successful in producing a desired or intended result. The desired or intended result is embodied in the Guiding Principles and goals and policies of the 2035 Comprehensive Plan. These findings demonstrate how the FFTZ amendments are consistent with the 2035 Comprehensive Plan, including advancing multiple goals. These changes represent updating regulatory implementation tools that respond to community needs and identified problems, especially in addressing the considerable risks fossil fuel terminals pose in the event of a major earthquake, as documented by the Portland Bureau of Emergency Management's Critical Energy Infrastructure Hub Study (2016).

Goal 1.D: Implementation tools. Portland’s Comprehensive Plan is executed through a variety of implementation tools, both regulatory and non-regulatory. Implementation tools comply with the Comprehensive Plan and are carried out in a coordinated and efficient manner. They protect the public’s current and future interests and balance the need for providing certainty for future development with the need for flexibility and the opportunity to promote innovation.

44. Finding: The City Council interprets this goal to mean that the first step in making the current situation better is to ensure that the situation does not get worse. Continuing to allow the increase in storage tank capacity in FFTs in a high risk area increases the risk to the surrounding industrial district and the Willamette River. The FFTZ amendments are changes to the Zoning Code, which is a primary implementation tool. The City Council finds that the public’s current and future interests are embodied in the Vision and Guiding Principles that address prosperity, human and environmental health, equity and resilience. In the event of a major earthquake, fossil fuel terminals pose considerable risks to all of those interests, as documented by the Portland Bureau of Emergency Management's Critical Energy Infrastructure Hub Study (2016). Continuing to allow the unlimited increase in storage capacity at FFTs in a high risk area does not protect the public’s current or future interests. The FFTZ amendments are a regulatory approach that will limit the size of new fossil fuel terminals and prohibit the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels, which will be an improvement compared to the current regulations that allow for unlimited growth in FFTs.

The Zoning Code amendments change development standards and limit future expansion of storage capacity at FFTs, which may create uncertainty for the existing terminals. However, the uncertainty is mitigated by designating the existing FFTs as a limited use, as opposed to a prohibited or non-conforming use, that allows the terminals to continue to operate and invest in upgrades, as well as supporting opportunities for enhancement through exceptions, such as aviation or renewable fuels, to the storage capacity restrictions. If the existing FFTs had been designated as a

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prohibited use, as in the Proposed Draft of the amendments, then the existing FFTs would be nonconforming uses, which in some cases has been a barrier to obtaining financing for improvements and upgrades.

The City Council defines “flexibility” as a capability to adapt to new, different, or changing requirements and “innovation” as the introduction of something new. The amendments incorporate flexibility and innovation by designating the existing FFTs as a limited use that allows the terminals to continue to operate and invest in upgrades, as well as supporting opportunities for enhancement for aviation or renewable fuels among other exceptions.

Goal 1.E: Administration. Portland’s Comprehensive Plan is administered efficiently and effectively and in ways that forward the intent of the Plan. It is administered in accordance with regional plans and state and federal law.

45. Finding: The 2035 Comprehensive Plan complies with state and federal law and is not amended by this ordinance. The FFTZ amendments add clear and objective regulations to the Zoning Code that can be administered by the City in an efficient and effective way that minimizes future risk and allows FFTs to invest in safety upgrades to decrease risk over time. These findings demonstrate how the FFTZ amendments are consistent with the intent of the 2035 Comprehensive Plan. As noted above, the findings show how the amendments are consistent with Metro’s Urban Growth Management Functional Plan and the Statewide Planning Goals. The regulations are focused on what the City has jurisdiction over – land use regulation for public health and safety – and does not exceed its authority into areas covered by state and federal law, such railroads and interstate commerce.

The Comprehensive Plan

Policy 1.1. Comprehensive Plan elements. Maintain a Comprehensive Plan that includes these elements:

- **Vision and Guiding Principles.** The Vision is a statement of where the City aspires to be in 2035. The Guiding Principles call for decisions that meet multiple goals to ensure Portland is prosperous, healthy, equitable, and resilient.
- **Goals and policies.** The goals and policies of the Comprehensive Plan, including the Urban Design Framework, provide the long-range planning direction for the development and redevelopment of the city.
- **Comprehensive Plan Map.** The Comprehensive Plan Map is the official long-range planning guide for spatially defining the desired land uses and development in Portland. The Comprehensive Plan Map is a series of maps, which together show the boundaries of municipal incorporation, the Urban Service Boundary, land use designations, and the recognized boundaries of the Central City, Gateway regional center, town centers, and neighborhood centers.
- **List of Significant Projects.** The List of Significant Projects identifies the public facility projects needed to serve designated land uses through 2035. including expected new housing and jobs. It is based on the framework provided by a supporting Public Facilities Plan (PFP). The Citywide Systems Plan (CSP) is the City’s public facilities plan. The Transportation System Plan (TSP) includes the transportation-related list of significant projects. The list element of the TSP is also an element of the Comprehensive Plan.

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- **Transportation policies, street classifications, and street plans.** The policies, street classifications, and street plan maps contained in the Transportation System Plan (TSP) are an element of the Comprehensive Plan. Other parts of the TSP function as a supporting document, as described in Policy 1.2.

46. Finding: The FFTZ amendments do not include changes to any of the Comprehensive Plan elements. The FFTZ amendments do not change the List of Significant Projects, nor do they change policies, street classifications, or street plan maps contained in the Transportation System Plan (TSP).

Supporting Documents

Policy 1.2. Comprehensive Plan supporting documents. Maintain and periodically update the following Comprehensive Plan supporting documents.

- 1. Inventories and analyses.** The following inventories and analyses are supporting documents to the Comprehensive Plan:
 - Economic Opportunities Analysis (EOA)
 - Buildable Lands Inventory (BLI)
 - Natural Resource Inventory (NRI)
 - Housing Needs Analysis (HNA)

47. Finding: The FFTZ amendments were developed consistent with the supporting documents of the adopted 2035 Comprehensive Plan. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes do not impact the industrial land designated in Portland and do not impact the employment development capacity identified in the EOA and the BLI.

The FFTZ amendments do not change the NRI or the implementing environmental or greenway overlay zones.

The FFTZ amendments do not impact residential land and do not change the Housing Needs Analysis.

- 2. Public Facilities Plan.** The Public Facilities Plan (PFP) is a coordinated plan for the provision of urban public facilities and services within Portland's Urban Services Boundary. The Citywide Systems Plan (CSP) is the City's public facilities plan.

48. Finding: As demonstrated in the findings for Statewide Planning Goal 11, the FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes do not impact the provision of public services and are consistent with the adopted Citywide Systems Plan (CSP). The CSP, which was adopted (Ordinance 185657) and acknowledged by LCDRC on April 25, 2017, includes the Public Facilities Plan with information on current and future transportation, water, sanitary sewer, and stormwater infrastructure needs and projects, consistent with the requirements of Statewide Planning Goal 11.

The FFTZ amendments do not amend the Citywide System Plan, therefore the City continues to plan for public infrastructure investments to maintain and strengthen the infrastructure in the northwest industrial area where the FFTs are located. As noted below in the findings for goals and policies of Chapter 8 (Public Facilities and Services), which are incorporated by reference, the FFTZ amendments are consistent with the CSP.

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- 3. Transportation System Plan (TSP).** The TSP is the detailed long-range plan to guide transportation system functions and investments. The TSP ensures that new development and allowed land uses are consistent with the identified function and capacity of, and adopted performance measures for, affected transportation facilities. The TSP includes a financial plan to identify revenue sources for planned transportation facilities included on the List of Significant Projects. The TSP is the transportation element of the Public Facilities Plan. Certain components of the TSP are elements of the Comprehensive Plan. *See Policy 1.1.*

49. Finding: As demonstrated in the findings for Statewide Planning Goal 12 (Transportation) and the goals and policies of Chapter 9 (Transportation), the FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes do not impact the transportation system. The FFTZ amendments do not amend the Transportation System Plan, therefore the City continues to plan for public infrastructure investments to maintain and strengthen the multimodal transportation infrastructure in the northwest industrial area where the FFTs are located.

- 4. School Facility Plans.** School facility plans that were developed in consultation with the City, adopted by school districts serving the City, and that meet the requirements of ORS 195 are considered supporting documents to the Comprehensive Plan.

50. Finding: The FFTZ amendments apply to only one type of industrial use that makes up a small part of the businesses found in Portland's industrial districts, therefore, these changes will not impact school facility plans.

Implementation tools

Policy 1.3. Implementation tools subject to the Comprehensive Plan. Maintain Comprehensive Plan implementation tools that are derived from, and comply with, the Comprehensive Plan.

Implementation tools include those identified in policies 1.4 through 1.9.

Policy 1.4. Zoning Code. Maintain a Zoning Code that establishes the regulations that apply to various zones, districts, uses, and development types.

51. Finding: The FFTZ amendments include Zoning Code amendments that create a new use category (bulk fossil fuel terminals) and applies it to the base zones. The definition of the use limits the size of new fossil fuel terminals and prohibits the expansion of fossil fuel storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels. The FFTZ regulations designate existing FFTs as a limited use, which allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake. Further, the use limitations (33.140.100.B.17.a) provide flexibility to FFTs to replace and reconfigure existing storage tank capacity to increase safety.

Policy 1.5 Zoning Map. Maintain a Zoning Map that identifies the boundaries of various zones, districts, and other special features.

52. Finding: The FFTZ amendments do not include Zoning Map amendments. This policy does not apply.

Policy 1.6 Service coordination agreements. Maintain coordination agreements with local governments of adjoining jurisdictions concerning mutual recognition of urban service boundaries; special service districts concerning public facilities and services within Portland's Urban Services Boundary; and public school districts concerning educational facilities within Portland's Urban Services Boundary.

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Policy 1.7 Annexations. Provide a process incorporating urban and urbanizable land within the City's Urban Services Boundary through annexation. See policies 8.11-8.19 for service extension requirements for annexations.

Policy 1.8 Urban renewal plans. Coordinate Comprehensive Plan implementation with urban renewal plans and implementation activities. A decision to adopt a new urban renewal district, adopt or amend goals and objectives that will guide investment priorities within a district, or amend the boundaries of an existing district, must comply with the Comprehensive Plan.

Policy 1.9 Development agreements. Consider development agreements entered into by the City of Portland and pursuant to Oregon Revised Statute 94 a Comprehensive Plan implementation tool.

53. Finding: For policies 1.6 through 1.9, the FFTZ amendments do not include changes or amendments to service coordination agreements, annexation processes, urban renewal plans, or development agreements. Therefore, these policies are not applicable to the FFTZ amendments.

Administration

Policy 1.10. Compliance with the Comprehensive Plan. Ensure that amendments to the Comprehensive Plan's elements, supporting documents, and implementation tools comply with the Comprehensive Plan. "Comply" means that amendments must be evaluated against the Comprehensive Plan's applicable goals and policies and on balance be equally or more supportive of the Comprehensive Plan as a whole than the existing language or designation.

1.10.a Legislative amendments to the Comprehensive Plan's elements and implementation tools must also comply with the Guiding Principles.

1.10.b Legislative amendments to the Comprehensive Plan's elements should be based on the factual basis established in the supporting documents as updated and amended over time.

1.10.c Amendments to the Zoning Map are in compliance with the Comprehensive Plan if they are consistent with the Comprehensive Plan Map.

54. Finding: The City Council finds that this is a fundamental policy of the Comprehensive Plan that guides the manner in which the City Council considers amendments to the Plan itself or any implementing regulations, such as the Zoning Code. The City Council interprets the policy to require the Council to consider whether, after considering all relevant facts, an amendment is equally or more supportive of the Comprehensive Plan. The City Council finds that an amendment is equally supportive when it is on its face directly supported by goals and policies in the Plan. The City Council finds that an amendment is more supportive of the Comprehensive Plan when the amendment will further advance goals and policies, particularly those that are aspirational in nature. The City Council finds that the policy requires consideration as to whether amendments are equally or more supportive of the Plan *as a whole*. The City Council finds that amendments do not need to be equally or more supportive with individual goals and policies, but rather amendments must be equally or more supportive of the entire Comprehensive Plan. Therefore, the City Council finds that there may be instances where specific goals and policies are not supported by the amendments but still the amendment is equally or more supportive of the entire Comprehensive Plan when considered cumulatively. The City Council finds that there is no precise mathematical equation for determining when the Plan as a whole is supported but rather such consideration requires City Council discretion in evaluating the competing interests and objectives of the plan.

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The Council notes that the Comprehensive Plan introduction explains that “[t]he Comprehensive Plan contains a broad range of policies Council to consider. Each policy describes a desirable outcome. But it is unlikely that all policies are relevant to a particular decision and that a particular decision could be expected to advance all of the policies in the plan equally well. . . [E]ven the strongest policies do not automatically trump other policies. Every decision is different, with different facts. The particular policies that matter will change from one decision to another. There is no set formula – no particular number of “heavier” polies equals a larger set of “lighter” policies. In cases where there are competing directions embodied by different policies, City Council may choose the direction they believe best embodies the plan as a whole.”

The FFTZ amendments are a legislative amendment to the Zoning Code, an implementation tool of the 2035 Comprehensive Plan. These findings identify how the FFTZ amendments comply with the 2035 Comprehensive Plan. That is, the amendments are evaluated against the 2035 Comprehensive Plan’s Guiding Principles, goals, and policies, as detailed throughout this set of findings. As described in the finding for Policy 1.2, the factual basis of the supporting documents is not changed by this ordinance. Specifically, the employment capacity, as defined in the EOA, is not impacted by these changes – there are no map amendments, all industrial land use designations remain the same. The other supporting documents have been considered but are not impacted by these changes. The City Council finds that these amendments are equally or more supportive of the Comprehensive Plan than the existing Zoning Code regulations because they limit the considerable risks fossil fuel terminals pose in the event of a major earthquake, while allowing the existing terminals to continue to operate with limited opportunities for expansion, such as aviation fuel or renewable fuels.

The City Council finds that the evaluation to determine if the FFTZ amendments are on balance equally or more supportive than the existing language or designation must consider all of the goals and policies, as demonstrated by these findings. However, these amendments embody a situation where there are competing directions embodied by different policies. There are some policies where the amendments are equally supportive—not more or less so—but there are other policies where the amendments a more supportive and the code changes better embody the direction in the Comprehensive Plan as a whole.

For the reasons stated in these findings, the City Council concludes that the FFTZ amendments are on balance more supportive of the goals and policies of the 2035 Comprehensive Plan than the current regulations. The City Council has considered all applicable goals and policies to achieve an optimum outcome. Goals and policies are considered as factors which must be weighed, balanced and met on the whole, not as criteria that must be individually met. The purposes of the FFTZ amendments are to enhance public safety and protect the environment. The City Council has weighed and balanced the applicable goals and policies and concludes that, on the whole, continuing to allow an unlimited increase in storage capacity at FFTs in a high risk area would be less supportive of the 2035 Comprehensive Plan than adopting the FFTZ amendments.

As demonstrated by these findings, the FFTZ amendments effectively and efficiently implement the Comprehensive Plan. Specifically:

The City Council has considered applicable policies to determine that this ordinance on the whole complies with the 2035 Comprehensive Plan and on balance is equally or more supportive of the goals and policies of the 2035 Comprehensive Plan than the current regulations. In reaching this conclusion, City Council has weighed and balanced competing policy directions.

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In particular, the Council finds that Goal 4.D with Policies 4.79 and 4.80, requires evaluating and reducing risk to people and property from natural hazards. The FFTZ amendments further these goals and policies because by limiting the risks of storing large volumes of hazardous materials in an area with high susceptibility to an earthquake. Large fossil fuel terminals represent a risk to people, property and the natural environments that the City Council finds as a compelling reason to limit future risk by limiting the size of new facilities and prohibit the expansion of existing facilities. Continuing to allow an unlimited increase in storage capacity at FFTs in a high risk area would be less supportive of the 2035 Comprehensive Plan than adopting the FFTZ amendments

The City Council further finds that Policy 6.48 provides direction to limit fossil fuel terminals to what is necessary to serve the region. The City Council recognizes that Portland's fossil fuel terminals handle 90 percent of the fossil fuel for the State of Oregon and Southwest Washington. BPS presented evidence that national petroleum consumption forecast out to 2050 is essentially flat, which is a continuation of historic trends in Oregon and Washington, during a period of a thriving economy. In addition, ODOT is forecasting a decline in motor fuel consumption over the medium term to 2029. The more recent cargo forecasts project a modest growth in volumes, but those volumes do not exceed the historic peak volumes that were handled by the Portland terminals. No other evidence of future demand for fossil fuels was submitted in testimony. Therefore, the City Council finds that the fossil fuel storage capacity at the existing FFTs is sufficient to meet future needs. These changes support the retention of existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels. Further, the use limitations provide flexibility to FFTs to replace and reconfigure existing storage tank capacity to increase safety. In addition, limiting storage capacity to the existing facilities reduces risk from a major earthquake, which outweighs the policy direction to provide capacity to accommodate any potential future increase in fossil fuel consumption, in part, because continuing to consolidate fossil fuel storage capacity in Portland is counter to resiliency principles that emphasize redundancy and distributed facilities.

At the same time, the City Council finds that Goal 6.C with Policies 6.20 and 6.36, among others, provide for the retention and growth of businesses, especially those in the traded sector. However, the City Council interprets these policies apply to the economy in general, rather than specific types of business. These changes and restrictions only apply to a narrowly defined new land use category, Bulk Fossil Fuel Terminals, and do not have a significant effect on the other allowed uses in industrial and employment zones. There are no changes proposed to the Comprehensive Plan or Zoning Map that will impact the overall size or intensity of development in the industrial and employment areas of Portland. These amendments are narrowly constructed to apply to one class of businesses that make up a small portion of the city, regional and state economy. Further, these regulations only limit future expansion of these fossil fuel terminals, with some key exceptions, and designate these businesses as a limited use that allows their continued operation.

Guilford Lake Industrial Sanctuary (GLIS) Plan policies provide direction to maintain, protect and enhance businesses in the sanctuary. This plan was adopted in 2001 and does not address the need for resiliency in a high and medium liquefaction susceptibility area. The City Council interprets these policies to apply to the GLIS as a whole and not individual businesses. The City Council interprets the legislative intent of the GLISP is to maintain the area as an industrial sanctuary and to prohibit incompatible land uses. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses that could undermine the viability of the industrial sanctuary. These regulations apply to only one type of business that makes up a minority part of the businesses

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found in GLIS. The remaining industrial uses to continue to operate under current regulations. The impact of the limits on fossil fuel terminals is mitigated by designating existing fossil fuel terminals as a limited use that allows the terminals to continue to operate and make upgrades and supports limited enhancement through exceptions to the fossil fuel storage capacity restrictions.

Testimony by Zenith Energy claims that Resolution 37168 (Opposition to Fossil Fuel Infrastructure) prohibits City from restricting safety improvements and service to end users, and development of backup capacity. The testimony mischaracterizes the requirements of the resolution. The text says that “this resolution does not restrict” safety improvements, service directly to end users, and development of emergency backup capacity. The City Council interprets this phrase as applying to the resolution itself, but not an adopted land use regulation that is applied directly to land use decisions. The resolution provides guidance and direction on future City actions, such as directing BPS to develop proposed code changes to advance the resolution. However, in the context of making a legislative land use decision (amending the Zoning Code), the 2035 Comprehensive Plan and Title 33 (Planning and Zoning) establish the procedures and approval criteria, which do not reference other resolutions that have not been incorporated into the 2035 Comprehensive Plan goals and policies.

Resolution 37168 was adopted as a binding city policy. A “binding city policy” excludes Comprehensive Plan policies. PCC 33.835 requires that when the City amends the Zoning Code it must be found consistent with the Comprehensive Plan. Binding City policies are not approval criteria for amending the Zoning Code.

Even if the City Council were to consider the binding policies as approval criteria for amending the Zoning Code, the FFTZ amendments are consistent with Resolution 37168. The Council interprets the resolution to require the following:

1. Improvements in the safety, or efficiency, seismic resilience, or operations of existing infrastructure;

The FFTZ amendments designate existing FFTs as a limited use specifically to allow them to continue to operate to supply fossil fuels and to allow for safety and seismic upgrades. Transloading facilities are a defining characteristic of a Bulk Fossil Fuel Terminal, however, the ordinance does not regulate transloading facilities and only limits new fossil fuel storage tank capacity. Existing fossil fuel storage tank capacity can be replaced and reconfigured as part of safety or seismic resilience improvements. Other aspects of terminal infrastructure (pipelines, docks, transloading facilities) are not regulated by this ordinance.

2. The provision of service directly to end users;

The City Council interprets the term “end users” to be those users that consume the fossil fuel, i.e. motor vehicle operators or residential customers that use natural gas to heat their residence. The FFTZ amendments specifically exempt gas stations and other retail sales of fossil fuels.

3. The development of emergency backup capacity;

The City Council interprets the term “emergency backup capacity” as infrastructure that is needed to restore functions at a facility, such as a diesel generator for electricity to power the facility, and not the wholesale duplication of the facility itself. In this case, existing FFTs are designated as a limited use, which allows them to continue to operate as a limited use, which allows them to make safety and seismic improvements, including facilities that serve as emergency backup capacity.

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4. Infrastructure that enables recovery or re-processing of used petroleum products; and

The FFTZ amendments specifically exempt uses that recover or reprocess used petroleum products.

5. Infrastructure that will accelerate the transition to non-fossil fuel energy sources

The FFTZ amendments specifically define fossil fuels as fuels that “are made from decayed plants and animals that lived millions of years ago and are a source of energy” as a means to exclude other types of fuels that come from renewable energy, such as ethanol, biodiesel/renewable diesel and renewable hydrogen, as long as that fuel has less than 5 percent fossil fuel content. The ordinance only limits new fossil fuel storage tank capacity. Other aspects of terminal infrastructure (pipelines, docks, transloading facilities) are not regulated by this ordinance.

Therefore, although the Council is not required to consider consistency with the Resolution as it is not approval criteria for a legislative land use decision, the City Council nonetheless finds that the FFTZ amendments are consistent with Resolution 37168.

Policy 1.11. Consistency with Metro Urban Growth Management Functional Plan and Urban Growth Boundary. Ensure that the Comprehensive Plan remains consistent with the Metro Urban Growth Management Functional Plan and supports a tight urban growth boundary for the Portland metropolitan area.

Policy 1.12. Consistency with Statewide Planning Goals. Ensure that the Comprehensive Plan, supporting documents, and implementation tools remain consistent with the Oregon Statewide Planning Goals.

55. **Finding:** As noted earlier in these findings, the FFTZ amendments are consistent with and designed to further the applicable elements of the Metro Urban Growth Management Functional Plan and Statewide Planning Goals, consistent with the directives of policies 1.11 and 1.12.

Policy 1.13. Consistency with state and federal regulations. Ensure that the Comprehensive Plan remains consistent with all applicable state and federal regulations, and that implementation measures for the Comprehensive Plan are well coordinated with other City activities that respond to state and federal regulations.

56. **Finding:** The FFTZ amendments were developed to be consistent with applicable state and federal regulations and do not amend any Zoning Code sections that are required by state or federal regulations, including FEMA flood regulations and state building code requirements.

Testimony by the Western States Petroleum Association claims that the ordinance will prevent and discourage equipment upgrades necessary to comply with federal and state clean fuels law. Compliance with federal and state law is not defined, no specific citations are provided. Only new fossil storage tank capacity is restricted, other equipment upgrades are allowed. The ordinance specifically exempts new storage capacity for renewable fuels as a means to support compliance with DEQ’s Clean Fuels Program.

Testimony by the Western States Petroleum Association claims that the ordinance will prevent and discourage the transition to newer lower-carbon-fuel sources in opposition to Oregon's low-carbon-fuel standards, Oregon's Renewable Fuel Standards, federal Renewable Fuel Standards, and similar laws. The testimony does not define what infrastructure that is required for the “transition to newer lower-carbon-fuel sources”. Compliance with federal and state law is not defined, no

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specific citations are provided. The ordinance specifically exempts new storage capacity for renewable fuels as a means to support compliance with DEQ's Clean Fuels Program.

Testimony by the Western States Petroleum Association claims that the ordinance is not in alignment with state and federal policy regarding siting energy infrastructure or transportation of fuels. The testimony does not cite any specific state or federal energy siting or transportation policy. The testimony does not acknowledge or address the risks in citing energy infrastructure in an area of high risk of liquefaction.

Policy 1.14. Public facility adequacy. Consider impacts on the existing and future availability and capacity of urban public facilities and services when amending Comprehensive Plan elements and implementation tools. Urban public facilities and services include those provided by the City, neighboring jurisdictions, and partners within Portland's urban services boundaries, as established by Policies 8.2 and 8.6.

57. Finding: As demonstrated in the findings for Statewide Planning Goal 11 and Chapter 8 (Public Facilities and Services) of the 2035 Comprehensive Plan, the FFTZ amendments do not significantly impact the provision of public services.

Policy 1.15. Intergovernmental coordination. Strive to administer the Comprehensive Plan elements and implementation tools in a manner that supports the efforts and fiscal health of the City, county and regional governments, and partner agencies such as school districts and transit agencies.

58. Finding: As demonstrated in the findings for Statewide Planning Goal 2, the City filed the required 35-day notice with Oregon Department of Land Conservation and Development to notify other government agencies of the proposed FFTZ amendments. In addition, the City sent a separate legislative notice to Multnomah County, adjacent cities, Metro and TriMet. The Port of Portland was the only government agency that raised issues or concerns with the original ordinance. The Port of Portland appreciated that the ordinance was amended to address their concerns about the supply of aviation fuel to Portland International Airport (PDX) and marine fuel suppliers.

Policy 1.16. Planning and Sustainability Commission review. Ensure the Planning and Sustainability Commission (PSC) reviews and makes recommendations to the City Council on all proposed legislative amendments to Comprehensive Plan elements, supporting documents, and implementation tools. The PSC advises City Council on the City's long-range goals, policies, and programs for land use, planning, and sustainability. The membership and powers and duties of the PSC are described in the Zoning Code.

59. Finding: The City Council interprets this policy as requiring the PSC to hold at least one public hearing before making a recommendation on a legislative matter as required by PCC 33.740. The PSC reviewed and recommended the original FFTZ amendments in 2016. The City Council finds that this ordinance is a continuation of the initial legislative action that began in 2016 and was remanded to the Council to take additional action. The City Council does not interpret this policy to require the remand go back to PSC because it is a continuation of the same legislative proposal. The City Council did not refer this ordinance back to the PSC for another recommendation because no substantive changes are required by the legal decisions. The assignment of errors are a lack evidence to support the decision, not the code itself. The purpose of this ordinance is to provide additional findings, including findings that address the goals and policies in the 2035 Comprehensive Plan, to support the decision and confirm that the decision is supported by an adequate factual base with minor technical changes to the code to conform to the current zoning code.

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Policy 1.17. Community Involvement Committee. Establish a Community Involvement Committee to oversee the Community Involvement Program as recognized by Oregon Statewide Planning Goal 1 – Community Involvement and policies 2.15-2.18 of this Comprehensive Plan.

60. **Finding:** This policy only requires the establishment of a Citizen Involvement Committee, which was appointed in June 2018 and reviews and advises the way City staff engage with the public in land use and transportation planning. This policy does not apply.

Policy 1.18. Quasi-judicial amendments to the Comprehensive Plan Map. Applicants for quasi-judicial amendments to the Comprehensive Plan Map must show that the requested change adheres to Policies 1.10 through 1.15 and:

- Is compatible with the land use pattern established by the Comprehensive Plan Map.
- Is not in conflict with applicable adopted area-specific plans as described in Policy 1.19, or the applicable hearings body determines that the identified conflict represents a circumstance where the area specific plan is in conflict with the Comprehensive Plan and the proposed amendment is consistent with the Comprehensive Plan.

The Hearings Officer must review and make recommendations to the City Council on all quasi-judicial amendments to the Comprehensive Plan Map using procedures outlined in the Zoning Code.

61. **Finding:** This policy concerns quasi-judicial amendments to the Comprehensive Plan Map and is not applicable to this project, which is a legislative project.

Policy 1.19. Area-specific plans. Use area-specific plans to provide additional detail or refinements applicable at a smaller geographic scale, such as for centers and corridors, within the policy framework provided by the overall Comprehensive Plan.

1.19.a Area-specific plans that are adopted after May 24, 2018, should clearly identify which components amend Comprehensive Plan elements, supporting documents, or implementation tools. Such amendments should be appropriate to the scope of the Comprehensive Plan; be intended to guide land use decisions; and provide geographically-specific detail. Such amendments could include policies specific to the plan area, land use designation changes, zoning map changes, zoning code changes, and public facility projects necessary to serve designated land uses.

1.19.b Area-specific plan components intended as context, general guidance, or directives for future community-driven efforts should not amend the Comprehensive Plan elements or implementation tools but be adopted by resolution as intent. These components include vision statements, historical context, existing conditions, action plans, design preferences, and other background information.

1.19.c Community, area, neighborhood, and other area-specific plans that were adopted by ordinance prior to January 1, 2018 are still in effect. However, the elements of this Comprehensive Plan supersede any goals or policies of a community, area, or neighborhood plan that are inconsistent with this Plan.

62. **Finding:** Council interprets the policy to require the Council “use” or “consider” area-specific plans as additional detail or refinement of policies as applied to a smaller geographic area. The only area-specific plan that applies to the FFTZ amendments is the Guilds Lake Industrial Sanctuary Plan (GLISP). The additional detail provided in that plan are addressed below. Council finds that the GLISP policies and objectives for preserving and enhancing industrial businesses and employment opportunities are consistent with the goals and policies in Chapter 6 (Economic Development) of

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the 2035 Comprehensive Plan. However, the GLISP does not address other relevant policies identified in the 2035 Comprehensive Plan, especially Goal 4.D with Policies 4.79 and 4.80, which require reducing risk to people and property from natural hazards. Therefore, the City Council considers GLISP and the Comprehensive Plan together and finds that on balance, the FFTZ amendments are consistent with the comprehensive plan and GLISP.

Chapter 2: Community Involvement

Goal 2.A: Community involvement as a partnership. The City of Portland works together as a genuine partner with all Portland communities and interests. The City promotes, builds, and maintains relationships, and communicates with individuals, communities, neighborhoods, businesses, organizations, institutions, and other governments to ensure meaningful community involvement in planning and investment decisions.

Goal 2.B: Social justice and equity. The City of Portland seeks social justice by expanding choice and opportunity for all community members, recognizing a special responsibility to identify and engage, as genuine partners, under-served and under-represented communities in planning, investment, implementation, and enforcement processes, particularly those with potential to be adversely affected by the results of decisions. The City actively works to improve its planning and investment-related decisions to achieve equitable distribution of burdens and benefits and address past injustices.

Goal 2.C: Value community wisdom and participation. Portland values and encourages community and civic participation. The City seeks and considers community wisdom and diverse cultural perspectives, and integrates them with technical analysis, to strengthen land use decisions.

Goal 2.D: Transparency and accountability. City planning and investment decision-making processes are clear, open, and documented. Through these processes a diverse range of community interests are heard and balanced. The City makes it clear to the community who is responsible for making decisions and how community input is considered. Accountability includes monitoring and reporting outcomes.

Goal 2.E: Meaningful participation. Community members have meaningful opportunities to participate in and influence all stages of planning and decision making. Public processes engage the full diversity of affected community members, including under-served and under-represented individuals and communities. The City will seek and facilitate the involvement of those potentially affected by planning and decision making.

Goal 2.F: Accessible and effective participation. City planning and investment decision-making processes are designed to be culturally accessible and effective. The City draws from acknowledged best practices and uses a wide variety of tools, including those developed and recommended by under-served and under-represented communities, to promote inclusive, collaborative, culturally-specific, and robust community involvement.

Goal 2.G: Strong civic infrastructure. Civic institutions, organizations, and processes encourage active and meaningful community involvement and strengthen the capacity of individuals and communities to participate in planning processes and civic life.

63. Finding: The City Council interprets these goals and policies as together requiring a robust public process when making a land use decision. This is implemented through the Legislative procedure requirements in PCC 33.740. Neither the Code nor the policies provide explicit direction for responding to a LUBA remand. Council finds that this legislative action is a continuation of the 2016 legislative action and, therefore, it is appropriate and consistent with the applicable policies to bring the ordinance before Council with a notice and a hearing.

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- 64. Finding:** The 2016 adoption of the ordinance provided opportunities for all interested parties to comment on and influence the Fossil Fuel Terminal Zoning proposal. The preparation of these amendments provided numerous opportunities for public involvement, including:

Concept Phase. In 2016, prior to the initiation of the legislative project, BPS conducted four stakeholder focus groups meetings. These meetings included participants with a range of perspectives and experience, including community group representatives, fuel terminal representatives, environmental organizations, and business organizations. These meetings served as a forum for discussing issues and potential approaches, and to help inform project staff develop concepts. In addition to the stakeholder focus groups, BPS staff met with several fuel terminals to explain the proposal, answer questions, and discuss their individual concerns. These meetings were needed because antitrust regulations constrained discussion about certain topics, for example supply chains, in the presence of representatives from other fuel terminals.

Discussion Draft. On June 29, 2016, the Fossil Fuel Terminal Zoning Amendments Discussion Draft was published and posted on the Bureau website.

Proposed Draft. On August 12, 2016, the Fossil Fuel Terminal Zoning Proposed Draft was published in preparation for the Planning and Sustainability Commission (PSC) review and recommendation. In support of this process, the BPS website had a project page dedicated to this project, an email address for submitting testimony. As part of the Proposed Draft publication and legislative process requirements, the following legal notices were also sent:

Form 1 35-day Notice. Sent to the Department of Land Conservation and Development (DLCD)

Legislative Notice. Sent to interested parties, recognized organizations, affected bureaus, TriMet, Metro and ODOT and published in the Daily Journal of Commerce

Measure 56 Notice. Required by Ballot Measure 56, this mailed notice was sent to property owners with industrial or employment base zoning.

The PSC held a public hearing on September 13, 2016. On October 11, 2016, the Planning and Sustainability Commission voted to recommend the Fossil Fuel Terminal Zoning Amendments to City Council, including PSC-recommended modifications to the Proposed Draft. All PSC meetings were streamed live and available for viewing on the Bureau website.

Recommended Draft. On October 24, 2016, the Fossil Fuel Terminal Zoning Amendments Recommended Draft was published to present the PSC recommendations to City Council. On October 25, 2016, notice of the City Council hearing on the Fossil Fuel Terminal Zoning Amendments was mailed. The City Council held public hearings on November 10 and 16, 2016, to receive testimony on the Recommended Draft. On December 8, 2016, the City Council voted to adopt the Fossil Fuel Terminal Zoning Amendments.

Ordinance No. 188142 was appealed to the Oregon Land Use Board of Appeals (LUBA). LUBA reversed the City's decision with a number of assignments of error in *Columbia Pacific Building Trades Council et al v. City of Portland*, LUBA Case No. 2017-001, July 19, 2017. LUBA's decision was appealed to the Oregon Court of Appeals, which overturned LUBA's decision which was affirmed in part and reversed in part in *Columbia Pacific Building Trades Council v. City of Portland*, 289 Or App 739 (2018). The Oregon Court of Appeals decision was appealed to the Oregon Supreme Court, which denied review, 363 Or 390 (2018). On October 5, 2018, LUBA remanded *Columbia Pacific Building Trades Council et al v. City of Portland*, LUBA Case No. 2017-001. The assignments of error that LUBA sustained and were either affirmed or not challenged on appeal to

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the Court of Appeals concern insufficient findings or evidence or misconstruction of law that do not support a conclusion that the decision is prohibited as a matter of law.

The City of Portland does not have adopted code or policies to establish a decision-making process for a remand decision. The City Council determined that it was appropriate to bring the ordinance directly back to City Council, given the extensive public process that happened as part of the initial adoption of the ordinance in 2016 and that no substantive changes to the Zoning Code are required to address the remand issues. Notification of the November 20, 2019, City Council public hearing on the remand of Ordinance No. 188142 was sent to the City's legislative notice list, the fossil fuel terminal property owners, and the parties to the appeal.

On November 20, 2019, the Portland City Council held a public hearing and received testimony on the re-adoption of the fossil fuel terminal zoning restrictions. The written record was left open for additional testimony until December 2, 2019. The evidentiary record from the initial decision is incorporated by reference and supplemented by additional evidence provided by BPS staff, the testimony Council received at the November 20 hearing and the written testimony received by December 2.

Partners in decision making

Policy 2.1. Partnerships and coordination. Maintain partnerships and coordinate land use engagement with:

2.1.a Individual community members.

2.1.b Communities of color, low-income populations, Limited English Proficient (LEP) communities, Native American communities, and other under-served and under-represented communities.

2.1.c District coalitions, neighborhood associations, and business district associations as local experts and communication channels for place-based projects.

2.1.d Businesses, unions, employees, and related organizations that reflect Portland's diversity as the center of regional economic and cultural activity.

2.1.e Community-based, faith-based, artistic and cultural, and interest-based non-profits, organizations, and groups.

2.1.f Institutions, governments, and Sovereign tribes.

65. Finding: The 2035 Comprehensive Plan defines the verb "maintain" to mean keep what you have; conserve; preserve; continue. The City Council interprets these policies as requiring diverse community engagement with district interests represented, however, the policies do not require Council to only accept the opinion, argument, or evidence of any one group. The City Council ultimately will evaluate the information and make a policy determination that is consistent with the goals and policies.

As described in the Statewide Planning Goal 1 findings, the initial adoption of the FFTZ amendments were informed by a broad range of individuals and groups. Prior to the initiation of the legislative project, BPS conducted four stakeholder focus groups meetings. These meetings included participants with a range of perspectives and experience, including community group representatives, fuel terminal representatives, environmental organizations, and business

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organizations. These meetings served as a forum for discussing issues and potential approaches, and to help inform project staff develop concepts. In addition to the stakeholder focus groups, BPS staff met with several fuel terminals to explain the proposal, answer questions, and discuss their individual concerns.

Policy 2.2. Broaden partnerships. Work with district coalitions, neighborhood associations, and business district associations to increase participation and to help them reflect the diversity of the people and institutions they serve. Facilitate greater communication and collaboration among district coalitions, neighborhood associations, business district associations, culturally-specific organizations, and community-based organizations.

66. Finding: The City Council interprets this policy to guide how the City works with a broad range of partners over time, beyond the context of a specific land use decision. This policy does not apply.

Environmental justice

Policy 2.3. Extend benefits. Ensure plans and investments promote environmental justice by extending the community benefits associated with environmental assets, land use, and public investments to communities of color, low-income populations, and other under-served or under-represented groups impacted by the decision. Maximize economic, cultural, political, and environmental benefits through ongoing partnerships.

Policy 2.4. Eliminate burdens. Ensure plans and investments eliminate associated disproportionate burdens (e.g. adverse environmental, economic, or community impacts) for communities of color, low-income populations, and other under-served or under-represented groups impacted by the decision.

2.4.a, Minimize or mitigate disproportionate burdens in cases where they cannot be eliminated.

2.4.b, Use plans and investments to address disproportionate burdens of previous decisions.

67. Finding: The City Council finds that Policies 2.3 and 2.4 work together to address the benefits and burdens of planning and investment decisions have on under-served and under-represented groups. The verb “ensure”, which is defined in the 2035 Comprehensive Plan, means to make sure that something will happen or be available. In terms of benefits, the City Council finds that the FFTZ amendments seek to reduce the risk of adverse environmental impacts associated with a major earthquake and FFTs, which will be an improvement compared to the current regulations that allow for unlimited growth in FFTs. In terms of burdens, the City Council finds that one of the important factors is the impact on job opportunities across a wide range of wage scales, especially middle wage jobs, which can provide for economic prosperity for under-served or under-represented groups, especially for those people without college degrees. Specifically, those middle-wage opportunities are found in Portland’s industrial districts. The City Council finds that the ordinance has been narrowly written to minimize impacts to the existing fossil fuel terminals (FFT). Further, the FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes do not reduce the employment land base and continue to support employment opportunities in a strong and diverse economy.

Invest in education and training

Policy 2.5. Community capacity building. Enhance the ability of community members, particularly those in under-served and/or under-represented groups, to develop the relationships, knowledge, and skills to effectively participate in plan and investment processes.

Policy 2.6. Land use literacy. Provide training and educational opportunities to build the public’s

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understanding of land use, transportation, housing, and related topics, and increase capacity for meaningful participation in planning and investment processes.

Policy 2.7. Agency capacity building. Increase City staff's capacity, tools, and skills to design and implement processes that engage a broad diversity of affected and interested communities, including under-served and under-represented communities, in meaningful and appropriate ways.

68. Finding: Policies 2.5 through 2.7 concern broad approaches to educating community members and City staff about planning processes, and are not applicable to these Zoning Code amendments.

Community assessment

Policy 2.8. Channels of communication. Maintain channels of communication among City Council, the Planning and Sustainability Commission (PSC), project advisory committees, City staff, and community members.

69. Finding: The City Council interprets this policy to create the opportunity for the community and advisory committees to have opportunities to communicate their issues and concerns to the PSC and City Council outside of the formal legislative process. These changes are a legislative process with formal opportunities to testify to communicate directly with City Council. Therefore, this policy does not apply.

Policy 2.9. Community analysis. Collect and evaluate data, including community-validated population data and information, to understand the needs, priorities, and trends and historical context affecting different communities in Portland.

Policy 2.10. Community participation in data collection. Provide meaningful opportunities for individuals and communities to be involved in inventories, mapping, data analysis, and the development of alternatives.

Policy 2.11. Open Data. Ensure planning and investment decisions are a collaboration among stakeholders, including those listed in Policy 2.1. Where appropriate, encourage publication, accessibility, and wide-spread sharing of data collected and generated by the City.

70. Finding: Policies 2.9 through 2.11 concern how the City collects and makes available data that supports land use decisions. In this case, the City published data concerning the storage capacity of existing FFTs as part of the discussion draft, proposed draft, and recommendation draft with an opportunity for the community and terminal owners to validate that data.

Transparency and accountability

Policy 2.12. Roles and responsibilities. Establish clear roles, rights, and responsibilities for participants and decision makers in planning and investment processes. Address roles of City bureaus, elected officials, and participants, including community and neighborhood leadership, business, organizations, and individuals.

Policy 2.13. Project scope. Establish clear expectations about land use project sponsorship, purpose, design, and how decision makers will use the process results.

Policy 2.14. Community influence. At each stage of the process, identify which elements of a planning and investment process can be influenced or changed through community involvement. Clarify the extent to which those elements can be influenced or changed.

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Policy 2.15. Documentation and feedback. Provide clear documentation for the rationale supporting decisions in planning and investment processes. Communicate to participants about the issues raised in the community involvement process, how public input affected outcomes, and the rationale used to make decisions.

71. Finding: Policies 2.12 Through 2.15 guide the process for making planning and investment decisions. As described in the findings for Statewide Planning Goal 1 (Citizen Involvement), the original legislative process was clearly outlined in notices, documents and on the project website as to how to testify to influence the Proposed Draft at the PSC, which amended the proposal. Then the Recommended Draft was published with the opportunity to testify to the City Council at the 2016 public hearings.

For the re-adoption of the FFTZ amendments, the notice for the remand explicitly identified what the City Council was considering (the same ordinance) and how to participate in the hearing or submit written testimony. The City Council received public testimony at the November 20, 2019 hearing on the substance of the regulations and the written record was left open for additional testimony until December 2, 2019.

The findings in this document respond to the public testimony and explain the rationale used to make this decision.

Testimony by Zenith Energy raised concerns that the additional facts or evidence was not identified or made available for public review. The initial findings were available as part of ordinance filing. BPS staff presented additional evidence as part of November 20, 2019 City Council hearing (and posted to the project website). The written record was left open for 11 days to provide an opportunity for any interested party to respond. In addition, the record of evidence was publicly available, and, as of November 30, no requests were made to review the record.

Community involvement program

Policies 2.16 through 2.23.

72. Finding: These policies concern the City's Community Involvement Program and are not applicable because the FFTZ amendments do not change this program.

Process design and evaluation

Policy 2.24. Representation. Facilitate participation of a cross-section of the full diversity of affected Portlanders during planning and investment processes. This diversity includes individuals, stakeholders, and communities represented by race, color, national origin, English proficiency, gender, age, disability, religion, sexual orientation, gender identity, and source of income.

Policy 2.25. Early involvement. Improve opportunities for interested and affected community members to participate early in planning and investment processes, including identifying and prioritizing issues, needs, and opportunities; participating in process design; and recommending and prioritizing projects and/or other types of implementation.

Policy 2.26. Verifying data. Use data, including community-validated population data, to guide planning and investment processes and priority setting and to shape community involvement and decision-making efforts.

Policy 2.27. Demographics. Identify the demographics of potentially affected communities when initiating a planning or investment project.

Policy 2.28. Historical understanding. To better understand concerns and conditions when initiating a

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project, research the history, culture, past plans, and other needs of the affected community, particularly under-represented and under-served groups, and persons with limited English proficiency (LEP). Review preliminary findings with members of the community who have institutional and historical knowledge.

Policy 2.29. Project-specific needs. Customize community involvement processes to meet the needs of those potentially affected by the planning or investment project. Use community involvement techniques that fit the scope, character, and potential impact of the planning or investment decision under consideration.

Policy 2.30. Culturally-appropriate processes. Consult with communities to design culturally-appropriate processes to meet the needs of those affected by a planning or investment project. Evaluate, use, and document creative and culturally-appropriate methods, tools, technologies, and spaces to inform and engage people from under-served and under-represented groups about planning or investment projects.

Policy 2.31. Innovative engagement methods. Develop and document innovative methods, tools, and technologies for community involvement processes for plan and investment projects.

Policy 2.32. Inclusive participation beyond Portland residents. Design public processes for planning and investment projects to engage affected and interested people who may not live in Portland such as property owners, employees, employers, and students, among others, as practicable.

Policy 2.33. Inclusive participation in Central City planning. Design public processes for the Central City that recognize its unique role as the region's center. Engage a wide range of stakeholders from the Central City and throughout the region including employees, employers, social service providers, students, and visitors, as well as regional tourism, institutional, recreation, transportation, and local/regional government representatives, as appropriate.

Policy 2.34. Accessibility. Ensure that community involvement processes for planning and investment projects are broadly accessible in terms of location, time, and language, and that they support the engagement of individuals with a variety of abilities and limitations on participation.

Policy 2.35. Participation monitoring. Evaluate and document participant demographics throughout planning and investment processes to assess whether participation reflects the demographics of affected communities. Adapt involvement practices and activities accordingly to increase effectiveness at reaching targeted audiences.

Policy 2.36. Adaptability. Adapt community involvement processes for planning and investment projects as appropriate to flexibly respond to changes in the scope and priority of the issues, needs, and other factors that may affect the process.

Policy 2.37. Process evaluation. Evaluate each community involvement process for planning or investment projects from both the City staff and participants' perspectives, and consider feedback and lessons learned to enhance future involvement efforts.

73. Finding: Policies 2.24 through 2.37 concern how the community involvement program is designed and developed to support planning and investment projects. The community involvement process conducted in support of initial adoption of the FFTZ amendments engaged a broad range of stakeholders. As part of the concept development of the zoning code changes, BPS held stakeholder focus group meetings with representatives from energy providers (the FFTs, the Western States Petroleum Association, Northwest Natural, and business organizations) and environmental organizations. The Discussion Draft was crafted in response to these discussions. In

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turn, comments on the Discussion Draft informed changes that were incorporated in the Proposed Draft. A large number of people testified at both the PSC and City Council public hearings, which resulted in amendments to the regulations.

For this reconsideration of the remanded notice, a legislative notice was sent to the City's legislative notice list as well as the FFT owners and the attorneys that participated in the appeal. People testified at the November 20, 2019, public hearing.

Information design and development

Policy 2.38. Accommodation. Ensure accommodations to let individuals with disabilities participate in administrative, quasi-judicial, and legislative land use decisions, consistent with federal regulations.

74. Finding: The City Council hearing on November 20, 2019 was held at City Hall, an accessible location.

Policy 2.39. Notification. Notify affected and interested community members and recognized organizations about administrative, quasi-judicial, and legislative land use decisions with enough lead time to enable effective participation. Consider notification to both property owners and renters.

75. Finding: For the original adoption of the FFTZ amendments, the City sent the required Measure 56 notice to all owners of industrial zoned properties when it published the Proposed Draft prior to the PSC hearing. The City also sent a legislative notice to interested parties, including neighborhood associations, business associations, and other affected jurisdictions, that have requested notice of proposed land use changes.

The City Council's action on remand is a continuation of the initial legislative proceeding. Prior to conducting a hearing, the City sent a legislative notice to interested parties, FFT owners and the attorneys that participated in the appeal to inform them of the opportunity to testify at the November 20, 2019, City Council public hearing. Additionally, Council left the written record open until December 2, 2019, to provide additional opportunities to participate.

Policy 2.40. Tools for effective participation. Provide clear and easy access to information about administrative, quasi-judicial, and legislative land use decisions in multiple formats and through technological advancements and other ways.

Policy 2.41. Limited English Proficiency (LEP). Ensure that limited English proficient (LEP) individuals are provided meaningful access to information about administrative, quasi-judicial, and legislative land use decisions, consistent with federal regulations.

76. Finding: Regular communications about the original adoption of the FFTZ project and opportunities to participate and provide input were made available through the project website.

Chapter 3: Urban Form

77. Finding: The City Council interprets that the overall intent of these policies is to foster a compact urban form, make corridors vibrant, enhance public realm. The policies relate to design and the physical structure. The FFTZ amendments limit one type of use and do not impact or change design or physical development requirements. Therefore, the goals and policies of this chapter are generally not applicable. However, to the extent a policy could be deemed applicable, the City Council provides further findings below.

GOAL 3.A: A city designed for people. Portland's built environment is designed to serve the needs and aspirations of all Portlanders, promoting prosperity, health, equity, and resiliency. New development,

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redevelopment, and public investments reduce disparities and encourage social interaction to create a healthy connected city.

78. Finding: The City Council interprets this goal to guide the design of new development and the impact it has on Portland's built environment. This goal is not directly applicable to the FFTZ amendments because this ordinance regulates one type of use in Portland's industrial and employment zones. The FFTZ amendments do promote prosperity and equity by preserving the industrial development capacity to support employment growth, which contributes to more equitably distributed household prosperity. Further, the FFTZ amendments promote health and resiliency by limiting future risk by limiting the size of new fossil fuel terminals and prohibiting the expansion of fossil fuel storage capacity at existing FFTs, with limited exceptions for aviation and renewable fuels. Further, by designating existing FFTs as a limited use, as opposed to a prohibited nonconforming use, allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake, which ultimately can make Portland more resilient.

GOAL 3.B: A climate and hazard resilient urban form. Portland's compact urban form, sustainable building development practices, green infrastructure, and active transportation system reduce carbon emissions, reduce natural hazard risks and impacts, and improve resilience to the effects of climate change.

79. Finding: This goal does not apply because the FFTZ amendments do not change Portland's compact urban form, sustainable building practices, green infrastructure, or active transportation because this ordinance regulates one type of use in Portland's industrial and employment zones.

The ordinance does reduce natural hazard risks and impacts because most of Portland's employment and industrial zones are in areas with high to very high levels of liquefaction susceptibility, as documented by the 2018 DOGAMI Earthquake Regional Impact Analysis. The FFTZ amendments are a regulatory approach that improves Portland's ability to withstand and recover from an earthquake by limiting the size of new fossil fuel terminals and prohibiting the expansion of fossil fuel storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels, which is an improvement over the current regulations that allow for unlimited growth in FFTs. The FFTZ regulations focus on limiting risk by limiting new development (fossil fuel storage capacity), but designate existing FFTs as a limited use, which allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake. Further, the use limitations provide flexibility to FFTs to replace and reconfigure existing storage tank capacity to increase safety.

GOAL 3.C: Focused growth. Household and employment growth is focused in the Central City and other centers, corridors, and transit station areas, creating compact urban development in areas with a high level of service and amenities, while allowing the relative stability of lower-density single-family residential areas.

80. Finding: The FFTZ amendments are focused on changes to allowed uses in the City's industrial areas and do not affect the City's goal in creating compact urban development. This goal does not apply.

GOAL 3.D: A system of centers and corridors. Portland's interconnected system of centers and corridors provides diverse housing options and employment opportunities, robust multimodal transportation connections, access to local services and amenities, and supports low-carbon complete, healthy, and equitable communities.

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81. Finding: The FFTZ amendments are focused on changes to allowed uses in the City's industrial areas and do not affect the City's goal in creating a system of centers and corridors. This goal does not apply.

GOAL 3.E: Connected public realm and open spaces. A network of parks, streets, City Greenways, and other public spaces supports community interaction; connects neighborhoods, districts, and destinations; and improves air, water, land quality, and environmental health.

82. Finding: The FFTZ amendments are focused on changes to the City's industrial areas, which play a limited role in the City's connected network of parks and open spaces. Six of the existing FFTs have frontage on the Willamette River with designated natural resources that are protected by the Greenway Overlay Zone (Chapters 33.440), which is not amended by this ordinance. This goal does not apply.

GOAL 3.F: Employment districts. Portland supports job growth in a variety of employment districts to maintain a diverse economy.

83. Finding: The 2035 Comprehensive Plan defines the verb "maintain" to mean keep what you have; conserve; preserve; continue. As described in the Economic Opportunities Analysis (EOA), Portland has a diverse economy with a wide range of businesses and employment opportunities that are distributed across the Central City, neighborhood commercial areas, campus institutions and industrial areas. The City Council interprets this goal to apply to the City's economy in general and not specific industries. The City Council finds that the policy means that the City will support job growth in all employment districts in order to maintain a diverse economy, but the policy does not require the City to support the job growth of specific industries at all costs. The FFTZ amendments maintain Portland's diverse economy because the changes do not include map changes, nor do they allow for new incompatible land uses in industrial areas. Therefore, these changes will continue to provide the same opportunities for employment in Portland's employment districts. The FFTZ regulations apply to only one type of business that makes up a minority part of the businesses found in Portland's employment districts. The limits on expansion of fossil fuel storage capacity at FFTs are mitigated by designating existing FFTs as a limited use that allows the terminals to maintain, preserve and continue to operate and improve their intermodal facilities and supports opportunities for growth through a number of exceptions, such as aviation or renewable fuels, to the storage capacity restrictions.

GOAL 3.G: Nature in the city. A system of habitat corridors weaves nature into the city, enhances habitat connectivity, and preserves natural resources and the ecosystem services they provide.

84. Finding: The Willamette and Columbia rivers play a major role in the habitat corridors that weave nature into Portland. Six of the existing FFTs have frontage on the Willamette River with designated natural resources that are protected by the Greenway Overlay Zone (Chapters 33.440), which is not amended by this ordinance. In considering the natural hazard risks that the FFTs pose to the ecosystem functions on the river, as identified by the Portland Bureau of Emergency Management's Critical Energy Infrastructure Hub Study (2016), the City Council finds that continuing to allow the unlimited increase in storage capacity at FFTs in a high risk area does not enhance the current or future natural resource functions of the rivers. Therefore, the FFTZ regulations focus on limiting risk by limiting fossil fuel storage capacity, but designate existing FFTs as a limited use, which allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake. Further, the use limitations provide flexibility to FFTs to replace and reconfigure existing storage tank capacity to increase safety. These regulations will limit the risks to the natural resource habitat functions and ecosystem services provided by the rivers.

Citywide design and development

Policy 3.1. Urban Design Framework. Use the Urban Design Framework (UDF) as a guide to create inclusive and enduring places, while providing flexibility for implementation at the local scale to meet the needs of local communities.

85. **Finding:** The UDF is a guide at the citywide scale. The UDF identifies the Rivers pattern area, which encompasses most of Portland's industrial and employment areas, including all of the existing FFTs. The FFTZ amendments are focused on changes to allowed uses in the City's industrial areas. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses. Therefore, these changes are consistent with this policy because they do not change the location or character of the Rivers pattern area.

Policy 3.2. Growth and stability. Direct the majority of growth and change to centers, corridors, and transit station areas, allowing the continuation of the scale and characteristics of Portland's residential neighborhoods.

86. **Finding:** The FFTZ amendments are focused on changes to allowed uses in the City's industrial areas. These regulations apply to only one type of business that makes up a minority part of the businesses found in Portland's industrial districts. The other industrial uses continue to operate under current regulations. These changes will not affect the City's policies to direct most growth to centers and corridors or affect the scale and characteristics of Portland's residential neighborhoods.

Policy 3.3. Equitable development. Guide development, growth, and public facility investment to reduce disparities, ensure equitable access to opportunities, mitigate the impacts of development on income disparity, displacement and produce positive outcomes for all Portlanders.

3.3.a. Anticipate, avoid, reduce, and mitigate negative public facility and development impacts, especially where those impacts inequitably burden communities of color, under-served and under-represented communities, and other vulnerable populations.

3.3.b. Make needed investments in areas that are deficient in public facilities to reduce disparities and increase equity. Accompany these investments with proactive measures to avoid displacement and increase affordable housing.

3.3.c. Encourage use of plans, agreements, incentives, and other tools to promote equitable outcomes from development projects that benefit from public financial assistance.

3.3.d. Incorporate requirements into the Zoning Code to provide public and community benefits as a condition for development projects to receive increased development allowances.

3.3.e. When private property value is increased by public plans and investments, require development to address or mitigate displacement impacts and impacts on housing affordability, in ways that are related and roughly proportional to these impacts.

3.3.f. Coordinate housing, economic development, and public facility plans and investments to create an integrated community development approach to restore communities impacted by past decisions.

3.3.g. Encourage developers to engage directly with a broad range of impacted communities to identify potential impacts of private development projects, develop mitigation measures, and provide community benefits to address adverse impacts.

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87. Finding: One of the ways to reduce disparities and produce positive outcomes for all Portlanders is to create more opportunities for middle wage jobs, especially for people without college degrees. Those opportunities can be found in Portland's industrial areas. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes do not conflict with the intent to encourage growth in Portland's industrial districts. These regulations apply to only one type of business that makes up a minority part of the businesses found in Portland's industrial districts. The remaining industrial uses continue to operate under current regulations. These changes support the retention of existing fossil fuel terminals by designating them as a limited use, as opposed to a non-conforming use, that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels, to the storage capacity restrictions.

The City Council finds that the other types of anti-displacement mitigation measures identified in this policy are not applicable to Zoning Code changes that affect allowed uses in industrial zones.

Policy 3.4. All ages and abilities. Strive for a built environment that provides a safe, healthful, and attractive environment for people of all ages and abilities.

88. Finding: The City Council interprets this policy to be focused on creating a supportive built environment for children, the elderly and people with disabilities. Specifically, the policy is focused on the built environment of centers, corridors and residential areas where children, the elderly and people with disabilities inhabit the city. The FFTZ amendments are limited to changes allowed in industrial zones and do not impact centers, corridors and residential areas. Therefore, Council finds that this policy does not apply.

To the extent the policy does apply to individuals that work in the industrial zones, the FFTZ amendments maintain Portland's diverse employment opportunities because the changes do not include map changes, nor do they allow for new incompatible land uses in industrial areas. Therefore, these changes will continue to provide the same opportunities for employment in Portland's employment districts.

Policy 3.5. Energy and resource efficiency. Support energy-efficient, resource-efficient, and sustainable development and transportation patterns through land use and transportation planning.

89. Findings: The City Council interprets this policy to mean that land use and transportation planning should aid in creating efficient and sustainable development patterns. The City Council finds that this policy applies to the city as whole and does not require the City Council to ensure that individual businesses or industries are more energy-efficient, resource-efficient, or sustainable. Rather, the policy requires City Council to consider how city-wide development and transportation plans can create patterns that are more efficient. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, will not significantly change the development pattern in Portland's industrial districts. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan. Therefore, these changes will continue to support the sustainable development and transportation patterns across the city as a whole.

Policy 3.6. Land efficiency. Provide strategic investments and incentives to leverage infill, redevelopment, and promote intensification of scarce urban land while protecting environmental quality.

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90. Findings: The City Council interprets this policy to guide investment and incentive decisions, this ordinance is not that type of decision. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, which guide the City's infrastructure investment decisions. The City's Enterprise Zone program, which provides a property tax exemption to industrial firms, is one of the programs in which the City of Portland provides strategic assistance to businesses. These changes do not affect that program, and FFTs that make new capital investments remain eligible for that program. The FFTZ amendments do not amend the Greenway Overlay Zone standards or review process. Therefore, the City continues to plan for strategic investments and incentives in the industrial districts, while protecting environmental quality.

Policy 3.7. Integrate nature. Integrate nature and use green infrastructure throughout Portland.

91. Findings: No changes to greenway or environmental overlay zones, stormwater requirements, or tree code are a part of this ordinance. This policy does not apply.

Policy 3.8. Leadership and innovation in design. Encourage high-performance design and development that demonstrates Portland's leadership in the design of the built environment, commitment to a more equitable city, and ability to experiment and generate innovative design solutions.

92. Finding: The FFTZ amendments are use limitations for one type of use found in Portland's industrial areas. These changes support the retention of existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels. Further, the use limitations encourage innovation to FFTs to replace and reconfigure existing storage tank capacity to increase safety.

Policy 3.9. Growth and development. Evaluate the potential impacts of planning and investment decisions, significant new infrastructure, and significant new development on the physical characteristics of neighborhoods and their residents, particularly under-served and under-represented communities, with attention to displacement and affordability impacts. Identify and implement strategies to mitigate the anticipated impacts.

93. Finding: The City Council finds that this policy requires the City Council to assess the impacts of planning decisions on neighborhoods and their residents, particularly those that are under-served and under-represented. The City Council finds that one of the ways that under-served and under-represented communities can be impacted is through access to employment opportunities, especially in industrial areas that can have more jobs with higher wages for people without college degrees. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes maintain employment opportunities in Portland's industrial districts. These regulations apply to only one type of business that makes up a minority part of the businesses found in Portland's industrial districts. The remaining industrial uses continue to operate under current regulations. These changes apply to one type of use in the industrial zones, therefore, these changes will not have a significant impact on industrial areas, including the employment opportunities. These changes will not impact the physical characteristics of neighborhoods or result in increased displacement or affordability impacts, therefore no mitigations strategies have been identified.

Policy 3.10. Rural, urbanizable, and urban land. Preserve the rural character of rural land outside the Regional Urban Growth Boundary. Limit urban development of urbanizable land beyond the City Limits until it is annexed and full urban services are extended.

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94. Finding: The FFTZ amendments apply to one type of use in the industrial zones, therefore, these changes will not have a significant impact on rural land outside the UGB. This policy does not apply.

Policy 3.11. Significant places. Enhance and celebrate significant places throughout Portland with symbolic features or iconic structures that reinforce local identity, histories, and cultures and contribute to way-finding throughout the city. Consider these especially at:

- High-visibility intersections
- Attractions
- Schools, libraries, parks, and other civic places
- Bridges
- Rivers
- Viewpoints and view corridor locations
- Historically or culturally significant places
- Connections to volcanic buttes and other geologic and natural landscape features
- Neighborhood boundaries and transitions

95. Finding: The existing FFTs are near significant places, such as the St Johns Bridge and the Willamette River, but are not considered significant places that should be enhanced or celebrated. This policy does not apply.

Centers

Policy 3.12. Role of centers. Enhance centers as anchors of complete neighborhoods that include concentrations of commercial and public services, housing, employment, gathering places, and green spaces.

Policy 3.13. Variety of centers. Plan for a range of centers across the city to enhance local, equitable access to services, and expand housing opportunities.

Policy 3.14. Housing in centers. Provide housing capacity for enough population to support a broad range of commercial services, focusing higher-density housing within a half-mile of the center core.

Policy 3.15. Investments in centers. Encourage public and private investment in infrastructure, economic development, and community services in centers to ensure that all centers will support the populations they serve.

Policy 3.16. Government services. Encourage the placement of services in centers, including schools and colleges, health services, community centers, daycare, parks and plazas, library services, and justice services.

Policy 3.17. Arts and culture. Ensure that land use plans and infrastructure investments allow for and incorporate arts, culture, and performance arts as central components of centers.

Policy 3.18. Accessibility. Design centers to be compact, safe, attractive, and accessible places, where the street environment makes access by transit, walking, biking, and mobility devices such as wheelchairs, safe and attractive for people of all ages and abilities.

Policy 3.19. Center connections. Connect centers to each other and to other key local and regional destinations, such as schools, parks, and employment areas, by frequent and convenient transit, bicycle sharing, bicycle routes, pedestrian trails and sidewalks, and electric vehicle charging stations.

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Policy 3.20. Green infrastructure in centers. Integrate nature and green infrastructure into centers and enhance public views and connections to the surrounding natural features.

96. Finding: Policies 3.12 through 3.20 provide direction on the desired characteristics and functions of centers. The FFTZ amendments do not change the center designations on the Urban Design Framework. The FFTZ amendments change allowed uses in the City's industrial areas. There are no FFTs located in centers. These policies do not apply.

Central City

Policy 3.21. Role of the Central City. Encourage continued growth and investment in the Central City, and recognize its unique role as the region's premier center for jobs, services, and civic and cultural institutions that support the entire city and region.

Policy 3.22. Model Urban Center. Promote the Central City as a living laboratory that demonstrates how the design and function of a dense urban center can concurrently provide equitable benefits to human health, the natural environment, and the local economy.

Policy 3.23. Central City employment. Encourage the growth of the Central City's regional share of employment and continue its growth as the region's unique center for innovation and exchange through commerce, employment, arts, culture, entertainment, tourism, education, and government.

Policy 3.24. Central City housing. Encourage the growth of the Central City as Portland's and the region's largest center with the highest concentrations of housing and with a diversity of housing options and services.

Policy 3.25. Transportation hub. Enhance the Central City as the region's multimodal transportation hub and optimize regional access as well as the movement of people and goods among key destinations.

Policy 3.26. Public places. Promote public places and the Willamette River waterfront in the Central City as places of business and social activity and gathering for the people of its districts and the broader region.

97. Finding: Policies 3.21 through 3.26 provide direction on the desired characteristics and functions of the Central City. The FFTZ amendments do not change the Central City boundary on the Urban Design Framework. The FFTZ amendments change allowed uses in the City's industrial areas. There are no FFTs located in the Central City. These policies do not apply.

Gateway Regional Center

Policy 3.27 Role of Gateway. Encourage growth and investment in Gateway to enhance its role as East Portland's center of employment, commercial, and public services.

Policy 3.28 Housing. Encourage housing in Gateway, to create East Portland's largest concentration of high-density housing.

Policy 3.29 Transportation. Enhance Gateway's role as a regional high-capacity transit hub that serves as an anchor for East Portland's multimodal transportation system.

Policy 3.30 Public places. Enhance the public realm and public places in Gateway to provide a vibrant and attractive setting for business and social activity that serves East Portland residents and the region.

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98. Finding: Policies 3.27 through 3.30 provide direction on the desired characteristics and functions of the Gateway Regional Center. The FFTZ amendments do not change the regional center boundary on the Urban Design Framework. The FFTZ amendments change allowed uses in the City's industrial areas. There are no FFTs located in the Gateway Regional Center. These policies do not apply.

Town Centers

Policy 3.31 Role of Town Centers. Enhance Town Centers as successful places that serve the needs of surrounding neighborhoods as well as a wider area, and contain higher concentrations of employment, institutions, commercial and community services, and a wide range of housing options.

Policy 3.32 Housing. Provide for a wide range of housing types in Town Centers, which are intended to generally be larger in scale than the surrounding residential areas. There should be sufficient zoning capacity within a half-mile walking distance of a Town Center to accommodate 7,000 households.

Policy 3.33 Transportation. Improve Town Centers as multimodal transportation hubs that optimize access from the broad area of the city they serve and are linked to the region's high-capacity transit system.

Policy 3.34 Public places. Provide parks or public squares within or near Town Centers to support their roles as places of focused business and social activity.

99. Finding: Policies 3.31 through 3.34 provide direction on the desired characteristics and functions of the town centers. The FFTZ amendments do not change the boundary any of the Town Centers on the Urban Design Framework. The FFTZ amendments change allowed uses in the City's industrial areas. There are no FFTs located in town centers. These policies do not apply.

Neighborhood Centers

Policy 3.35 Role of Neighborhood Centers. Enhance Neighborhood Centers as successful places that serve the needs of surrounding neighborhoods. In Neighborhood Centers, provide for higher concentrations of development, employment, commercial and community services, and a wider range of housing options than the surrounding neighborhoods.

Policy 3.36 Housing. Provide for a wide range of housing types in Neighborhood Centers, which are intended to generally be larger in scale than the surrounding residential areas, but smaller than Town Centers. There should be sufficient zoning capacity within a half-mile walking distance of a Neighborhood Center to accommodate 3,500 households.

Policy 3.37 Transportation. Design Neighborhood Centers as multimodal transportation hubs that are served by frequent-service transit and optimize pedestrian and bicycle access from adjacent neighborhoods.

Policy 3.38 Public places. Provide small parks or plazas within or near Neighborhood Centers to support their roles as places of local activity and gathering.

100. Finding: Policies 3.35 through 3.38 provide direction on the desired characteristics and functions of neighborhood centers. The FFTZ amendments do not change the neighborhood center boundaries on the Urban Design Framework. The FFTZ amendments change allowed uses in the City's industrial areas. There are no FFTs located in neighborhood centers. These policies do not apply.

Inner Ring Districts

Policy 3.39 Growth. Expand the range of housing and employment opportunities in the Inner Ring Districts. Emphasize growth that replaces gaps in the historic urban fabric, such as redevelopment of surface parking lots and 20th century auto-oriented development.

Policy 3.40 Corridors. Guide growth in corridors to transition to mid-rise scale close to the Central City, especially along Civic Corridors.

Policy 3.41 Distinct identities. Maintain and enhance the distinct identities of the Inner Ring Districts and their corridors. Use and expand existing historic preservation and design review tools to accommodate growth in ways that identify and preserve historic resources and enhance the distinctive characteristics of the Inner Ring Districts, especially in areas experiencing significant development.

Policy 3.42 Diverse residential areas. Provide a diversity of housing opportunities in the Inner Ring Districts' residential areas. Encourage approaches that preserve or are compatible with existing historic properties in these areas. Acknowledge that these areas are historic assets and should retain their established characteristics and development patterns, even as Inner Ring centers and corridors grow. Apply base zones in a manner that takes historic character and adopted design guidelines into account.

Policy 3.43 Active transportation. Enhance the role of the Inner Ring Districts' extensive transit, bicycle, and pedestrian networks in conjunction with land uses that optimize the ability for more people to utilize this network. Improve the safety of pedestrian and bike connections to the Central City. Strengthen transit connections between the Inner Ring Districts and to the Central City.

101.Finding: Policies 3.39 through 3.43 provide direction on the desired characteristics and functions of the Inner Ring Districts. The FFTZ amendments change allowed uses in the City's industrial areas. There are no FFTs located in the Inner Ring Districts. These policies do not apply.

Corridors

Policy 3.44. Growth and mobility. Coordinate transportation and land use strategies along corridors to accommodate growth and mobility needs for people of all ages and abilities.

Policy 3.45. Connections. Improve corridors as multimodal connections providing transit, pedestrian, bicycle, and motor vehicle access and that serve the freight needs of centers and neighborhood business districts.

Policy 3.46. Design. Encourage street design that balances the important transportation functions of corridors with their roles as the setting for commercial activity and residential living.

Policy 3.47. Green infrastructure in corridors. Enhance corridors with distinctive green infrastructure, including landscaped stormwater facilities, extensive tree plantings, and other landscaping that both provide environmental function and contribute to a quality pedestrian environment.

102.Finding: Policies 3.44 through 3.47 provide direction on the desired characteristics and functions of corridors. The FFTZ amendments do not change the boundary of corridors on the Urban Design Framework. The FFTZ amendments change allowed uses in the City's industrial areas. There are no FFTs located in corridors. These policies do not apply.

Civic Corridors

Policy 3.48. Integrated land use and mobility. Enhance Civic Corridors as distinctive places that are models of ecological urban design, with transit-supportive densities of housing and employment, prominent street trees and other green features, and high-quality transit service and pedestrian and bicycle facilities.

Policy 3.49. Design great places. Improve public streets and sidewalks along Civic Corridors to support the vitality of business districts, create distinctive places, provide a safe, healthy, and attractive pedestrian environment, and contribute to quality living environments for residents.

Policy 3.50. Mobility corridors. Improve Civic Corridors as key mobility corridors of citywide importance that accommodate all modes of transportation within their right-of-way or on nearby parallel routes.

Policy 3.51. Freight. Maintain freight mobility and access on Civic Corridors that are also Major or Priority Truck Streets.

103.Finding: The FFTZ amendments change allowed uses in the City's industrial areas. There are no FFTs located in civic corridors. These policies do not apply.

Neighborhood Corridors

Policy 3.52. Neighborhood Corridors. Enhance Neighborhood Corridors as important places that support vibrant neighborhood business districts with quality multi-family housing, while providing transportation connections that link neighborhoods.

104.Finding: Policies 3.48 through 3.51 provide direction on the desired characteristics and functions of civic corridors. The FFTZ amendments do not change the boundary of civic corridors on the Urban Design Framework. The FFTZ amendments change allowed uses in the City's industrial areas. There are no FFTs located in neighborhood corridors. These policies do not apply.

Transit Station Areas

Policy 3.53. Transit-oriented development. Encourage transit-oriented development and transit-supportive concentrations of housing and jobs, and multimodal connections at and adjacent to high-capacity transit stations.

Policy 3.54. Community connections. Integrate transit stations into surrounding communities and enhance pedestrian and bicycle facilities (including bike sharing) to provide safe and accessible connections to key destinations beyond the station area.

Policy 3.55. Transit station area safety. Design transit areas to improve pedestrian, bicycle, and personal safety.

Policy 3.56. Center stations. Encourage transit stations in centers to provide high density concentrations of housing and commercial uses that maximize the ability of residents to live close to both high-quality transit and commercial services.

Policy 3.57. Employment stations. Encourage concentrations of jobs and employment-focused land uses in and around stations in employment-zoned areas.

Policy 3.58. Transit neighborhood stations. Encourage concentrations of mixed-income residential development and supportive commercial services close to transit neighborhood stations. Transit neighborhood stations serve mixed-use areas that are not in major centers.

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Policy 3.59. Destination stations. Enhance connections between major destinations and transit facilities and strengthen the role of these station areas as places of focused activity.

105.Finding: Policies 3.53 through 3.59 provide direction on the desired characteristics and functions of transit station areas. The FFTZ amendments do not change the boundary of civic corridors on the Urban Design Framework. The FFTZ amendments change allowed uses in the City's industrial areas. There are no FFTs located in transit station areas. These policies do not apply.

City Greenways

Policy 3.60. Connections. Create a network of distinctive and attractive City Greenways that link centers, parks, schools, rivers, natural areas, and other key community destinations.

Policy 3.61. Integrated system. Create an integrated City Greenways system that includes regional trails through natural areas and along Portland's rivers, connected to neighborhood greenways, and heritage parkways.

Policy 3.62. Multiple benefits. Design City Greenways that provide multiple benefits that contribute to Portland's pedestrian, bicycle, green infrastructure, and parks and open space systems.

Policy 3.63. Design. Use design options such as distinctive street design, motor vehicle diversion, landscaping, tree plantings, scenic views, and other appropriate design options, to create City Greenways that extend the experience of open spaces and nature into neighborhoods, while improving stormwater management and calming traffic.

106.Finding: Policies 3.60 through 3.63 provide direction on the desired characteristics and functions of city greenways. The FFTZ amendments do not change the city greenway designations on the Urban Design Framework. The FFTZ amendments change allowed uses in the City's industrial areas. There are no FFTs located along city greenways. These policies do not apply.

Urban habitat corridors

Policy 3.64. Urban habitat corridors. Establish a system of connected, well-functioning, and diverse habitat corridors that link habitats in Portland and the region, facilitate safe fish and wildlife access and movement through and between habitat areas, enhance the quality and connectivity of existing habitat corridors, and establish new habitat corridors in developed areas.

Policy 3.65. Habitat connection tools. Improve habitat corridors using a mix of tools including natural resource protection, property acquisition, natural resource restoration, tree planting and landscaping with native plants, and ecological design integrated with new development.

Policy 3.66. Connect habitat corridors. Ensure that planned connections between habitat corridors, greenways, and trails are located and designed to support the functions of each element, and create positive interrelationships between the elements, while also protecting habitat functions, fish, and wildlife.

107.Finding: Policies 3.64 through 3.66 provide direction on the desired characteristics and functions of urban habitat corridors. The FFTZ amendments do not change the urban habitat corridor designations on the Urban Design Framework. The Willamette and Columbia Rivers are considered urban habitat corridors. The FFTZ amendments support the urban habitat corridor policies by reducing the risk associated with a major earthquake. The first step in making the current situation better is to ensure that the situation does not get worse by continuing to allow the unlimited increase in fossil fuel terminal storage tank capacity in a high risk area. The FFTZ amendments are a

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regulatory approach that will limit the size of new fossil fuel terminals and prohibit the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels, which will be an improvement compared to the current regulations that allow for unlimited growth in fossil fuel terminals. Further, by designating existing FFTs as a limited use allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake, which can minimize environmental impacts in the event of a major earthquake. No changes to the environmental or greenway overlay zones are proposed as part of this project, therefore the natural resource values and functions that contribute the habitat functions will be maintained.

Employment areas

Policy 3.67. Employment area geographies. Consider the land development and transportation needs of Portland’s employment geographies when creating and amending land use plans and making infrastructure investments.

108. The City Council interprets this policy to require the City Council to consider the development and transportation needs of Portland’s employment geographies when making planning and investment decisions, but the policy does not require the City Council to accommodate all industries and all geographies.

As described in the Economic Opportunities Analysis (EOA), Portland has a diverse economy with a wide range of businesses and employment opportunities that are distributed across the Central City, neighborhood commercial areas, campus institutions and industrial areas. The FFTZ amendments maintain Portland’s diverse economy because the changes do not include map changes, nor do they allow for new incompatible land uses in industrial areas. Therefore, these changes will continue to provide the same opportunities for employment in Portland’s employment area geographies. The FFTZ regulations apply to only one type of business that makes up a minority part of the businesses found in Portland’s employment districts. Further, the City Council considered the unique needs of the FFTs and mitigated the limits on expansion of fossil fuel storage capacity by designating existing fossil fuel terminals as a limited use that allows the terminals to maintain, preserve and continue to operate and improve their intermodal facilities and supports opportunities for growth through a number of exceptions, such as aviation or renewable fuels, to the storage capacity restrictions.

Policy 3.68. Regional Truck Corridors. Enhance designated streets to accommodate forecast freight growth and support intensified industrial use in nearby freight districts. *See Figure 3-7 — Employment Areas.* Designated regional truckways and priority truck streets (Transportation System Plan classifications are shown to illustrate this network).

109.Finding: The City Council interprets the verb “enhance”, which is not defined in the 2035 Comprehensive Plan, to mean to intensify or improve. The City Council interprets this policy to acknowledge the role that regional truck corridors play in our transportation system and to take steps to improve those functions. Portland’s approach to regional truck corridors is unchanged because the FFTZ amendments change the Zoning Code and do not amend the Citywide System Plan or the Transportation System Plan. This policy does not apply.

Rivers Pattern Area

Policy 3.69. Historic and multi-cultural significance. Recognize, restore, and protect the historic and multi-cultural significance of the Willamette and Columbia Rivers, including current activities such as subsistence fishing of legally-permitted fish species.

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110.Finding: The verb “recognize” is defined in the 2035 Comprehensive Plan as to acknowledge and treat as valid. The City Council interprets this policy to acknowledge the multi-cultural significance that the rivers play in our community and to take steps to improve those functions. Most of Portland’s employment and industrial zones, including the Portland Harbor, are in areas with high to very high levels of liquefaction susceptibility, as documented by the 2018 DOGAMI Earthquake Regional Impact Analysis. Fossil fuel infrastructure poses considerable risks in the event of a major earthquake. Continuing to allow the unlimited increase in storage capacity at FFTs in a high risk area increases the risk to the Willamette and Columbia Rivers. The FFTZ amendments are a regulatory approach to help protect the rivers by limiting the size of new fossil fuel terminals and prohibiting the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels, which is an improvement over the current regulations that allow for unlimited growth in FFTs.

Policy 3.70. River transportation. Recognize and enhance the roles of the Willamette and Columbia rivers as part of Portland’s historic, current, and future transportation infrastructure, including for freight, commerce, commuting, and other public and private transportation functions.

111.Finding: The verb “recognize” is defined in the 2035 Comprehensive Plan as to acknowledge and treat as valid. The City Council interprets the verb “enhance”, which is not defined in the 2035 Comprehensive Plan, to mean to intensify or improve. The City Council interprets this policy to acknowledge the role that the rivers play in our transportation system and to take steps to improve those functions. The City Council finds that the policy concerns transportation infrastructure, which is managed through the CSP and TSP. This policy does not apply because the ordinance does not amend the City’s adopted CSP or TSP.

Policy 3.71. Recreation. Improve conditions along and within the Willamette and Columbia rivers to accommodate a diverse mix of recreational users and activities. Designate and invest in strategically-located sites along the length of Portland’s riverfronts for passive or active recreation activities that are compatible with nearby land uses, historically and culturally important sites, significant habitat areas, restoration sites, and native fish and wildlife usage.

112.Finding: Six of the 11 existing FFTs have frontage on the Willamette River. However, there are no recreation access points near these terminals. These amendments do not change any plans for recreation sites on the Willamette and Columbia rivers, therefore this policy does not apply.

Policy 3.72 Industry and port facilities. Enhance the regionally significant economic infrastructure that includes Oregon’s largest seaport and largest airport, unique multimodal freight, rail, and harbor access; the region’s critical energy hub; and proximity to anchor manufacturing and distribution facilities.

113.Finding: The City Council interprets the verb “enhance”, which is not defined in the 2035 Comprehensive Plan, to mean to intensify or improve. The City Council finds that the policy requires Council to improve the regionally significant infrastructure, which is done through the CSP and TSP. This policy does not apply because the ordinance does not amend the City’s adopted CSP or TSP, therefore the City continues to plan for public infrastructure investments to maintain and strengthen the multimodal transportation infrastructure in the industrial areas where the FFTs are located.

Further, the City Council acknowledges that the FFTs make up a significant portion of the region’s critical energy infrastructure hub in the Portland Harbor. The FFTZ amendments support private investment to enhance the unique multimodal freight, rail, and harbor access because the

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ordinance only restricts new fossil fuel storage tank capacity and does not regulate transloading facilities, docks or pipelines – facilities that are key components of the multimodal freight transportation system. Existing FFTs and other industrial uses can make investments in multimodal freight facilities.

Policy 3.73. Habitat. Enhance the roles of the Willamette and Columbia rivers and their confluence as an ecological hub that provides locally and regionally significant habitat for fish and wildlife and habitat restoration opportunities.

114.Finding: Six of the 11 existing FFTs have frontage on the Willamette River. These parcels will continue to be subject to development regulations for flood plains and natural resources that protect significant habitat. Furthermore, no changes to existing protections in the greenway overlay zones are proposed. This policy does not apply.

Policy 3.74. Commercial activities. Enhance the roles of the Willamette and Columbia rivers in supporting local and regional business and commerce, including commercial fishing, tourism, recreation, and leisure.

115.Finding: The City Council interprets the verb “enhance”, which is not defined in the 2035 Comprehensive Plan, to mean to intensify or improve. The FFTZ regulations apply to only one type of business that makes up a minority part of the businesses found in Portland’s employment districts, therefore, the FFTZ amendments support Portland’s diverse economy because the changes do not include map changes, nor do they allow for new incompatible land uses in industrial areas, therefore there is no adverse impact to the land supply and economic opportunities along the Willamette and Columbia rivers. The limits on expansion of fossil fuel storage capacity are mitigated by designating existing fossil fuel terminals as a limited use that allows the terminals to maintain, preserve and continue to operate and improve their intermodal facilities and supports opportunities for growth through a number of exceptions, such as aviation or renewable fuels, to the storage capacity restrictions. In addition, the ordinance does not regulate transloading facilities, docks or pipelines – facilities that are key components of the multimodal freight transportation system. Existing FFTs and other industrial uses can make investments in multimodal freight facilities.

With respect to fishing, tourism, recreation and leisure, the City Council interprets this policy to require that the first step in making the current situation better is to ensure that the situation does not get worse. Continuing to allow the increase in FFTs in a high risk area increases the risk to other businesses that rely on the rivers. The FFTZ amendments are a regulatory approach that will limit the size of new fossil fuel terminals and prohibit the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels, which will be an improvement compared to the current regulations that allow for unlimited growth in FFTs. The FFTZ regulations support other commercial uses of the rivers by designating existing FFTs as a limited use, which allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake. Further, the use limitations (33.140.100.B.17.a) provide flexibility to FFTs to replace and reconfigure existing storage tank capacity to increase safety.

Policy 3.75. River neighborhoods. Enhance the strong river orientation of residential areas that are located along the Willamette and Columbia Rivers.

116.Finding: The FFTZ amendments regulate the allowed uses in Portland’s industrial areas. None of the FFTs are in residential areas. This policy does not apply.

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Policy 3.76. River access. Enhance and complete Portland’s system of river access points and riverside trails, including the Willamette Greenway Trail, and strengthen active transportation connections between neighborhoods and the rivers.

117.Finding: Six of the 11 existing FFTs have frontage on the Willamette River. However, there are no access points near these terminals. These amendments do not change any plans for recreation sites on the Willamette and Columbia rivers, therefore this policy does not apply.

Policy 3.77. River management and coordination. Coordinate with federal, state, regional, special districts, and other agencies to address issues of mutual interest and concern, including economic development, recreation, water transportation, flood and floodplain management and protection, regulatory compliance, permitting, emergency management, endangered species recovery, climate change preparation, Portland Harbor Superfund, brownfield cleanup, and habitat restoration.

118.Finding: The City Council interprets this policy to guide intergovernmental coordination on the management of the rivers. Other government agencies received notice from the 35-day DLCD notice and the City’s legislative notice. In the initial adoption of the ordinance, the City received testimony from the Port of Portland. The City responded to the issues raised by the Port by amending the code to include an exception for 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. The City did not receive any requests from other government agencies to modify the FFTZ amendments.

The City has an established procedure for coordinated review of river-related development, including docks, in areas where city, state and federal agencies all have jurisdiction. The Streamlining Team was established pursuant to a 2003 Intergovernmental Agreement between the City of Portland (City), NOAA Fisheries, Army Corps of Engineers (Corps), and the U.S. Fish and Wildlife Service (USFWS). The FFTZ amendments do not change these procedures and there is no impact to this coordinated process.

Policy 3.78 Columbia River. Enhance the role of the Columbia River for river dependent industry, fish and wildlife habitat, subsistence and commercial fisheries, floating- and land-based neighborhoods, recreational uses, and water transportation.

119.Finding: The City Council interprets the verb “enhance”, which is not defined in the 2035 Comprehensive Plan, to mean to intensify or improve. The City Council interprets this policy to acknowledge the role that the Columbia River plays in our city and to take steps to improve those functions. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes will continue to provide the same opportunities on the Columbia River. The City Council interprets this goal to apply to districts as whole and not to individual businesses or sectors of business. These regulations apply to only one type of business that is not found on the Columbia River. The remaining industrial uses continue to operate under current regulations.

Policy 3.79 Willamette River North Reach. Enhance the role of the Willamette River North Reach for river dependent industry, fish and wildlife habitat, and as an amenity for riverfront neighborhoods and recreational users.

120.Finding: The City Council interprets the verb “enhance”, which is not defined in the 2035 Comprehensive Plan, to mean to intensify or improve. The FFTZ regulations apply to only one type of business that makes up a minority part of the businesses found in Portland’s employment districts, therefore, the FFTZ amendments support Portland’s diverse economy because the

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changes do not include map changes, nor do they allow for new incompatible land uses in industrial areas, therefore there is no adverse impact to the land supply and economic opportunities along the Willamette and Columbia rivers. The limits on expansion of fossil fuel storage capacity are mitigated by designating existing fossil fuel terminals as a limited use that allows the terminals to maintain, preserve and continue to operate and improve their intermodal facilities and supports opportunities for growth through a number of exceptions, such as aviation or renewable fuels, to the storage capacity restrictions. These regulations apply to only one type of river dependent industry. The remaining industrial uses continue to operate under current regulations.

Policy 3.80. Willamette River Central Reach. Enhance the role of the Willamette River Central Reach as the Central City and region's primary riverfront destination for recreation, history and culture, emergency response, water transportation, and as habitat for fish and wildlife.

Policy 3.81 Willamette River South Reach. Enhance the role of the Willamette River South Reach as fish and wildlife habitat, a place to recreate, and as an amenity for riverfront neighborhoods and others.

121.Finding: For policies 3.80 and 3.81, the City Council interprets the verb "enhance", which is not defined in the 2035 Comprehensive Plan, to mean to intensify or improve. The City Council interprets this policy to acknowledge the role that the Willamette River plays in our city and to take steps to improve those functions. These regulations apply to only one type of business that is not found on Central and South reaches of the Willamette River. The remaining industrial uses continue to operate under current regulations. These policies do not apply.

Policy 3.82. Willamette River Greenway. Maintain multi-objective plans and regulations to guide development, infrastructure investments, and natural resource protection and enhancement within and along the Willamette Greenway.

122.Finding: The City Council finds that this policy is implemented through the Greenway Overlay Zones (PCC 33.440), which is not amended by this ordinance. This policy does not apply.

Central City Pattern Area

Policy 3.83. Central City districts. Enhance the distinct identities of the Central City's districts.

Policy 3.84. Central City river orientation. Enhance and strengthen access and orientation to the Willamette River in the Central City and increase river-focused activities.

Policy 3.85. Central City pedestrian system. Maintain and expand the Central City's highly interconnected pedestrian system.

Policy 3.86. Central City bicycle system. Expand and improve the Central City's bicycle system.

123.Finding: Policies 3.83 through 3.86 provide direction on the desired characteristics and functions of the Central City Pattern Area. The FFTZ amendments affect allowed uses in industrial zones outside the Central City. These policies do not apply.

Inner Neighborhoods Pattern Area

Policy 3.87 Inner Neighborhoods main streets. Maintain and enhance the Streetcar Era pattern of street-oriented buildings along Civic and Neighborhood corridors.

Policy 3.88 Inner Neighborhoods street patterns. Preserve the area's urban fabric of compact blocks and its highly interconnected grid of streets.

Policy 3.89 Inner Neighborhoods infill. Fill gaps in the urban fabric through infill development on

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vacant and underutilized sites and in the reuse of historic buildings on adopted inventories.

Policy 3.90 Inner Neighborhoods active transportation. Use the extensive street, sidewalk, and bikeway system and multiple connections to the Central City as a key part of Portland's active transportation system

Policy 3.91 Inner Neighborhoods residential areas. Continue the patterns of small, connected blocks, regular lot patterns, and streets lined by planting strips and street trees in Inner Neighborhood residential areas.

124.Finding: Policies 3.87 through 3.91 provide direction on the desired characteristics and functions of the Inner Neighborhoods Pattern Area. The FFTZ amendments affect allowed uses in industrial zones. There are not existing FFTs in the Inner Neighborhoods Pattern Area. These policies do not apply.

Eastern Neighborhoods Pattern Area

Policy 3.92 Eastern Neighborhoods street, block, and lot pattern. Guide the evolving street and block system in the Eastern Neighborhoods in ways that build on positive aspects of the area's large blocks, such as opportunities to continue mid-block open space patterns and create new connections through blocks that make it easier to access community destinations.

Policy 3.93 Eastern Neighborhoods site development. Require that land be aggregated into larger sites before land divisions and other redevelopment occurs. Require site plans which advance design and street connectivity goals.

Policy 3.94 Eastern Neighborhoods trees and natural features. Encourage development and right-of-way design that preserves and incorporates Douglas fir trees and groves, and that protects the area's streams, forests, wetlands, steep slopes, and buttes.

Policy 3.95 Eastern Neighborhoods buttes. Enhance public views of the area's skyline of buttes and stands of tall Douglas fir trees.

Policy 3.96 Eastern Neighborhoods corridor landscaping. Encourage landscaped building setbacks along residential corridors on major streets.

Policy 3.97 Eastern Neighborhoods active transportation. Enhance access to centers, employment areas, and other community destinations in Eastern Neighborhoods by ensuring that corridors have safe and accessible pedestrian and bicycle facilities and creating additional secondary connections that provide low-stress pedestrian and bicycle access.

125.Finding: Policies 3.92 through 3.97 provide direction on the desired characteristics and functions of the Eastern Neighborhoods Pattern Area. The FFTZ amendments affect allowed uses in industrial zones. There are not existing FFTs in the Eastern Neighborhoods Pattern Area. These policies do not apply.

Western Neighborhoods Pattern Area

Policy 3.98 Western Neighborhoods village character. Enhance the village character of the Western Neighborhoods' small commercial districts and increase opportunities for more people to live within walking distance of these neighborhood anchors.

Policy 3.99 Western Neighborhoods active transportation. Provide safe and accessible pedestrian and bicycle connections, as well as off-street trail connections, to and from residential neighborhoods.

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Policy 3.100 Western Neighborhoods development. Encourage new development and infrastructure to be designed to minimize impacts on the area's streams, ravines, and forested slopes.

Policy 3.101 Western Neighborhoods habitat corridors. Preserve, enhance, and connect the area's network of habitat areas and corridors, streams, parks, and tree canopy.

Policy 3.102 Western Neighborhoods trails. Develop pedestrian-oriented connections and enhance the Western Neighborhoods' distinctive system of trails to increase safety, expand mobility, access to nature, and active living opportunities in the area.

126.Finding: Policies 3.98 through 3.102 provide direction on the desired characteristics and functions of the Western Neighborhoods Pattern Area. The FFTZ amendments affect allowed uses in industrial zones. There are not existing FFTs in the Western Neighborhoods Pattern Area. These policies do not apply.

Chapter 4: Design and Development

Goal 4.A: Context-sensitive design and development. New development is designed to respond to and enhance the distinctive physical, historic, and cultural qualities of its location, while accommodating growth and change.

127.Finding: The City Council interprets the goals and policies of this chapter to address site design and the relationship between building, site, streets and public realm, historic/ cultural preservation, and the integration of nature. The City Council finds that this chapter is about how Portland looks and functions and how development should respect context. Most importantly, this chapter provides the direction to protect human and environmental health and minimizes risk from natural hazards.

The FFTZ amendments regulate a land use (Bulk Fossil Fuel Terminals), but do not impose new standards that regulate site design, or the relationship to the street or adjacent land uses. Additionally, the changes do not impact how the terminals function beyond limits to fossil fuel storage capacity.

Goal 4.B: Historic and cultural resources. Historic and cultural resources are integral parts of an urban environment that continue to evolve and are preserved.

128.Finding: Historic and cultural resources are located throughout the City, but very few are located in the industrial zones where the FFTZ amendments change the allowed uses. There are no designated Historic Landmarks or Districts in or immediately adjacent to any of the existing FFTs. Existing historic resource protections are not being amended (Chapter 33.445).

Goal 4.C: Human and environmental health. Neighborhoods and development are efficiently designed and built to enhance human and environmental health: they protect safety and livability; support local access to healthy food; limit negative impacts on water, hydrology, and air quality; reduce carbon emissions; encourage active and sustainable design; protect wildlife; address urban heat islands; and integrate nature and the built environment.

129.Finding: As relevant here, the City Council finds that this goal seeks to ensure that development is designed and built in a manner that improves human and environmental health. Human and environmental health are improved by development that results in more safety and minimizes negative impacts on the environment. Portland's FFTs are within a disaster-prone area that is at risk for a catastrophic Cascadia earthquake disaster. Most of Portland's employment and industrial zones are in areas with high to very high levels of liquefaction susceptibility, as documented by the

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2018 DOGAMI Earthquake Regional Impact Analysis. Fossil fuel infrastructure poses considerable risks to human and environmental health in the event of a major earthquake.

The City Council interprets this goal to mean that the first step in enhancing human and environmental health is to stop increasing the risk. Continuing to allow the increase in FFTs in a high risk area increases the risk to the surrounding industrial district and Portland as a whole. The FFTZ amendments limit future risk by limiting the size of new fossil fuel terminals and prohibiting the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels. Further, by designating existing FFTs as a limited use, as opposed to a prohibited nonconforming use, allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake, which ultimately can protect human and environmental health.

Goal 4.D: Urban resilience. Buildings, streets, and open spaces are designed to ensure long-term resilience and to adjust to changing demographics, climate, and economy, and withstand and recover from natural disasters.

130.Finding: Portland's FFTs are within a disaster-prone area that is at risk for a catastrophic Cascadia earthquake disaster. Most of Portland's employment and industrial zones are in areas with high to very high levels of liquefaction susceptibility, as documented by the 2018 DOGAMI Earthquake Regional Impact Analysis. Fossil fuel infrastructure poses considerable risks to human and environmental health in the event of a major earthquake.

The City Council interprets this goal to mean building are designed for long-term resilience and can recover from natural disasters. The City Council finds that the first step in making Portland more resilient is to stop increasing the risk. Continuing to allow the increase in FFTs in a high risk area increases the risk to the surrounding industrial district and the Willamette River. The FFTZ amendments limit future risk by limiting the size of new fossil fuel terminals and prohibiting the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels. Further, by designating existing FFTs as a limited use, as opposed to a prohibited nonconforming use, allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake, which ultimately can make Portland more resilient.

Context

Policy 4.1. Pattern areas. Encourage building and site designs that respect the unique built, natural, historic, and cultural characteristics of Portland's five pattern areas described in Chapter 3: Urban Form.

Policy 4.2. Community identity. Encourage the development of character-giving design features that are responsive to place and the cultures of communities.

Policy 4.3. Site and context. Encourage development that responds to and enhances the positive qualities of site and context — the neighborhood, the block, the public realm, and natural features.

131.Finding: The City Council interprets policies 4.1 through 4.3 as to provide general policy direction on how to consider context for design and development standards. The City Council finds that in the City's industrial areas, the physical design features are less important and are less sensitive to changes from new development. The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to development in those zones.

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Policy 4.4. Natural features and green infrastructure. Integrate natural and green infrastructure such as trees, green spaces, ecoroofs, gardens, green walls, and vegetated stormwater management systems, into the urban environment. Encourage stormwater facilities that are designed to be a functional and attractive element of public spaces, especially in centers and corridors.

132.Finding: The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to development in those zones, including those that apply to natural features and green infrastructure.

Policy 4.5. Pedestrian-oriented design. Enhance the pedestrian experience throughout Portland through public and private development that creates accessible, safe, and attractive places for all those who walk and/or use wheelchairs or other mobility devices.

133.Finding: The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to development in those zones, including those that apply to pedestrian-oriented design features.

Policy 4.6. Street orientation. Promote building and site designs that enhance the pedestrian experience with windows, entrances, pathways, and other features that provide connections to the street environment.

134.Finding: The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to development in those zones, including those that apply to street orientation.

Policy 4.7. Development and public spaces. Guide development to help create high-quality public places and street environments while considering the role of adjacent development in framing, shaping, and activating the public space of streets and urban parks.

135.Finding: The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to development in those zones.

Policy 4.8. Alleys. Encourage the continued use of alleys for parking access, while preserving pedestrian access. Expand the number of alley-facing accessory dwelling units.

136.Finding: The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to development in those zones, including those that apply to alleys.

Policy 4.9. Transitional urbanism. Encourage temporary activities and structures in places that are transitioning to urban areas to promote job creation, entrepreneurship, active streets, and human interaction.

137.Finding: The City Council interprets this policy to relate to temporary commercial activities and public gathering places outside of industrial areas. This policy does not apply.

Health and safety

Policy 4.10. Design for active living. Encourage development and building and site design that promotes a healthy level of physical activity in daily life.

Policy 4.11. Access to light and air. Provide for public access to light and air by managing and shaping the height and mass of buildings while accommodating urban-scale development.

Policy 4.12. Privacy and solar access. Encourage building and site designs that consider privacy and solar access for residents and neighbors while accommodating urban-scale development.

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Policy 4.13. Crime-preventive design. Encourage building, site, and public infrastructure design approaches that help prevent crime.

Policy 4.14. Fire prevention and safety. Encourage building and site design that improves fire prevention, safety, and reduces seismic risks.

138.Finding: The City Council interprets policies 4.10 through 4.14 to relate to development in areas where people live. The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to development in those zones. This policy does not apply.

Residential areas

Policy 4.15. Residential area continuity and adaptability. Encourage more housing choices to accommodate a wider diversity of family sizes, incomes, and ages, and the changing needs of households over time. Allow adaptive reuse of existing buildings, the creation of accessory dwelling units, and other arrangements that bring housing diversity that is compatible with the general scale and patterns of residential areas.

Policy 4.16. Scale and patterns. Encourage design and development that complements the general scale, character, and natural landscape features of neighborhoods. Consider building forms, scale, street frontage relationships, setbacks, open space patterns, and landscaping. Allow for a range of architectural styles and expression.

Policy 4.17. Demolitions. Encourage alternatives to the demolition of sound housing, such as rehabilitation and adaptive reuse, especially affordable housing, and when new development would provide no additional housing opportunities beyond replacement.

Policy 4.18. Compact single-family options. Encourage development and preservation of small resource-efficient and affordable single-family homes in all areas of the city.

Policy 4.19. Resource efficient and healthy residential design and development. Support resource efficient and healthy residential design and development.

139.Finding: The City Council interprets policies 4.15 through 4.19 to relate to development inside residential areas. The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to development in residential areas. This policy does not apply.

Design and development of centers and corridors

Policy 4.20. Walkable scale. Focus services and higher-density housing in the core of centers to support a critical mass of demand for commercial services and more walkable access for customers.

Policy 4.21. Street environment. Encourage development in centers and corridors to include amenities that create a pedestrian-oriented environment and provide places for people to sit, spend time, and gather.

Policy 4.22. Relationship between building height and street size. Encourage development in centers and corridors that is responsive to street space width, thus allowing taller buildings on wider streets.

Policy 4.23. Design for pedestrian and bicycle access. Provide accessible sidewalks, high-quality bicycle access, and frequent street connections and crossings in centers and corridors.

Policy 4.24. Drive-through facilities. Prohibit drive through facilities in the Central City, and limit new development of new ones in the Inner Ring Districts and centers to support a pedestrian-oriented

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environment.

Policy 4.25. Residential uses on busy streets. Improve the livability of places and streets with high motor vehicle volumes. Encourage landscaped front setbacks, street trees, and other design approaches to buffer residents from street traffic.

Policy 4.26. Active gathering places. Locate public squares, plazas, and other gathering places in centers and corridors to provide places for community activity and social connections. Encourage location of businesses, services, and arts adjacent to these spaces that relate to and promote the use of the space.

Policy 4.27. Protect defining features. Protect and enhance defining places and features of centers and corridors, including landmarks, natural features, and historic and cultural resources.

Policy 4.28. Historic buildings in centers and corridors. Protect and encourage the restoration and improvement of historic resources in centers and corridors.

Policy 4.29. Public art. Encourage new development and public places to include design elements and public art that contribute to the distinct identities of centers and corridors, and that highlight the history and diverse cultures of neighborhoods.

140.Finding: Policies 4.20 through 4.29 provide direction regarding design and development in centers and corridors. The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to development in centers and corridors. There are no existing FFTs in centers and corridors. These policies does not apply.

Transitions

Policy 4.30. Scale transitions. Create transitions in building scale in locations where higher-density and higher-intensity development is adjacent to smaller-scale single-dwelling zoning. Ensure that new high-density and large-scale infill development adjacent to single dwelling zones incorporates design elements that soften transitions in scale and limit light and privacy impacts on adjacent residents.

Policy 4.31. Land use transitions. Improve the interface between non-residential uses and residential uses in areas where commercial or employment uses are adjacent to residentially-zoned land.

Policy 4.32. Industrial edge. Protect non-industrially zoned parcels from the adverse impacts of facilities and uses on industrially zoned parcels using a variety of tools, including but not limited to vegetation, physical separation, land acquisition, and insulation to establish buffers between industrial sanctuaries and adjacent residential or mixed-use areas to protect both the viability of long-term industrial operations and the livability of adjacent areas.

141.Finding: Policies 4.30 through 4.32 provide direction regarding transitions between different types of land uses. The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to development in those zones. These policies do not apply.

Off-site impacts

Policy 4.33. Off-site impacts. Limit and mitigate public health impacts, such as odor, noise, glare, light pollution, air pollutants, and vibration that public facilities, land uses, or development may have on adjacent residential or institutional uses, and on significant fish and wildlife habitat areas. Pay attention to limiting and mitigating impacts to under-served and under-represented communities.

142.Finding: The 2035 Comprehensive Plan defines the verb “limit” to mean to minimize or reduce

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something or the effects of something relative to the current situation or to a potential future situation. The verb “mitigate”, which is not defined in the 2035 Comprehensive Plan, means to make less severe. The City Council finds that this policy relates to impacts that public facilities or land uses may have on neighboring residential or institutional uses and on significant habitats. Further, the City Council interprets this policy to apply to non-residential uses, such as those allowed in commercial and employment zones, that can have negative public health impacts on adjacent residential and institutional uses. The FFTZ amendments do not change any of the development standards that regulate these types of uses. These policies do not apply.

Policy 4.34. Auto-oriented facilities, uses, and exterior displays. Minimize the adverse impacts of highways, auto-oriented uses, vehicle areas, drive-through areas, signage, and exterior display and storage areas on adjacent residential uses.

Policy 4.35. Noise impacts. Encourage building and landscape design and land use patterns that limit and/or mitigate negative noise impacts to building users and residents, particularly in areas near freeways, regional truckways, major city traffic streets, and other sources of noise.

Policy 4.36. Air quality impacts. Encourage building and landscape design and land use patterns that limit and/or mitigate negative air quality impacts to building users and residents, particularly in areas near freeways, regional truckways, high traffic streets, and other sources of air pollution.

Policy 4.37. Diesel emissions. Encourage best practices to reduce diesel emissions and related impacts when considering land use and public facilities that will increase truck or train traffic.

Policy 4.38. Light pollution. Encourage lighting design and practices that reduce the negative impacts of light pollution, including sky glow, glare, energy waste, impacts to public health and safety, disruption of ecosystems, and hazards to wildlife.

Policy 4.39. Airport noise. Partner with the Port of Portland to require compatible land use designations and development within the noise-affected area of Portland International Airport, while providing disclosure of the level of aircraft noise and mitigating the potential impact of noise within the affected area.

Policy 4.40. Telecommunication facility impacts. Mitigate the visual impact of telecommunications and broadcast facilities near residentially-zoned areas through physical design solutions.

143.Finding: Policies 4.34 through 4.40 provide direction regarding transitions between different types of land uses. The City Council interprets these policies to apply to non-residential uses that can have negative impacts on adjacent residential and institutional uses. The FFTZ amendments do not change any of the development standards that regulate these types of uses. These policies do not apply.

Scenic resources

Policy 4.41. Scenic resources. Enhance and celebrate Portland’s scenic resources to reinforce local identity, histories, and cultures and contribute toward way-finding throughout the city. Consider views of mountains, hills, buttes, rivers, streams, wetlands, parks, bridges, the Central City skyline, buildings, roads, art, landmarks, or other elements valued for their aesthetic appearance or symbolism.

Policy 4.42. Scenic resource protection. Protect and manage designated significant scenic resources by maintaining scenic resource inventories, protection plans, regulations, and other tools.

Policy 4.43. Vegetation management. Maintain regulations and other tools for managing vegetation in a manner that preserves or enhances designated significant scenic resources.

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Policy 4.44. Building placement, height, and massing. Maintain regulations and other tools related to building placement, height, and massing to preserve designated significant scenic resources.

Policy 4.45. Future development. Encourage new public and private development to create new public viewpoints providing views of Portland's rivers, bridges, surrounding mountains, hills and buttes, the Central City skyline, and other landmark features.

144.Finding: Policies 4.41 through 4.45 provide direction regarding Portland's designated scenic resources. The FFTZ amendments do not affect management of designated scenic resources. In 1991, the City adopted the Scenic Resources Protection Plan and applied a scenic (s) overlay zone to protect significant scenic resources. Two of the FFTs (BP West Coast and NuStar/Shore Terminals) are in a (s) overlay zone. The scenic resource protections (Chapter 33.480) are not amended by this ordinance and the height limits associated with the (s) overlay zone will continue to apply to the two FFT sites.

Historic and cultural resources

Policy 4.46. Historic and cultural resource protection. Protect and encourage the restoration of historic buildings, places, and districts that contribute to the distinctive character and history of Portland's evolving urban environment.

Policy 4.47. State and federal historic resource support. Advocate for state and federal policies, programs, and legislation that would enable stronger historic resource designations, protections, and rehabilitation programs.

Policy 4.48. Continuity with established patterns. Encourage development that fills in vacant and underutilized gaps within the established urban fabric, while preserving and complementing historic resources.

Policy 4.49. Resolution of conflicts. Adopt and periodically update design guidelines for unique historic districts. Refine base zoning in historic districts to consider the character of the historic resources in the district.

Policy 4.50. Demolition. Protect historic resources from demolition. Provide opportunities for public comment, and encourage pursuit of alternatives to demolition or other actions that mitigate for the loss.

Policy 4.51. City-owned historic resources. Maintain City-owned historic resources with necessary upkeep and repair.

Policy 4.52. Historic Resources Inventory. Maintain and periodically update Portland's Historic Resources Inventory to inform historic and cultural resource preservation strategies.

Policy 4.53. Preservation equity. Expand historic preservation inventories, regulations, and programs to encourage historic preservation in areas and in communities that have not benefited from past historic preservation efforts, especially in areas with high concentrations of under-served and/or under-represented people.

Policy 4.54. Cultural diversity. Work with Portland's diverse communities to identify and preserve places of historic and cultural significance.

Policy 4.55. Cultural and social significance. Encourage awareness and appreciation of cultural diversity and the social significance of historic places and their roles in enhancing community identity and sense of place.

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Policy 4.56. Community structures. Encourage the adaptive reuse of historic community structures, such as former schools, meeting halls, and places of worship, for arts, cultural, and community uses that continue their role as anchors for community and culture.

Policy 4.57. Economic viability. Provide options for financial and regulatory incentives to allow for the productive, reasonable, and adaptive reuse of historic resources.

Policy 4.58. Archaeological resources. Protect and preserve archaeological resources, especially those sites and objects associated with Native American cultures. Work in partnership with Sovereign tribes, Native American communities, and the state to protect against disturbance to Native American archaeological resources.

145.Finding: The City Council interprets that policies 4.46 through 4.58 relate to implementation approaches directly related to the preservation of historic and cultural resources, which is not impacted by the FFTZ amendments. Historic and cultural resources are located throughout Portland, but very few are in the industrial zones where the FFTZ amendments change the allowed uses. There are no designated Historic Landmarks or Districts in or immediately adjacent to any of the existing FFTs. Existing historic resource protections are not being amended (Chapter 33.445). Therefore, the policies do not apply.

Public art

Policy 4.59. Public art and development. Create incentives for public art as part of public and private development projects.

146.Finding: The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not create incentives for public art. This policy does not apply.

Resource-efficient design and development

Policy 4.60. Rehabilitation and adaptive reuse. Encourage rehabilitation and adaptive reuse of buildings, especially those of historic or cultural significance, to conserve natural resources, reduce waste, and demonstrate stewardship of the built environment.

147.Finding: The City Council interprets this policy to generally apply to the rehabilitation and adaptive reuse of buildings, particularly those with historic or cultural significance. The Council finds that the FFTs are not buildings with historic or cultural significant. Nonetheless, the FFTZ regulations encourage the rehabilitation of existing FFTs, as a whole, by designating them as a limited use, which allows the terminals to continue to operate and invest in facilities that improve their ability to withstand a major earthquake. Further, the use limitations provide flexibility to FFTs to rehabilitate existing fossil fuel storage tank capacity to increase safety.

Policy 4.61. Compact housing. Promote the development of compact, space- and energy-efficient housing types that minimize use of resources such as smaller detached homes or accessory dwellings and attached homes.

148.Finding: The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to housing. This policy does not apply.

Policy 4.62. Seismic and energy retrofits. Promote seismic and energy-efficiency retrofits of historic buildings and other existing structures to reduce carbon emissions, save money, and improve public safety.

149.Finding: The City Council finds that “promote” means to “further the progress of, advance, or raise.” Further, the City Council finds that seismic and energy-efficiency retrofits can be promoted

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through incentives or regulatory measures. The purpose of the policy is to reduce carbon emissions, save money and improve public safety. The City Council finds that the policy does not require all three elements are satisfied with every action. Rather, those are three outcomes that may be achieved when the City Council promotes seismic and energy-efficiency retrofits.

Here, the City Council finds that the FFTZ regulations promote seismic retrofits of existing FFTs by designating them as a limited use, which allows the terminals to continue to operate and invest in facilities that improve their ability to withstand a major earthquake. Further, the use limitations provide flexibility to FFTs to replace and reconfigure existing storage tank capacity to increase safety.

Policy 4.63. Life cycle efficiency. Encourage use of technologies, techniques, and materials in building design, construction, and removal that result in the least environmental impact over the life cycle of the structure.

Policy 4.64. Deconstruction. Encourage salvage and reuse of building elements when demolition is necessary or appropriate.

Policy 4.65. Materials and practices. Encourage use of natural, resource-efficient, recycled, recycled content, and non-toxic building materials and energy-efficient building practices.

Policy 4.66. Water use efficiency. Encourage site and building designs that use water efficiently and manage stormwater as a resource.

Policy 4.67. Optimizing benefits. Provide mechanisms to evaluate and optimize the range of benefits from solar and renewable resources, tree canopy, ecoroofs, and building design.

Policy 4.68. Energy efficiency. Encourage and promote energy efficiency significantly beyond the Statewide Building Code and the use of solar and other renewable resources in individual buildings and at a district scale.

Policy 4.69. Reduce carbon emissions. Encourage a development pattern that minimizes carbon emissions from building and transportation energy use.

Policy 4.70. District energy systems. Encourage and remove barriers to the development and expansion of low-carbon heating and cooling systems that serve multiple buildings or a broader district.

Policy 4.71. Ecodistricts. Encourage ecodistricts, where multiple partners work together to achieve sustainability and resource efficiency goals at a district scale.

Policy 4.72. Energy-producing development. Encourage and promote development that uses renewable resources, such as solar, wind, and water to generate power on-site and to contribute to the energy grid.

150.Finding: Policies 4.63 through 4.72 provide direction regarding resource-efficient design and development. The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to development in those zones. These policies do not apply.

Designing with nature

Policy 4.73. Design with nature. Encourage design and site development practices that enhance, and avoid the degradation of, watershed health and ecosystem services and that incorporate trees and vegetation.

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Policy 4.74. Flexible development options. Encouraging flexibility in the division of land, the siting and design of buildings, and other improvements to reduce the impact of development on environmentally-sensitive areas and to retain healthy native and beneficial vegetation and trees.

Policy 4.75. Low-impact development and best practices. Encourage use of low-impact development, habitat-friendly development, bird-friendly design, and green infrastructure.

Policy 4.76. Impervious surfaces. Limit use of and strive to reduce impervious surfaces and associated impacts on hydrologic function, air and water quality, habitat connectivity, tree canopy, and urban heat island effects.

Policy 4.77. Hazards to wildlife. Encourage building, lighting, site, and infrastructure design and practices that provide safe fish and wildlife passage, and reduce or mitigate hazards to birds, bats, and other wildlife.

Policy 4.78. Access to nature. Promote equitable, safe, and well-designed physical and visual access to nature for all Portlanders, while also maintaining the functions and values of significant natural resources, fish, and wildlife. Provide access to major natural features, including:

- Water bodies such as the Willamette and Columbia rivers, Smith and Bybee Lakes, creeks, streams, and sloughs.
- Major topographic features such as the West Hills, Mt. Tabor, and the East Buttes.
- Natural areas such as Forest Park and Oaks Bottom.

151.Finding: Policies 4.73 through 4.78 provide direction regarding the interface between development and natural features and functions. The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to development in those zones. These policies do not apply.

Hazard-resilient design

Policy 4.79. Natural hazards and climate change risks and impacts. Limit development in or near areas prone to natural hazards, using the most current hazard and climate change-related information and maps.

152.Finding: The 2035 Comprehensive Plan defines “limit” as to minimize or reduce something or the effects of something relative to the current situation or to a potential future situation. Most of Portland’s industrial zoning are in areas with high levels of liquefaction susceptibility, as documented by the 2018 DOGAMI Earthquake Regional Impact Analysis. Fossil fuel infrastructure poses considerable risks in the event of a major earthquake. The FFTZ amendments will limit the size of new fossil fuel terminals and prohibit the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels, which will minimize the risk from a future major earthquake compared to the current regulations that allow for unlimited growth in FFTs.

Policy 4.80. Geological hazards. Evaluate slope and soil characteristics, including liquefaction potential, landslide hazards, and other geologic hazards.

153. Most of Portland’s employment and industrial zones are in areas with high to very high levels of liquefaction susceptibility, as documented by the 2018 DOGAMI Earthquake Regional Impact Analysis. Fossil fuel infrastructure poses considerable risks in the event of a major earthquake. According to the 2012 DOGAMI Earthquake Risk Study for Oregon's Critical Energy Infrastructure Hub report, a magnitude 8 or 9 Cascadia Subduction Zone earthquake would impact the CEI Hub with: ground shaking; liquefaction (soil behavior phenomenon in which a saturated sand softens

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and loses strength during strong earthquake ground shaking); lateral spreading (where surficial soil permanently moves laterally due to earthquake shaking); landslides; co-seismic settlement (where the ground surface is permanently lowered due to seismic shaking); and bearing capacity failures (when the foundation soil cannot support the structure it is intended to support).

According to the 2012 DOGAMI report, liquefaction and lateral spreading hazards are of primary concern to the fossil fuel terminals. As described in the 2012 Oregon State Energy Assurance Plan, this Critical Energy Infrastructure Hub (CEI Hub) sits on top of very poor soils that are highly susceptible to earthquake-induced permanent ground deformation. The CEI Hub is adjacent to the Willamette River and has extensive deposits of highly liquefiable soils. These soils (made of sands, silts, gravels and clays) have been naturally deposited by river activity as well as been created from man-made activities, such as hydraulically placed material from river dredging or debris placed as landfill.

The FFTs have significant seismic risks because most of the tanks have been constructed without any or only limited seismic design criteria on soils with moderate to high levels of liquefaction susceptibility, as documented by the Portland Bureau of Emergency Management's 2016 Critical Energy Infrastructure Hub Study and the 2012 DOGAMI Earthquake Risk Study for Oregon's Critical Energy Infrastructure Hub report. Continuing to allow the increase in FFTs in a high risk area increases the risk to the surrounding industrial district and the Willamette River. The FFTZ amendments limit future risk by limiting the size of new fossil fuel terminals and prohibiting the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels. Further, by designating existing FFTs as a limited use, as opposed to a prohibited nonconforming use, allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake, which ultimately can make Portland more resilient.

Policy 4.81. Disaster-resilient development. Encourage development and site-management approaches that reduce the risks and impacts of natural disasters or other major disturbances and that improve the ability of people, wildlife, natural systems, and property to withstand and recover from such events.

154.Finding: The verb “encourage”, which is defined in the 2035 Comprehensive Plan, means to promote or foster using some combination of voluntary approaches, regulations, or incentives. Council finds that development reduces the risks and impacts of natural disasters when the risk is lessened relative to the current situation. Additionally, the ability to withstand and recover from such events is improved when the current situation is made better.

Most of Portland’s employment and industrial zones are in areas with high to very high levels of liquefaction susceptibility, as documented by the 2018 DOGAMI Earthquake Regional Impact Analysis. Continuing to allow the unlimited increase in storage capacity at FFTs in a high risk area increases the risk to the surrounding industrial district and the Willamette River. The FFTZ amendments are a regulatory approach that improves Portland’s ability to withstand and recover from an earthquake by limiting the size of new fossil fuel terminals and prohibiting the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels, which is an improvement over the current regulations that allow for unlimited growth in FFTs. The FFTZ regulations focus on limiting risk by limiting fossil fuel storage capacity, but designate existing FFTs as a limited use, which allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake. Further, the use limitations provide flexibility to FFTs to replace and reconfigure existing storage tank capacity to increase safety.

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Policy 4.82. Portland Harbor facilities. Reduce natural hazard risks to critical public and private energy and transportation facilities in the Portland Harbor.

155.Finding: Critical Energy Infrastructure Hub is located in the Portland Harbor. Most of the Portland Harbor is an area rated with high to very high levels of liquefaction susceptibility, as documented by the 2018 DOGAMI Earthquake Regional Impact Analysis. Fossil fuel infrastructure poses considerable risks in the event of a major earthquake. The FFTZ amendments support this policy by restricting new fossil fuel storage capacity in order to stop increasing the risk, effectively lessening the risk relative to the current situation. The FFTs have significant seismic risks because most of the tanks have been constructed without any or only limited seismic design criteria on soils with moderate to high levels of liquefaction susceptibility, as documented by the Portland Bureau of Emergency Management's 2016 Critical Energy Infrastructure Hub Study and the 2012 DOGAMI Earthquake Risk Study for Oregon's Critical Energy Infrastructure Hub report. Continuing to allow the increase fossil fuel storage tank capacity in a high risk area increases the risk to the surrounding industrial district, the Willamette River and Portland as a whole. The FFTZ amendments limit future risk by limiting the size of new fossil fuel terminals and prohibiting the expansion of fossil fuel storage capacity at existing FFTs, with limited exceptions. Further, by designating existing FFTs as a limited use, as opposed to a prohibited nonconforming use, allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake, which ultimately can reduce the natural hazards risk.

Policy 4.83. Urban heat islands. Encourage development, building, landscaping, and infrastructure design that reduce urban heat island effects.

156.Finding: The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to development in those zones. This policy does not apply.

Policy 4.84. Planning and disaster recovery. Facilitate effective disaster recovery by providing recommended updates to land use designations and development codes, in preparation for natural disasters.

157.Finding: The City Council finds that it can “facilitate” disaster recovery by evaluating and adopting changes to land use designations and development codes in a manner that better prepares the city for a natural disaster. The FFTZ amendments are an update to the allowed uses in employment and industrial zones. The FFTZ amendments are a regulatory approach that improves Portland’s ability to withstand and recover from an earthquake by limiting the size of new fossil fuel terminals and prohibiting the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels, which is an improvement over the current regulations that allow for unlimited growth in FFTs. The FFTZ regulations focus on limiting risk by limiting fossil fuel storage capacity, but designate existing FFTs as a limited use, which allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake.

Healthy food

Policy 4.85. Grocery stores and markets in centers. Facilitate the retention and development of grocery stores, neighborhood-based markets, and farmer’s markets offering fresh produce in centers.

Policy 4.86. Neighborhood food access. Encourage small, neighborhood-based retail food opportunities, such as corner markets, food co-ops, food buying clubs, and community-supported agriculture pickup/drop-off sites, to fill in service gaps in food access across the city.

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Policy 4.87. Growing food. Increase opportunities to grow food for personal consumption, donation, sales, and educational purposes.

Policy 4.88. Access to community gardens. Ensure that community gardens are allowed in areas close to or accessible via transit to people living in areas zoned for mixed-use or multi-dwelling development, where residents have few opportunities to grow food in yards.

158.Finding: Policies 4.85 through 4.88 provide direction regarding the role of development in contributing to access to healthy foods. The City Council interprets this policy to relate to development outside of industrial areas. The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to development in those zones. These policies do not apply.

Chapter 5: Housing

Goal 5.A: Housing diversity. Portlanders have access to high-quality affordable housing that accommodates their needs, preferences, and financial capabilities in terms of different types, tenures, density, sizes, costs, and locations.

Goal 5.B: Equitable access to housing. Portland ensures equitable access to housing, making a special effort to remove disparities in housing access for people with disabilities, people of color, low-income households, diverse household types, and older adults.

Goal 5.C: Healthy connected city. Portlanders live in safe, healthy housing that provides convenient access to jobs and to goods and services that meet daily needs. This housing is connected to the rest of the city and region by safe, convenient, and affordable multimodal transportation.

Goal 5.D: Affordable housing. Portland has an adequate supply of affordable housing units to meet the needs of residents vulnerable to increasing housing costs.

Goal 5.E: High-performance housing. Portland residents have access to resource-efficient and high-performance housing for people of all abilities and income levels.

159.Finding: The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not affect housing development. Except for Policies 5.11 to 5.16, which City Council interprets as requiring evaluation and analysis as to who will benefit and who will be burdened by a planning decision, the City Council finds that these goals and policies do not apply.

Diverse and expanding housing supply

Policy 5.1. Housing supply. Maintain sufficient residential development capacity to accommodate Portland's projected share of regional household growth.

Policy 5.2. Housing growth. Strive to capture at least 25 percent of the seven-county region's residential growth (Multnomah, Washington, Clackamas, Yamhill, Columbia, Clark, and Skamania counties).

Policy 5.3. Housing potential. Evaluate plans and investments for their impact on housing capacity, particularly the impact on the supply of housing units that can serve low- and moderate-income households, and identify opportunities to meet future demand.

Policy 5.4. Housing types. Encourage new and innovative housing types that meet the evolving needs of Portland households, and expand housing choices in all neighborhoods. These housing types include but are not limited to single-dwelling units; multi-dwelling units; accessory dwelling units;

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small units; pre-fabricated homes such as manufactured, modular, and mobile homes; co-housing; and clustered housing/clustered services.

Policy 5.5. Housing in centers. Apply zoning in and around centers that allows for and supports a diversity of housing that can accommodate a broad range of households, including multi-dwelling and family-friendly housing options.

Policy 5.6. Middle housing. Enable and encourage development of middle housing. This includes multi-unit or clustered residential buildings that provide relatively smaller, less expensive units; more units; and a scale transition between the core of the mixed use center and surrounding single family areas. Where appropriate, apply zoning that would allow this within a quarter mile of designated centers, corridors with frequent service transit, high capacity transit stations, and within the Inner Ring around the Central City.

Policy 5.7. Adaptable housing. Encourage adaption of existing housing and the development of new housing that can be adapted in the future to accommodate the changing variety of household types.

Policy 5.8. Physically-accessible housing. Allow and support a robust and diverse supply of affordable, accessible housing to meet the needs of older adults and people with disabilities, especially in centers, station areas, and other places that are proximate to services and transit.

Policy 5.9. Accessible design for all. Encourage new construction and retrofitting to create physically-accessible housing, extending from the individual unit to the community, using Universal Design Principles.

Policy 5.10. Coordinate with fair housing programs. Foster inclusive communities, overcome disparities in access to community assets, and enhance housing choice for people in protected classes throughout the city by coordinating plans and investments to affirmatively further fair housing.

Housing access

Policy 5.11. Remove barriers. Remove potential regulatory barriers to housing choice for people in protected classes to ensure freedom of choice in housing type, tenure, and location.

Policy 5.12. Impact analysis. Evaluate plans and investments, significant new infrastructure, and significant new development to identify potential disparate impacts on housing choice, access, and affordability for protected classes and low-income households. Identify and implement strategies to mitigate the anticipated impacts.

Policy 5.13. Housing stability. Coordinate plans and investments with programs that prevent avoidable, involuntary evictions and foreclosures.

Policy 5.14. Preserve communities. Encourage plans and investments to protect and/or restore the socioeconomic diversity and cultural stability of established communities.

Policy 5.15. Gentrification/displacement risk. Evaluate plans and investments, significant new infrastructure, and significant new development for the potential to increase housing costs for, or cause displacement of communities of color, low- and moderate-income households, and renters. Identify and implement strategies to mitigate the anticipated impacts.

Policy 5.16. Involuntary displacement. When plans and investments are expected to create neighborhood change, limit the involuntary displacement of those who are under-served and under-represented. Use public investments and programs, and coordinate with nonprofit housing organizations (such as land trusts and housing providers) to create permanently-affordable housing

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and to mitigate the impacts of market pressures that cause involuntary displacement.

160.Finding: The City Council interprets Policies 5.11 to 5.16 as requiring evaluation and analysis as to who will benefit and who will be burdened by a planning decision, including amendments to the Zoning Code. The City Council finds that one factor in housing stability and displacement is access to job opportunities across a wide range of wage scales, especially middle wage jobs such as those found in Portland’s industrial districts. The FFTZ amendments apply to only one type of business that makes up a minority part of the businesses found in Portland’s industrial districts. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes do not change the land capacity in Portland’s industrial districts and continue to support continued growth in those districts.

The regulations are narrowly crafted to support the retention of existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels.

Policy 5.17. Land banking. Support and coordinate with community organizations to hold land in reserve for affordable housing, as an anti-displacement tool, and for other community development purposes.

Policy 5.18. Rebuild communities. Coordinate plans and investments with programs that enable communities impacted by involuntary displacement to maintain social and cultural connections, and re-establish a stable presence and participation in the impacted neighborhoods.

Policy 5.19. Aging in place. Encourage a range of housing options and supportive environments to enable older adults to remain in their communities as their needs change.

Housing location

Policy 5.20. Coordinate housing needs in high-poverty areas. Meet the housing needs of under-served and under-represented populations living in high-poverty areas by coordinating plans and investments with housing programs.

Policy 5.21. Access to opportunities. Improve equitable access to active transportation, jobs, open spaces, high-quality schools, and supportive services and amenities in areas with high concentrations of under-served and under-represented populations and an existing supply of affordable housing.

Policy 5.22. New development in opportunity areas. Locate new affordable housing in areas that have high/medium levels of opportunity in terms of access to active transportation, jobs, open spaces, high-quality schools, and supportive services and amenities.

Policy 5.23. Higher-density housing. Locate higher-density housing, including units that are affordable and accessible, in and around centers to take advantage of the access to active transportation, jobs, open spaces, schools, and various services and amenities.

Policy 5.24. Impact of housing on schools. Evaluate plans and investments for the effect of housing development on school enrollment, financial stability, and student mobility. Coordinate with school districts to ensure plans are aligned with school facility plans.

Housing affordability

Policy 5.25. Housing preservation. Preserve and produce affordable housing to meet needs that are not met by the private market by coordinating plans and investments with housing providers and

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organizations.

Policy 5.26. Regulated affordable housing target. Strive to produce at least 10,000 new regulated affordable housing units citywide by 2035 that will be affordable to households in the 0-80 percent MFI bracket.

Policy 5.27. Funding plan. Encourage development or financial or regulatory mechanisms to achieve the regulated affordable housing target set forth for 2035.

Policy 5.28. Inventory of regulated affordable housing. Coordinate periodic inventories of the supply of regulated affordable housing in the four-county (Clackamas, Clark, Multnomah and Washington) region with Metro.

Policy 5.29. Permanently-affordable housing. Increase the supply of permanently-affordable housing, including both rental and homeownership opportunities.

Policy 5.30. Housing cost burden. Evaluate plans and investments for their impact on household cost, and consider ways to reduce the combined cost of housing, utilities, and/or transportation. Encourage energy-efficiency investments to reduce overall housing costs.

Policy 5.31. Household prosperity. Facilitate expanding the variety of types and sizes of affordable housing units, and do so in locations that provide low-income households with greater access to convenient transit and transportation, education and training opportunities, the Central City, industrial districts, and other employment areas.

Policy 5.32. Affordable housing in centers. Encourage income diversity in and around centers by allowing a mix of housing types and tenures.

Policy 5.33. Central City affordable housing. Encourage the preservation and production of affordable housing in the Central City to take advantage of the area's unique concentration of active transportation access, jobs, open spaces, and supportive services and amenities.

Policy 5.34. Affordable housing resources. Pursue a variety of funding sources and mechanisms including new financial and regulatory tools to preserve and develop housing units and various assistance programs for households whose needs are not met by the private market.

Policy 5.35. Inclusionary housing. Use inclusionary zoning and other regulatory tools to effectively link the production of affordable housing to the production of market-rate housing.

Policy 5.36. Impact of regulations on affordability. Evaluate how existing and new regulations affect private development of affordable housing, and minimize negative impacts where possible. Avoid regulations that facilitate economically-exclusive neighborhoods.

Policy 5.37. Mobile home parks. Encourage preservation of mobile home parks as a low/moderate-income housing option. Evaluate plans and investments for potential redevelopment pressures on existing mobile home parks and impacts on park residents and protect this low/moderate-income housing option. Facilitate replacement and alteration of manufactured homes within an existing mobile home park.

Policy 5.38. Workforce housing. Encourage private development of a robust supply of housing that is affordable to moderate-income households located near convenient multimodal transportation that provides access to education and training opportunities, the Central City, industrial districts, and other employment areas.

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Policy 5.39. Compact single-family options. Encourage development and preservation of small resource-efficient and affordable single-family homes in all areas of the city.

Policy 5.40 Employer-assisted housing. Encourage employer-assisted affordable housing in conjunction with major employment development.

Policy 5.41 Affordable homeownership. Align plans and investments to support improving homeownership rates and locational choice for people of color and other groups who have been historically under-served and under-represented.

Policy 5.42 Homeownership retention. Support opportunities for homeownership retention for people of color and other groups who have been historically under-served and under-represented.

Policy 5.43 Variety in homeownership opportunities. Encourage a variety of ownership opportunities and choices by allowing and supporting including but not limited to condominiums, cooperatives, mutual housing associations, limited equity cooperatives, land trusts, and sweat equity.

Policy 5.44 Regional cooperation. Facilitate opportunities for greater regional cooperation in addressing housing needs in the Portland metropolitan area, especially for the homeless, low- and moderate-income households, and historically under-served and under-represented communities.

Policy 5.45 Regional balance. Encourage development of a “regional balance” strategy to secure greater regional participation to address the housing needs of homeless people and communities of color, low- and moderate-income households, and historically under-served and under-represented communities throughout the region.

Homelessness

Policy 5.46. Housing continuum. Prevent homelessness and reduce the time spent being homeless by ensuring that a continuum of safe and affordable housing opportunities and related supportive services are allowed, including but not limited to Permanent Supportive Housing, transitional housing, self-built micro housing communities, emergency shelters, temporary shelters such as warming centers, and transitional campgrounds.

Health, safety, and well-being

Policy 5.47 Healthy housing. Encourage development and maintenance of all housing, especially multi-dwelling housing, that protects the health and safety of residents and encourages healthy lifestyles and active living.

Policy 5.48 Housing safety. Require safe and healthy housing free of hazardous materials such as lead, asbestos, and radon.

Policy 5.49. Housing quality. Encourage housing that provides high indoor air quality, access to sunlight and outdoor spaces, and is protected from excessive noise, pests, and hazardous environmental conditions.

Policy 5.50. High-performance housing. Encourage energy efficiency, green building practices, materials, and design to produce healthy, efficient, durable, and adaptable homes that are affordable or reasonably priced.

Policy 5.51. Healthy and active living. Encourage housing that provides features supportive of healthy eating and active living such as useable open areas, recreation areas, community gardens, crime-preventive design, and community kitchens in multifamily housing.

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Policy 5.52. Walkable surroundings. Encourage active transportation in residential areas through the development of pathways, sidewalks, and high-quality onsite amenities such as secure bicycle parking.

Policy 5.53. Responding to social isolation. Encourage site designs and relationship to adjacent developments that reduce social isolation for groups that often experience it, such as older adults, people with disabilities, communities of color, and immigrant communities.

Policy 5.54 Renter protections. Enhance renter health, safety, and stability through education, expansion of enhanced inspections, and support of regulations and incentives that protect tenants and prevent involuntary displacement.

Chapter 6: Economic Development

Goal 6.A: Prosperity. Portland has vigorous economic growth and a healthy, diverse economy that supports prosperity and equitable access to employment opportunities for an increasingly diverse population. A strong economy that is keeping up with population growth and attracting resources and talent can:

- Create opportunity for people to achieve their full potential.
- Improve public health.
- Support a healthy environment.
- Support the fiscal well-being of the city.

161.Finding: The City Council interprets this goal to apply to the city as whole and not to individual businesses or sectors of business. The City Council interprets this goal to mean that Portland has a strong economy with employment opportunities for a diverse population. The City Council finds that an important factor in a diverse economy is to provide access to job opportunities across a wide range of wage scales, especially middle wage jobs such as those found in Portland’s industrial districts.

The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes maintain Portland’s employment land supply to create opportunities for a growing economy.

These regulations apply to only one type of business that makes up a minority part of the businesses found in Portland’s industrial districts. The remaining industrial uses continue to operate under the current development review system. The FFTZ amendments establish clear definitions for fossil fuels and the Bulk Fossil Fuel Terminal use category. These changes are fair to existing FFTs by designating them as a limited use that allows the terminals to continue to operate and. The limited use designation also allows the FFTs to invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels. Further, the use limitations provide flexibility to FFTs to replace and reconfigure existing storage tank capacity, such as consolidating smaller tanks into larger tanks.

Goal 6.B: Development. Portland supports an attractive environment for industrial, commercial, and institutional job growth and development by: 1) maintaining an adequate land supply; 2) a local development review system that is nimble, predictable, and fair; and 3) high-quality public facilities and services.

162.Finding: The verb “support”, which is defined in the 2035 Comprehensive Plan, means to aid the cause of. The City Council interprets this goal to apply to the city as whole and not to individual businesses or sectors of business. The City Council interprets this goal to mean that an attractive

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environment for economic development has three elements: 1) adequate land supply; 2) a predictable development review system; and 3) high-quality public services. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes maintain Portland's employment land supply.

These regulations apply to only one type of business that makes up a minority part of the businesses found in Portland's industrial districts. The remaining industrial uses continue to operate under the current development review system. The FFTZ amendments establish clear definitions for fossil fuels and the Bulk Fossil Fuel Terminal use category. These changes are fair to existing FFTs by designating them as a limited use that allows the terminals to continue to operate and. The limited use designation also allows the FFTs to invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels. Further, the use limitations provide flexibility to FFTs to replace and reconfigure existing storage tank capacity, such as consolidating smaller tanks into larger tanks.

The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments in the industrial districts where the FFTs are located.

Goal 6.C: Business district vitality. Portland implements land use policy and investments to:

- Ensure that commercial, institutional, and industrial districts support business retention and expansion.

163.Finding: The verb "ensure", which is defined in the 2035 Comprehensive Plan, means to make sure that something will happen or be available. The City Council interprets this goal to apply to the city as whole and not to individual businesses or sectors of business. Further, the City Council interprets this goal to mean that the City will provide an adequate land base that is supported by public infrastructure investments that are needed to support businesses. The FFTZ amendments are consistent with this goal because they do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes do not conflict with the intent to support business retention and expansion in Portland's industrial districts. These regulations apply to only one type of business that makes up a minority part of the businesses found in Portland's industrial districts. The other industrial uses continue to operate under current regulations. These changes support the retention of existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades and supports opportunities for expansion through exceptions, such as aviation or renewable fuels. Further, the use limitations provide flexibility to FFTs to replace and reconfigure existing storage tank capacity. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments in the industrial districts where the FFTs are located.

- Encourage the growth of districts that support productive and creative synergies among local businesses.

164.Finding: The verb "encourage", which is defined in the 2035 Comprehensive Plan, means to promote or foster using some combination of voluntary approaches, regulations, or incentives. The City Council interprets this goal to apply to the growth of districts in the city as whole and not to individual businesses or sectors of business. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes do not conflict with the intent to encourage growth in Portland's industrial districts. These regulations apply to only one type of business that makes up a minority part of the businesses found in Portland's industrial

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districts. The remaining industrial uses continue to operate under current regulations. These changes support the retention of existing fossil fuel terminals by designating them as a limited use, as opposed to a non-conforming use, that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels, to the storage capacity restrictions.

- Provide convenient access to goods, services, and markets.

165.Finding: The verb “provide”, which is defined in the 2035 Comprehensive Plan, means to supply, offer, or make available. The adjective “convenient”, which is not defined in the 2035 Comprehensive Plan, means to be situated to allow easy access. The City Council interprets this goal to apply to the city as whole and not to individual businesses or sectors of business. The City Council finds that the goal provides that the City will implement land use policies that will result in easy access to goods, services, and markets. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments to facilitate access to goods, services and markets. These regulations apply to only one type of business that makes up a minority part of the businesses found in Portland’s industrial districts. The remaining industrial uses continue to operate under current regulations. These changes support the retention of existing fossil fuel terminals by designating them as a limited use, as opposed to a non-conforming use, that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels. The limits and exceptions will enable the FFTs to maintain their ability to provide goods and services to their markets. The ordinance does not restrict the markets that can be served by the existing FFTs.

These regulations allow the existing FFTs to continue to operate as a limited use. The regulations also provide exceptions to the storage capacity limits for aviation and renewable fuels.

BPS presented evidence that national petroleum consumption forecast out to 2050 is essentially flat, which is a continuation of historic trends in Oregon and Washington, during a period of a thriving economy. In addition, ODOT is forecasting a decline in motor fuel consumption over the medium term to 2029. The more recent cargo forecasts project a modest growth in volumes, but those volumes do not exceed the historic peak volumes that were handled by the Portland terminals. No other evidence of future demand for fossil fuels was submitted in testimony. Therefore, the City Council finds that the fossil fuel storage capacity at the existing FFTs is sufficient to meet future needs.

Further, the City finds that reducing risk from a major earthquake outweighs the marginal impact to accommodating future demand for fossil fuels. In addition, continuing to locate all of the fossil fuel storage capacity in a high risk area in Portland is counter to 2013 Oregon Resilience Plan that recommends the diversification of locations for the storage of liquid fuels and identification of new liquid fuel energy corridors.

- Take advantage of our location and quality of life advantages as a gateway to world-class natural landscapes in Northwest Oregon, Southwest Washington, and the Columbia River Basin, and a robust interconnected system of natural landscapes within the region’s Urban Growth Boundary.

166.Finding: The City Council interprets this goal to apply to the city as whole and not to individual businesses or sectors of business. Further, the City Council interprets the intent of this goal is to leverage location, access and quality of life as an advantage to attracting and retaining businesses

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and employees to Portland. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, that could undermine business retention and expansion in Portland's industrial districts. Therefore, these changes do not conflict with the intent of this goal to encourage business district vitality in Portland.

Diverse, expanding city economy

Policy 6.1. Diverse and growing community. Expand economic opportunity and improve economic equity for Portland's diverse, growing population through sustained business growth.

167.Finding: The City Council interprets this policy to apply to the city as whole and not to individual businesses or sectors of business. The City Council finds that this policy requires business growth that makes economic opportunity available to a more diverse and growth community. The City Council finds that an important factor in improving economic equity is to provide access to job opportunities across a wide range of wage scales, especially middle wage jobs such as those found in Portland's industrial districts.

The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes maintain Portland's employment land supply to create opportunities for a growing economy.

These regulations apply to only one type of business that makes up a minority part of the businesses found in Portland's industrial districts. The remaining industrial uses continue to operate under the current development review system. The FFTZ amendments establish clear definitions for fossil fuels and the Bulk Fossil Fuel Terminal use category. These changes are fair to existing FFTs by designating them as a limited use that allows the terminals to continue to operate and. The limited use designation also allows the FFTs to invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels. Further, the use limitations provide flexibility to FFTs to replace and reconfigure existing storage tank capacity, such as consolidating smaller tanks into larger tanks.

Policy 6.2. Diverse and expanding economy. Align plans and investments to maintain the diversity of Portland's economy and status as Oregon's largest job center with growth across all sectors (commercial, industrial, creative, and institutional) and across all parts of the city.

Policy 6.3. Employment growth. Strive to capture at least 25 percent of the seven-county region's employment growth (Multnomah, Washington, Clackamas, Yamhill, Columbia, Clark, and Skamania counties).

Policy 6.4. Fiscally-stable city. Promote a high citywide jobs-to-households ratio that supports tax revenue growth at pace with residential demand for municipal services.

168.Finding: The City Council interprets Policies 6.2 through 6.3 to apply to the city as whole and not to individual businesses or sectors of business. The City Council interprets these policies to support a growing economy as described in the EOA. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes maintain Portland's employment land supply to create opportunities for a growing economy consistent with the EOA.

Policy 6.5. Economic resilience. Improve Portland's economic resilience to impacts from climate change and natural disasters through a strong local economy and equitable opportunities for prosperity.

169.Finding: The verb "improve", which is defined in the 2035 Comprehensive Plan, means to make the current situation better; increase; enhance. "Resilience" means the "reducing the vulnerability of

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our neighborhoods, businesses, and built and natural infrastructure to withstand challenges – environmental, economic and social – that may result from major hazardous events.” The City Council finds that “economic resilience” is improved when the local economy is strong and everyone has access to opportunities for prosperity.

The Council finds that the first step in making the current situation better is to ensure that the situation does not get worse. Continuing to allow the increase in FFTs in a high-risk area increases the risk to the surrounding industrial district and the Willamette River. The FFTZ amendments are a regulatory approach that will limit the size of new fossil fuel terminals and prohibit the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels, which will be an improvement compared to the current regulations that allow for unlimited growth in FFTs. Continuing to allow the unlimited increase in storage capacity at FFTs in a high-risk area increases the risk to the surrounding industrial district and the Willamette River in the event of a major earthquake. The FFTZ regulations improve resilience by designating existing FFTs as a limited use, which allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake. Allowing the FFTs to continue to operate and invest in upgrades will help support a strong local economy by providing for a continuing supply of fossil fuels. Further, the use limitations (33.140.100.B.17.a) provide flexibility to FFTs to replace and reconfigure existing storage tank capacity to increase safety.

Policy 6.6. Low-carbon and renewable energy economy. Align plans and investments with efforts to improve energy efficiency and reduce lifecycle carbon emissions from business operations. Promote employment opportunities associated with the production of renewable energy, energy efficiency projects, waste reduction, production of more durable goods, and recycling.

170.Finding: The City Council interprets this policy to support changes to business operations to become more energy efficient and reduce carbon emissions. Further, this policy encourages renewable energy, including renewable fuels as an alternative to fossil fuels. The FFTZ amendments are consistent with this policy by providing an exception that allows for new storage capacity for renewable, non-fossil fuels.

Policy 6.7. Competitive advantages. Maintain and strengthen the city’s comparative economic advantages including access to a high-quality workforce, business diversity, competitive business climate, and multimodal transportation infrastructure.

171.Finding: The verb “maintain”, which is defined in the 2035 Comprehensive Plan, means to keep what you have; conserve; preserve; continue. The verb “strengthen”, which is not defined in the 2035 Comprehensive Plan, means to make stronger, improve. The City Council interprets this policy to apply to the city as whole and not to individual businesses or sectors of business. These regulations apply to only one type of business that makes up a minority part of the businesses found in Portland, therefore will not have a significant impact on the workforce. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, that could undermine the business retention and expansion in Portland’s industrial districts, which in turn supports Portland’s business diversity across the city as a whole.

The regulations maintain a competitive business climate by being narrowly crafted to support the retention of existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels, to the storage capacity restrictions. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments to maintain and

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strengthen the multimodal transportation infrastructure in the northwest industrial area where the FFTs are located.

Policy 6.8. Business environment. Use plans and investments to help create a positive business environment in the city and provide strategic assistance to retain, expand, and attract businesses.

172.Finding: The City Council interprets this policy to apply to districts as whole and not to individual businesses or sectors of business. The City Council also determines that creating a positive business environment does not mean allowing for the unlimited expansion of all business types. These regulations are narrowly crafted to apply to only one type of business that makes up a minority part of the businesses found in Portland.

As outlined in Goal 6.B, the City Council defines a “positive business environment” as providing an adequate land capacity that is supported by high-quality infrastructure, with predictable and fair development review regulations. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes do not change the land capacity in Portland’s industrial districts. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments to maintain and strengthen the multimodal transportation infrastructure in Portland’s industrial districts.

The regulations only limit one type of business (FFT’s), due to the moderate to high levels of liquefaction susceptibility, as documented by the Portland Bureau of Emergency Management’s 2016 Critical Energy Infrastructure Hub Study and the 2012 DOGAMI Earthquake Risk Study for Oregon’s Critical Energy Infrastructure Hub report. However, the regulations maintain a competitive business climate by being narrowly crafted to support the retention of existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels, to the storage capacity restrictions.

The City’s Enterprise Zone program, which provides a property tax exemption to industrial firms, is one of the main ways in which the City of Portland provides strategic assistance to businesses. These changes do not affect that program, and FFTs that make new capital investments remain eligible for that program.

Policy 6.9. Small business development. Facilitate the success and growth of small businesses and coordinate plans and investments with programs that provide technical and financial assistance to promote sustainable operating practices.

173.Finding: The City Council interprets this policy to provide direction to the City to provide technical and financial assistance to small businesses, such as Prosper Portland’s Inclusive Business Resource Network or the Thriving Small Business Loan Program. The FFTZ amendments is a land use decision that amends the Zoning Code and does not change programs that provide technical and financial assistance to small businesses. This policy does not apply.

Policy 6.10. Business innovation. Encourage innovation, research, development, and commercialization of new technologies, products, and services through responsive regulations and public sector approaches.

174.Finding: The verb “encourage”, which is defined in the 2035 Comprehensive Plan, means to promote or foster using some combination of voluntary approaches, regulations, or incentives. The City Council interprets this policy to apply to districts as whole and not to individual businesses or sectors of business. These regulations apply to only one type of business that makes up a minority

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part of the businesses found in Portland's industrial districts. These changes support innovation at existing fossil fuel terminals by designating them as a limited use, as opposed to a non-conforming use, that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels, to the storage capacity restrictions. Further, the use limitations provide flexibility to FFTs to replace and reconfigure existing storage tank capacity to increase safety.

Policy 6.11. Sharing economy. Encourage mechanisms that enable individuals, corporations, non-profits, and government to market, distribute, share, and reuse excess capacity in goods and services. This includes peer-to-peer transactions, crowd funding platforms, and a variety of business models to facilitate borrowing and renting unused resources.

175.Finding: The verb “encourage”, which is defined in the 2035 Comprehensive Plan, means to promote or foster using some combination of voluntary approaches, regulations, or incentives. The City Council interprets this policy to apply to districts as whole and not to individual businesses or sectors of business. These regulations apply to only one type of business that makes up a minority part of the businesses found in Portland's industrial districts. This policy does not apply.

Policy 6.12. Economic role of livability and ecosystem services. Conserve and enhance Portland's cultural, historic, recreational, educational, food-related, and ecosystem assets and services for their contribution to the local economy and their importance for retention and attraction of skilled workers and businesses.

176.Finding: The FFTZ map amendments do not affect Portland's cultural, historic, recreational, educational, food-related, and ecosystem assets and services for their contribution to the local economy. These regulations apply to only one type of business that makes up a minority part of the businesses found in Portland's industrial districts. In considering the natural hazard risks that the FFTs pose to the ecosystem services on the river, as identified by the Portland Bureau of Emergency Management's Critical Energy Infrastructure Hub Study (2016), the City Council finds that continuing to allow the unlimited increase in storage capacity at FFTs in a high risk area does not enhance the current or future ecosystem services of the rivers. Therefore, the FFTZ regulations focus on limiting risk by limiting fossil fuel storage capacity, but designate existing FFTs as a limited use, which allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake. These regulations will limit the risks to the natural resource habitat functions and ecosystem services provided by the rivers.

Land development

Policy 6.13. Land supply. Provide supplies of employment land that are sufficient to meet the long-term and short-term employment growth forecasts, adequate in terms of amounts and types of sites, available and practical for development and intended uses. Types of sites are distinguished primarily by employment geographies identified in the Economic Opportunities Analysis, although capacity needs for building types with similar site characteristics can be met in other employment geographies.

177.Finding: The verb “provide”, which is defined in the 2035 Comprehensive Plan, means to supply, offer, or make available. The City Council interprets this policy to mean that the City will provide an adequate land base that is supported by public infrastructure investments that are needed to support businesses. The FFTZ amendments are consistent with this policy because they do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes do not conflict with the intent to provide an adequate land supply in Portland's industrial districts, as defined in the EOA. These regulations apply to only one type of business that makes up a minority part of the businesses found in Portland's industrial districts. The other industrial uses

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continue to operate under current regulations. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments in the industrial districts where the FFTs are located.

Policy 6.14. Brownfield redevelopment. Overcome financial-feasibility gaps to cleanup and redevelop 60 percent of brownfield acreage by 2035.

178.Finding: The City Council interprets this policy to mean that the City will create programs to support the brownfield cleanup target. The FFTZ amendments are Zoning Code changes that are not directly related to the cleanup of brownfields. However, the changes designate existing FFTs as a limited use, which allows the terminals to continue to operate and invest in facilities, including brownfield remediation.

Policy 6.15. Regionally-competitive development sites. Improve the competitiveness of vacant and underutilized sites located in Portland's employment areas using incentives, and regional and state assistance for needed infrastructure and site readiness improvements.

179.Finding: The verb "improve", which is defined in the 2035 Comprehensive Plan, means to make the current situation better; increase; enhance. The City Council interprets this policy to apply to the city as whole and not to individual businesses or sectors of business. The FFTZ amendments are consistent with this policy because they do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes maintain an adequate land supply in Portland's industrial districts. Further, these regulations apply to only one type of business that makes up a minority part of the businesses found in Portland's industrial districts. The other industrial uses continue to operate under current regulations. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments in the industrial districts where the FFTs are located. Finally, the City's Enterprise Zone program, which provides a property tax exemption to industrial firms, is one of the key incentives that the City of Portland offers to encourage businesses to invest in sites. These changes do not affect that program.

Policy 6.16. Regulatory climate. Improve development review processes and regulations to encourage predictability and support local and equitable employment growth and encourage business retention, including:

180.Finding: The verb "improve", which is defined in the 2035 Comprehensive Plan, means to make the current situation better; increase; enhance. The City Council interprets this policy to mean that changes to development regulations should consider how those changes affect predictability, equitable employment growth, and business retention. The City Council interprets this policy to apply to the city as whole and not to individual businesses or sectors of business.

In terms of predictability, these development regulations apply to only one type of business that makes up a minority part of the businesses found in Portland. The development regulations are clear and objective, with clearly defined terms, such as what is a fossil fuel, to provide predictability in regulating FFTs.

The City Council defines equitable employment growth as providing for job opportunities across a wide range of wage scales, especially middle wage jobs such as those found in Portland's industrial districts. These regulations apply to only one type of business that makes up a minority part of the businesses found in Portland's industrial districts. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes do not change

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the land capacity in Portland's industrial districts and continue to support continued growth in those districts.

The regulations are narrowly crafted to support the retention of existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels.

6.16.a. Assess and understand cumulative regulatory costs to promote Portland's financial competitiveness with other comparable cities.

181.Finding: The City Council interprets this policy to apply to a consideration of the cost, in terms of the time it takes to go through the development review process, the permit fees, and the system development charges, associated with the development review process. This policy applies to the city as whole and not to individual businesses or sectors of business. These regulations apply to only one type of business that makes up a small part of the businesses found in Portland's industrial districts, therefore the regulatory cost impact is limited. The FFTZ amendments do not change any of the associated permit fees or system development charges, therefore it does not impact Portland's financial competitiveness.

6.16.b. Promote certainty for new development through appropriate allowed uses and "clear and objective" standards to permit typical development types without a discretionary review.

6.16.c. Allow discretionary-review to facilitate flexible and innovative approaches to meet requirements.

182.Finding: The City Council interprets policy 6.16.b and 6.16.c to work in tandem. Under policy 6.16.b, the direction is to promote certainty through appropriate allowed uses and "clear and objective" standards. apply to the city as whole and not to individual businesses or sectors of business. The regulations promote certainty by being narrowly crafted to apply only to fossil fuel terminals. Designating FFTs as a limited use, as opposed to a non-conforming use, allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, through clear and objective standards and definitions.

The City Council did not establish a discretionary conditional use review for the FFT use, due to the moderate to high levels of liquefaction susceptibility, as documented by the Portland Bureau of Emergency Management's 2016 Critical Energy Infrastructure Hub Study and the 2012 DOGAMI Earthquake Risk Study for Oregon's Critical Energy Infrastructure Hub report. The City Council finds that reducing risk from a major earthquake outweighs the policy direction to provide flexible and innovative approaches to accommodating additional storage capacity through a discretionary review process, in part, because continuing to locate all of the fossil fuel storage capacity in a high risk area in Portland is counter to the 2013 Oregon Resilience Plan that recommends the diversification of locations for the storage of liquid fuels and identification of new liquid fuel energy corridors.. The FFTs with access to the river are within the Greenway Overlay Zone (33.440), which establishes a discretionary review process to allow for industrial development, while preserving and enhancing the riparian habitat along the river. The FFTZ amendments do not amend the Greenway Overlay Zone standards or review process.

6.16.d. Design and monitor development review processes to avoid unnecessary delays.

183.Finding: The FFTZ amendments do not modify the development review process for FFTs. Designating the FFTs as a limited use does not subject those uses to new or additional development

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reviews. This ordinance includes a directive for BPS to monitor the effectiveness of this regulation and report back to City Council in two years.

6.16.e. Promote cost effective compliance with federal and state mandates, productive intergovernmental coordination, and efficient, well-coordinated development review and permitting procedures.

184.Finding: The City Council interprets this policy to apply to districts as whole and not to individual businesses or sectors of business. The City has an established procedure for coordinated review of river-related development, including docks, in areas where city, state and federal agencies all have jurisdiction. The Streamlining Team was established pursuant to a 2003 Intergovernmental Agreement between the City of Portland (City), NOAA Fisheries, Army Corps of Engineers (Corps), and the U.S. Fish and Wildlife Service (USFWS). The FFTZ amendments do not change these procedures and there is no impact to this coordinated process.

6.16.f. Consider short-term market conditions and how area development patterns will transition over time when creating new development regulations.

185.Finding: The City Council interprets this policy to apply to the city as whole and not to individual businesses or sectors of business. As described in the adopted EOA, Portland has a tight supply of industrial land. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes will not affect Portland's short-term industrial land supply. These regulations are consistent with Policy 6.37 (Industrial Sanctuaries) in that the City does not expect the industrial character and development pattern in these districts to transition over time. These changes support the retention of existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels.

Policy 6.17. Short-term land supply. Provide for a competitive supply of development-ready sites with different site sizes and types, to meet five-year demand for employment growth in the Central City, industrial areas, campus institutions, and neighborhood business districts.

186.Finding: The verb "provide", which is defined in the 2035 Comprehensive Plan, means to supply, offer, or make available. The City Council interprets this policy to mean that the City will provide an adequate land base that is supported by public infrastructure investments that are needed to support businesses. The FFTZ amendments are consistent with this policy because they do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes do not conflict with the intent to provide an adequate land supply in Portland's industrial districts. These regulations apply to only one type of business that makes up a minority part of the businesses found in Portland's industrial districts. The other industrial uses continue to operate under current regulations. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments in the industrial districts where the FFTs are located.

Policy 6.18. Evaluate land needs. Update the Economic Opportunities Analysis and short-term land supply strategies every five to seven years.

187.Finding: The City Council interprets this policy to provide direction to the city to update the EOA. The EOA was adopted in 2016 and is still within the time range. The FFTZ amendments do not amend the EOA. Therefore, this policy does not apply.

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Policy 6.19. Corporate headquarters. Provide land opportunities for development of corporate headquarters campuses in locations with suitable transportation facilities.

188.Finding: The verb “provide”, which is defined in the 2035 Comprehensive Plan, means to supply, offer, or make available. The City Council interprets this policy to mean that the City will provide an adequate land base that is supported by public infrastructure investments that are needed for corporate headquarters. The FFTZ amendments are consistent with this policy because they do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes do not conflict with the intent to provide an adequate land supply in Portland’s industrial districts. These regulations apply to only one type of business that makes up a minority part of the businesses found in Portland’s industrial districts. The other industrial uses continue to operate under current regulations. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments in the industrial districts where the FFTs are located.

Traded sector competitiveness

Policy 6.20. Traded sector competitiveness. Align plans and investments with efforts to improve the city and regional business environment for traded sector and export growth. Participate in regional and statewide initiatives.

Policy 6.21. Traded sector diversity. Encourage partnerships to foster the growth, small business vitality, and diversity of traded sectors.

Policy 6.22. Clusters. Align plans and investments with efforts that direct strategic business development resources to enhance the competitiveness of businesses in traded sector clusters.

189.Finding: The 2035 Comprehensive Plan defines “traded sector” as a business sector consisting of companies that compete in markets extending beyond the metropolitan region. The City Council interprets policies 6.20 through 6.22 to apply to the city as whole and does not require the City to allow for the unlimited expansion of individual businesses or sectors of business. The City Council finds that fossil fuel energy is not identified as a key traded sector in city, regional or statewide initiatives. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes do not conflict with the intent to maintain Portland’s industrial districts as part of the efforts to support trade sector and export growth over time. These changes support the retention of existing fossil fuel terminals by designating them as a limited use, as opposed to a non-conforming use, that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels, to the storage capacity restrictions. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments to maintain and strengthen the multimodal transportation infrastructure in the northwest industrial area as part of the City’s traded sector economic development strategy.

Policy 6.23. Trade and freight hub. Encourage investment in transportation systems and services that will retain and expand Portland’s competitive position as a West Coast trade gateway and freight distribution hub.

190.Finding: The verb “encourage”, which is defined in the 2035 Comprehensive Plan, means to promote or foster using some combination of voluntary approaches, regulations, or incentives. The City Council interprets this policy to apply to the city as whole and not to individual businesses or sectors of business. The City Council interprets the policy in two ways. First, the City will promote

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and encourage public sector investments in the freight transportation system, including those by the City, the Port of Portland, Metro, and the State of Oregon. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments to maintain and strengthen the multimodal transportation infrastructure in the northwest industrial area where the FFTs are located.

Second, these changes support the continuing investment in existing fossil fuel terminals by designating them as a limited use, as opposed to a non-conforming use, that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels. In addition, the ordinance does not regulate transloading facilities, docks or pipelines – facilities that are key components of the multimodal freight transportation system. Existing FFTs and other industrial uses can make investments in multimodal freight facilities.

Finally, the City’s Enterprise Zone program, which provides a property tax exemption to industrial firms, is one of the key incentives that the City of Portland offers to encourage businesses to invest in their facilities, including private multi-modal transportation systems such as docks, pipelines and transloading facilities. These changes do not affect that program, and FFTs that make new capital investments remain eligible for that program.

Testimony by the Western States Petroleum Association claims that the ordinance will exclude Portland from the national and international energy markets. There is no explanation of what the opportunity is in national and international energy markets and no explanation as to how the ordinance excludes Portland from those markets. Only fossil tank capacity is regulated. Other types of infrastructure are not regulated by this ordinance. Furthermore, local and regional economic development strategies do not identify the energy sector as a key target industry.

Policy 6.24. Traded sector land supply. Foster traded sector retention, growth, and competitive advantages in industrial districts and the Central City. Recognize the concentration of traded-sector businesses in these districts.

191.Finding: The verb “foster”, which is defined in the 2035 Comprehensive Plan, means to encourage or guide the incremental development of something over a long period of time. The City Council interprets this policy to apply to districts as whole and not to individual businesses or sectors of business. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, the retention, growth, and competitive advantages of Portland’s industrial districts are maintained over time. These regulations are consistent with Policy 6.37 (Industrial Sanctuaries) in that the City does not expect the industrial character and development pattern in these districts to transition over time. These changes support the retention of existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments to maintain and strengthen the multimodal transportation infrastructure in the northwest industrial area where the FFTs are located.

Policy 6.25. Import substitution. Encourage local goods production and service delivery that substitute for imports and help keep the money Portlanders earn in the local economy.

192.Finding: The Council interprets this policy to encourage a strong local manufacturing and service delivery sector. The policy is not intended to and should not be read to discourage imported goods or services or place any burdens on interstate commerce. The FFTZ amendments do not include

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map changes, nor do they allow for new incompatible land uses; therefore, these changes do not conflict with the intent to maintain Portland's industrial districts over time, which provides a land supply for local businesses that produce goods and deliver services. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan; therefore, the City continues to plan for public infrastructure investments to maintain and strengthen the multimodal transportation infrastructure in the northwest industrial area that can support service delivery.

Policy 6.26. Business opportunities in urban innovation. Strive to have Portland's built environment, businesses, and infrastructure systems showcase examples of best practices of innovation and sustainability.

193.Finding: These regulations apply to only one type of business that makes up a minority part of the businesses found in Portland's industrial districts. The other industrial uses continue to operate under current regulations. This policy does not apply.

Equitable household prosperity

Policy 6.27. Income self-sufficiency. Expand access to self-sufficient wage levels and career ladders for low-income people by maintaining an adequate and viable supply of employment land and public facilities to support and expand opportunities in Portland for middle- and high-wage jobs that do not require a 4-year college degree.

6.27.a. Support the role of industrial districts as a leading source of middle-wage jobs that do not require a 4-year college degree and as a major source of wage-disparity reduction for under-served and under-represented communities.

6.27.b. Evaluate and limit negative impacts of plans and investments on middle and high wage job creation and retention.

194.Finding: The 2035 Comprehensive Plan defines "expand" as make something that already exists more extensive. The City Council finds income self-sufficiency is dependent on access to job opportunities across a wide range of wage scales, especially middle wage jobs such as those found in Portland's industrial districts. The City Council interprets this policy to apply to districts as whole and not to individual businesses or sectors of business. The FFTZ amendments apply to only one type of business that makes up a minority part of the businesses found in Portland's industrial districts. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes do not change the land capacity in Portland's industrial districts and continue to support continued employment growth in those districts.

The regulations are narrowly crafted to support the retention of existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels.

The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments to maintain and strengthen the multimodal transportation infrastructure in the northwest industrial area that can support the growth of middle wage jobs.

Policy 6.28. East Portland job growth. Encourage investment in, and alignment of, poverty-reduction efforts that address economic development, land use, transportation, housing, social services, public health, community development, and workforce development.

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195.Finding: The City Council interprets this policy to apply to districts as whole and not to individual businesses or sectors of business. There are no FFTs in East Portland. The FFTZ amendments apply to only one type of business that makes up a minority part of the businesses found in Portland's industrial districts. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes do not change the land capacity in Portland's industrial districts and continue to support continued employment growth in those districts, including the existing industrial and employment land in East Portland.

Policy 6.29. Poverty reduction. Encourage investment in, and alignment of, poverty-reduction efforts that address economic development, land use, transportation, housing, social services, public health, community development, and workforce development.

Policy 6.30. Disparity reduction. Encourage investment in, and alignment of, public efforts to reduce racial, ethnic, and disability-related disparities in income and employment opportunity.

196.Finding: For policies 6.29 and 6.30, the City Council finds that access to job opportunities across a wide range of wage scales, especially middle wage jobs such as those found in Portland's industrial districts is a key element of poverty and disparity reduction efforts. The City Council interprets this policy to apply to districts as whole and not to individual businesses or sectors of business. The FFTZ amendments apply to only one type of business that makes up a minority part of the businesses found in Portland's industrial districts. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes do not change the land capacity in Portland's industrial districts and continue to support continued employment growth in those districts.

Policy 6.31. Minority-owned, woman-owned and emerging small business (MWESB) assistance. Ensure that plans and investments improve access to contracting opportunities for minority-owned, woman-owned, and emerging small businesses.

197.Finding: The City Council interprets this policy to focused on supporting minority-owned, woman-owned, and emerging small businesses through City programs. This policy does not apply.

Policy 6.32. Urban renewal plans. Encourage urban renewal plans to primarily benefit existing residents and businesses within the urban renewal area through:

1. Revitalization of neighborhoods.
2. Expansion of housing choices.
3. Creation of business and job opportunities.
4. Provision of transportation linkages.
5. Protection of residents and businesses from the threats posed by gentrification and displacement.
6. The creation and enhancement of those features which improve the quality of life within the urban renewal area.

198.Finding: The City Council interprets this policy to focused on urban renewal plans and not the Zoning Code. There are three urban renewal areas (Central Eastside, Willamette Industrial and Airport Way) that have industrial zoning that is amended by this ordinance. None of the existing FFTs are in the URAs. The FFTZ amendments do not include changes to any urban renewal plans. This policy does not apply.

Central City

Policy 6.33. Central City. Improve the Central City's regional share of employment and continue its growth as the unique center of both the city and the region for innovation and exchange through

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commerce, employment, arts, culture, entertainment, tourism, education, and government.

Policy 6.34. Central City industrial districts. Protect and facilitate the long-term success of Central City industrial districts, while supporting their evolution into places with a broad mix of businesses with high employment densities.

Policy 6.35. Innovation districts. Provide for expanding campus institutions in the Central City and Marquam Hill, and encourage business development that builds on their research and development strengths.

199.Finding: The FFTZ amendments change allowed uses in the City’s industrial areas. There are no FFTs located in the Central City. These policies do not apply.

Industrial and employment districts

Policy 6.36. Industrial land. Provide industrial land that encourages industrial business retention, growth, and traded sector competitiveness as a West Coast trade and freight hub, a regional center of diverse manufacturing, and a widely-accessible base of family-wage jobs, particularly for under-served and under-represented people.

200.Finding: The verb “provide”, which is defined in the 2035 Comprehensive Plan, means to supply, offer, or make available. The City Council interprets this policy to apply to districts as whole and not to individual businesses or sectors of business. The City Council interprets this policy to be satisfied by maintaining an adequate industrial land base as determined by the EOA. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes do not reduce the industrial land designated in Portland. This ordinance does not amend the EOA. These changes support the retention of existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels, to the storage capacity restrictions.

Policy 6.37. Industrial sanctuaries. Protect industrial land as industrial sanctuaries identified on the Comprehensive Plan Map primarily for manufacturing and distribution uses and to encourage the growth of industrial activities in the city.

201.Finding: The verb “protect”, which is defined in the 2035 Comprehensive Plan, means to defend or guard against loss, injury, or destruction. The City Council interprets this policy to apply to the city as whole and does not require the City to allow for the unlimited expansion of individual businesses or sectors of business. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes will maintain Portland’s industrial sanctuaries as part of strategy to maintain an adequate industrial land base as determined by the EOA. These regulations are consistent with this policy in that the City does not expect the industrial character and development pattern in these districts to transition over time. These changes support the retention of existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels, to the storage capacity restrictions. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments to maintain and strengthen the multimodal transportation infrastructure in the northwest industrial area where the FFTs are located.

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Policy 6.38. Prime industrial land retention. Protect the multimodal freight-hub industrial districts at the Portland Harbor, Columbia Corridor, and Brooklyn Yard as prime industrial land that is prioritized for long-term retention.

202.Finding: The City Council finds that this policy is implemented through the Prime Industrial Overlay Zone. The FFTZ amendments do not include changes to the overlay zone or to the Zoning Map where it is applied. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes will maintain the prime industrial land for long-term retention.

6.38.a. Protect prime industrial lands from quasi-judicial Comprehensive Plan Map amendments that convert prime industrial land to non-industrial uses, and consider the potential for other map amendments to otherwise diminish the economic competitiveness or viability of prime industrial land.

203.Finding: The City Council finds that this policy applies to quasi-judicial decisions. Even if it did apply here, the City Council finds that this policy is implemented through the Prime Industrial Overlay Zone. The FFTZ amendments do not include changes to the overlay zone or to the Zoning Map where it is applied. The FFTZ amendments do not allow for new incompatible land uses or other map amendments, therefore, these changes will maintain the economic competitiveness or viability of prime industrial land.

6.38.b. Limit conversion of prime industrial land through land use plans, regulations, or public land acquisition for non-industrial uses, especially land that can be used by river-dependent and river-related industrial uses.

204.Finding: The City Council finds that this policy is implemented through the Prime Industrial Overlay Zone. The FFTZ amendments do not include changes to the overlay zone or to the Zoning Map where it is applied. The FFTZ amendments apply to only one type of business that makes up a minority part of the businesses found in Portland's industrial districts. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, that would lead to the conversion of prime industrial land. The ordinance does not authorize public land acquisition.

6.38.c. Limit regulatory impacts on the capacity, affordability, and viability of industrial uses in the prime industrial area while ensuring environmental resources are also protected.

205.Finding: The City Council interprets this policy to require a balance between minimizing regulations on industrial uses while at the same time protecting environmental resources. Council finds that the limits here are storage limitations as it applies to one industrial use. Those limitations are carefully crafted to ensure that the industrial uses remain viable while still protecting the environmental resources.

6.38.d. Strive to offset the reduction of development capacity as needed, with additional prime industrial capacity that includes consideration of comparable site characteristics. Offsets may include but are not limited to additional brownfield remediation, industrial use intensification, strategic investments, and other innovative tools and partnerships that increase industrial utilization of industrial land.

206.Finding: The City Council interprets this policy to apply to districts as whole and not to individual businesses or sectors of business. The FFTZ amendments do not include changes to the overlay zone or to the Zoning Map where it is applied. The FFTZ amendments apply to only one type of use

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that makes up a minority part of the uses found in Portland's industrial districts. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, that would lead to the conversion of prime industrial land, therefore, there is no reduction in development capacity.

Further, BPS presented evidence that national petroleum consumption forecast out to 2050 is essentially flat, which is a continuation of historic trends in Oregon and Washington, during a period of a thriving economy. In addition, ODOT is forecasting a decline in motor fuel consumption over the medium term to 2029. The more recent cargo forecasts project a modest growth in volumes, but those volumes do not exceed the historic peak volumes that were handled by the Portland terminals. No other evidence of future demand for fossil fuels was submitted in testimony. Therefore, the City Council finds that the fossil fuel storage capacity at the existing FFTs is sufficient to meet future needs. Therefore, no offsets are needed.

6.38.e. Protect prime industrial land for siting of parks, schools, large-format places of assembly, and large-format retail sales.

207.Finding: The City Council finds that this policy is implemented through the Prime Industrial Overlay Zone. The FFTZ amendments do not include changes to the overlay zone or to the Zoning Map where it is applied.

6.38.f. Promote efficient use of freight hub infrastructure and prime industrial land by limiting non-industrial uses that do not need to be in the prime industrial area.

208.Finding: The City Council finds that this policy is implemented through the Prime Industrial Overlay Zone. The FFTZ amendments do not include changes to the overlay zone or to the Zoning Map where it is applied. The FFTZ amendments do not allow for new incompatible land uses. Therefore, non-industrial uses continue to be limited.

Policy 6.39. Harbor access lands. Limit use of harbor access lands to river- or rail-dependent or related industrial land uses due to the unique and necessary infrastructure and site characteristics of harbor access lands for river-dependent industrial uses.

209.Finding: The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes will maintain Portland's harbor access lands for river- or rail-dependent or related industrial uses.

Policy 6.40. Portland Harbor Superfund Site. Take a leadership role to facilitate a cleanup of the Portland Harbor that moves forward as quickly as possible and that allocates cleanup costs fairly and equitably. Encourage a science-based and cost-effective cleanup solution that facilitates re-use of land for river- or rail-dependent or related industrial uses.

210.Finding: The City Council interprets this policy to mean that the City will take a lead role to facilitate cleanup of the Portland Harbor. The FFTZ amendments are Zoning Code changes that are not directly related to the cleanup of Portland Harbor. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes will maintain Portland's industrial sanctuaries for river- or rail-dependent or related industrial uses. However, the changes designate existing FFTs as a limited use, which allows the terminals to continue to operate and invest in facilities, including brownfield remediation related to the Portland Harbor cleanup efforts.

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Policy 6.41. Multimodal freight corridors. Encourage freight-oriented industrial development to locate where it can maximize the use of and support reinvestment in multimodal freight corridors.

211.Finding: The verb “encourage”, which is defined in the 2035 Comprehensive Plan, means to promote or foster using some combination of voluntary approaches, regulations, or incentives. The City Council interprets this policy to apply to districts as whole and not to individual businesses or sectors of business. The City Council finds that the policy requires the City to promote freight-oriented industrial development to locate near existing multimodal freight corridors, which is primarily done through applying industrial zoning. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes continue to support freight-oriented industrial development. These regulations apply to only one type of business that makes up a small part of the businesses found in Portland’s industrial districts. Transloading facilities are a defining characteristic of a Bulk Fossil Fuel Terminal, however, the ordinance does not regulate transloading facilities and only limits new fossil fuel storage tank capacity. These changes support the retention of existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades to their intermodal facilities and supports opportunities for growth through exceptions, such as aviation or renewable fuels. Finally, the ordinance does not regulate transloading facilities, docks or pipelines – facilities that are key components of the multimodal freight transportation system. Existing FFTs and other industrial uses can make investments in multimodal freight facilities. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments to maintain and strengthen the multimodal transportation infrastructure in the northwest industrial area where the FFTs are located.

Policy 6.42. Columbia East. Provide a mix of industrial and limited business park development in Columbia East (east of 82nd Avenue) that expand employment opportunities supported by proximity to Portland International Airport and multimodal freight access.

212.Finding: The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes are consistent with the intent to provide a mix of industrial and limited business park development in Columbia East. The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to development in those zones. None of the existing FFTs are located in the Columbia East geography.

Policy 6.43. Dispersed employment areas. Provide small, dispersed employment areas for a flexible and affordable mix of office, creative services, small-scale manufacturing, traded sector and distribution, and other small-format light industrial and commercial uses with access to nearby freeways or truck streets.

213.Finding: The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes are consistent with the intent to provide small, dispersed employment areas across Portland. The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to development in those zones. None of the existing FFTs are located in these dispersed employment areas.

Policy 6.44. Industrial land use intensification. Encourage reinvestment in, and intensification of, industrial land use, as measured by output and throughput per acre.

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214.Finding: The verb “encourage”, which is defined in the 2035 Comprehensive Plan, means to promote or foster using some combination of voluntary approaches, regulations, or incentives. The City Council interprets this policy to apply to industrial districts as whole and not to individual businesses or sectors of business. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes are consistent with the intent to maintain Portland’s industrial districts over time. These changes support the reinvestment in existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels. Further, the use limitations (33.140.100.B.17.a) provide flexibility to FFTs to replace and reconfigure existing storage tank capacity to increase safety.

The City’s Enterprise Zone program, which provides a property tax exemption to industrial firms, is one of the key incentives that the City of Portland offers to encourage businesses to invest in their facilities, including private multi-modal transportation systems such as docks, pipelines and transloading facilities. These changes do not affect that program, and FFTs that make new capital investments remain eligible for that program.

Policy 6.45. Industrial brownfield redevelopment. Provide incentives, investments, technical assistance and other direct support to overcome financial-feasibility gaps to enable remediation and redevelopment of brownfields for industrial growth.

215.Finding: The City Council interprets this policy to mean that the City will create programs to support brownfield cleanup in industrial areas. The FFTZ amendments are Zoning Code changes that are not directly related to the cleanup of brownfields. However, the changes designate existing FFTs as a limited use, which allows the terminals to continue to operate and invest in facilities, including brownfield remediation.

Policy 6.46. Impact analysis. Evaluate and monitor the impacts on industrial land capacity that may result from land use plans, regulations, public land acquisition, public facility development, and other public actions to protect and preserve existing industrial lands.

216.Finding: The City Council interprets this policy to provide direction to the city to evaluate and monitor industrial land capacity and development trends that result from plan and zoning changes. The ordinance includes a directive for BPS to monitor the effectiveness of this regulation and report back to City Council in two years.

Policy 6.47. Clean, safe, and green. Encourage improvements to the cleanliness, safety, and ecological performance of industrial development and freight corridors by facilitating adoption of market feasible new technology and design.

217.Finding: The verb “encourage”, which is defined in the 2035 Comprehensive Plan, means to promote or foster using some combination of voluntary approaches, regulations, or incentives. The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to development in those zones. These changes encourage improvements by designating existing FFTs as a limited use that allows the terminals to continue to operate and invest in upgrades that can improve the cleanliness, safety, and ecological performance of FFTs.

Policy 6.48. Fossil fuel distribution. Limit fossil fuels distribution and storage facilities to those necessary to serve the regional market.

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218.Finding: The 2035 Comprehensive Plan defines “limit” as to minimize or reduce relative to the current situation or to a potential future situation. The City Council interprets the phrase “regional market” to mean the state of Oregon and Southwest Washington in recognition that Portland’s fossil fuel terminals currently handle 90% of the fossil fuels consumed in Oregon and Southwest Washington. BPS presented evidence that national petroleum consumption forecast out to 2050 is essentially flat, which is a continuation of historic trends in Oregon and Washington, during a period of a thriving economy. In addition, ODOT is forecasting a decline in motor fuel consumption over the medium term to 2029. The more recent cargo forecasts project a modest growth in volumes, but those volumes do not exceed the historic peak volumes that were handled by the Portland terminals. No other evidence of future demand for fossil fuels was submitted in testimony. Therefore, the City Council finds that the fossil fuel storage capacity at the existing FFTs is sufficient to meet future needs.

These changes support the retention of existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels. Further, the use limitations (33.140.100.B.17.a) provide flexibility to FFTs to replace and reconfigure existing storage tank capacity to increase safety. In addition, limiting storage capacity to the existing facilities, with some exceptions, reduces risk from a major earthquake, which outweighs the policy direction to provide capacity to accommodate any potential future increase in fossil fuel consumption, in part, because continuing to locate all of the fossil fuel storage capacity in a high risk area in Portland is counter to the 2013 Oregon Resilience Plan that recommends the diversification of locations for the storage of liquid fuels and identification of new liquid fuel energy corridors.

Testimony by the Working Waterfront Coalition asserts that it is important for FFTs to invest in facilities as “demand continues”. The testimony does not define or explain what is meant by the phrase “as demand continues”. BPS presented evidence that national petroleum consumption forecast out to 2050 is essentially flat. In addition, ODOT is forecasting a decline in motor fuel consumption over the medium term to 2029. No other evidence of future demand for fossil fuels was submitted in testimony. Therefore, the City Council finds that the fossil fuel storage capacity at the existing FFTs is sufficient to meet future needs.

Testimony by the Western States Petroleum Association claims that the ordinance will undercut the ability to meet future energy needs; prevent and discourage equipment upgrades necessary to meet market demand; or fail to provide sufficient facilities and tank capacity to serve future energy needs. Only new fossil storage tank capacity is restricted, other equipment upgrades are allowed. “Future energy needs” are not defined. No supporting evidence is provided to define “market demand” or what is needed to meet “future energy needs”. Additional testimony by the Western States Petroleum Association claims that the ordinance will freeze current infrastructure in place and would be insufficient for future fuel demand, by both quantity and type of fuel. “Future fuel demand” is not defined. The ordinance will not “freeze current infrastructure in place”. The FFTZ amendments designate existing FFTs as a limited use specifically to allow the FFTs to continue to operate to supply fossil fuels and to allow for safety and seismic upgrades. Transloading facilities are a defining characteristic of a Bulk Fossil Fuel Terminal, however, the ordinance only limits new fossil fuel storage tank capacity. Existing fossil fuel storage tank capacity can be reconfigured. Other aspects of terminal infrastructure (pipelines, docks, transloading facilities) are not regulated by this ordinance. BPS presented evidence that national petroleum consumption forecast out to 2050 is essentially flat, which is a continuation of historic trends in Oregon and Washington, during a period of a thriving economy. In addition, ODOT is forecasting a decline in motor fuel consumption

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over the medium term to 2029. Therefore, the fossil fuel storage capacity at the existing FFTs is sufficient to meet future needs.

Testimony by Zenith Energy claims that the ordinance will inhibit infrastructure upgrades to “meet changing market demands”. There is no explanation of what are “changing market demands” or as why to storage capacity expansion is needed in conjunction with other infrastructure upgrades. The ordinance restricts new fossil storage tank capacity, other safety upgrades are allowed. BPS presented evidence that national petroleum consumption forecast out to 2050 is essentially flat, which is a continuation of historic trends in Oregon and Washington. In addition, ODOT is forecasting a decline in motor fuel consumption over the medium term to 2029. Therefore, the fossil fuel storage capacity at the existing FFTs is sufficient to meet future needs.

Policy 6.49. Industrial growth and watershed health. Facilitate concurrent strategies to protect and improve industrial capacity and watershed health in the Portland Harbor and Columbia Corridor areas.

219.Finding: The 2035 Comprehensive Plan defines “facilitate” to mean to make something easier, to help bring about or make run more smoothly. The verb “improve”, which is defined in the 2035 Comprehensive Plan, means to make the current situation better; increase; enhance. Council interprets the policy to mean that the city should make strategies that both protect and improve industrial capacity will also protect and improve the watershed health easier. The City Council finds that the first step in making the current situation better is to ensure that the situation does not get worse. Continuing to allow the increase in FFTs in a high risk area increases the risk to watershed health. The FFTZ amendments are a regulatory approach that will limit the size of new fossil fuel terminals and prohibit the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels, which will be an improvement compared to the current regulations that allow for unlimited growth in FFTs. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes maintain Portland’s industrial capacity. These regulations apply to only one type of business that makes up a minority part of the businesses found in Portland’s industrial districts. The remaining industrial uses continue to operate under current regulations. The FFTZ regulations designate existing FFTs as a limited use, which allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake. Allowing the FFTs to continue to operate and invest in upgrades will help support a strong local economy by providing for a continuing supply of fossil fuels to support a strong local economy. Therefore, the FFT amendments do not impact the industrial capacity but at the same time they do protect and improve the watershed health.

Policy 6.50. District expansion. Provide opportunities for expansion of industrial areas based on evaluation of forecasted need and the ability to meet environmental, social, economic, and other goals.

220.Finding: The City Council interprets this policy to apply to Comprehensive Plan Map and Zoning Map amendments to expand industrial land use designations. The FFTZ amendments are a regulatory approach that will limit the size of new fossil fuel terminals and prohibit the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes maintain Portland’s industrial capacity. This policy does not apply.

Policy 6.51. Golf course reuse and redevelopment. Facilitate a mix of industrial, natural resource, and public open space uses on privately-owned golf course sites in the Columbia Corridor that property

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owners make available for reuse.

221.Finding: The City Council interprets this policy to apply to Comprehensive Plan Map and Zoning Map amendments. The FFTZ amendments are a regulatory approach that will limit the size of new fossil fuel terminals and prohibit the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes maintain Portland’s industrial capacity. This policy does not apply.

Policy 6.52. Residential and commercial reuse. Facilitate compatible industrial or employment redevelopment on residential or commercial sites that become available for reuse if the site is in or near prime industrial areas, and near a freeway or on a freight street.

222.Finding: The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to development in those zones. This policy does not apply.

Policy 6.53. Mitigation banks. Facilitate industrial site development by promoting and allowing environmental mitigation banks that serve industrial land uses on prime industrial land.

223.Finding: The 2035 Comprehensive Plan defines “facilitate” to mean to make something easier, to help bring about or make run more smoothly. The City Council interprets this policy means to assist, but is not a requirement. The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to development in those zones, including environmental mitigation banks. This policy does not apply.

Policy 6.54. Neighborhood buffers. Maintain and enhance major natural areas, open spaces, and constructed features as boundaries and buffers for the Portland Harbor and Columbia Corridor industrial areas.

224.Finding: The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to development in those zones. This policy does not apply.

Policy 6.55. Neighborhood park use. Allow neighborhood park development within industrial zones where needed to provide adequate park service within one-half mile of every resident.

225.Finding: This policy addresses park development in industrial zones. The FFTZ amendments affect one type of allowed use in employment and industrial zones and do not change development standards that apply to development in those zones. This policy does not apply.

Campus institutions

Policy 6.56. Campus institutions. Provide for the stability and growth of Portland’s major campus institutions as essential service providers, centers of innovation, workforce development resources, and major employers.

Policy 6.57. Campus land use. Provide for major campus institutions as a type of employment land, allowing uses typically associated with health care and higher education institutions. Coordinate with institutions in changing campus zoning to provide land supply that is practical for development and intended uses.

Policy 6.58. Development impacts. Protect the livability of surrounding neighborhoods through adequate infrastructure and campus development standards that foster suitable density and attractive campus design. Minimize off-site impacts in collaboration with institutions and neighbors, especially to

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reduce automobile traffic and parking impacts.

Policy 6.59. Community amenities and services. Encourage campus development that provides amenities and services to surrounding neighborhoods, emphasizing the role of campuses as centers of community activity.

Policy 6.60. Campus edges. Provide for context-sensitive, transitional uses, and development at the edges of campus institutions to enhance their integration into surrounding neighborhoods, including mixed-use and neighborhood-serving commercial uses where appropriate.

Policy 6.61. Satellite facilities. Encourage opportunities for expansion of uses, not integral to campus functions, to locate in centers and corridors to support their economic vitality.

226.Finding: Policies 6.56 through 6.61 provide direction regarding campus institutions. The FFTZ amendments change allowed uses in the City's industrial areas. There are no FFTs located on campus institutions. These policies do not apply.

Neighborhood business districts

Policy 6.62. Neighborhood business districts. Provide for the growth, economic equity, and vitality of neighborhood business districts.

Policy 6.63. District function. Enhance the function of neighborhood business districts as a foundation of neighborhood livability.

Policy 6.64. Small, independent businesses. Facilitate the retention and growth of small and locally-owned businesses.

Policy 6.65. Home-based businesses. Encourage and expand allowances for small, low-impact home based businesses in residential areas, including office or personal service uses with infrequent or by-appointment customer or client visits to the site. Allow a limited number of employees, within the scale of activity typical in residential areas. Allow home-based businesses on sites with accessory dwelling units.

Policy 6.66. Neighborhood-serving business. Provide for neighborhood business districts and small commercial nodes in areas between centers to expand local access to goods and services. Allow nodes of small-scale neighborhood-serving commercial uses in large planned developments and as a ground floor use in high density residential areas.

Policy 6.67. Retail development. Provide for a competitive supply of retail sites that support the wide range of consumer needs for convenience, affordability, accessibility, and diversity of goods and services, especially in under-served areas of Portland.

Policy 6.68. Investment priority. Prioritize commercial revitalization investments in neighborhoods that serve communities with limited access to goods and services.

Policy 6.69. Non-conforming neighborhood business uses. Limit non-conforming uses to reduce adverse impacts on nearby residential uses while avoiding displacement of existing neighborhood businesses.

Policy 6.70. Involuntary commercial displacement. Evaluate plans and investments for their impact on existing businesses.

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6.70.a. Limit involuntary commercial displacement in areas at risk of gentrification, and incorporate tools to reduce the cost burden of rapid neighborhood change on small business owners vulnerable to displacement.

6.70.b. Encourage the preservation and creation of affordable neighborhood commercial space to support a broad range of small business owners.

Policy 6.71. Temporary and informal markets and structures. Acknowledge and support the role that temporary markets (farmer's markets, craft markets, flea markets, etc.) and other temporary or mobile-vending structures play in enabling startup business activity. Also, acknowledge that temporary uses may ultimately be replaced by more permanent development and uses.

Policy 6.72 Community economic development. Encourage collaborative approaches to align land use and neighborhood economic development for residents and business owners to better connect and compete in the regional economy.

Policy 6.73. Centers. Encourage concentrations of commercial services and employment opportunities in centers.

6.73.a. Encourage a broad range of neighborhood commercial services in centers to help residents and others in the area meet daily needs and/or serve as neighborhood gathering places.

6.73.b. Encourage the retention and further development of grocery stores and local markets as essential elements of centers.

6.73.c. Enhance opportunities for services and activities in centers that are responsive to the needs of the populations and cultural groups of the surrounding area.

6.73.d. Require ground-level building spaces in core areas of centers accommodate commercial or other street-activating uses and services.

6.73.e. Encourage employment opportunities as a key function of centers, including connections between centers, institutions, and other major employers to reinforce their roles as vibrant centers of activity.

227.Finding: Policies 6.62 through 6.73 provide direction regarding neighborhood business districts. The FFTZ amendments change allowed uses in the City's industrial areas. There are no FFTs located in neighborhood business districts. These policies do not apply.

Chapter 7: Environmental and Watershed Health

Goal 7.A: Climate. Carbon emissions are reduced to 50 percent below 1990 levels by 2035.

228.Finding: The City Council finds that in order to achieve this goal, each legislative action should consider whether it can play a role in reducing the carbon emissions. The FFTZ amendments will limit the size of new fossil fuel terminals and prohibit the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels. The FFTZ amendments help provide a transition to a reliable, low-carbon energy infrastructure by designating existing FFTs as a limited use, which allows the terminals to continue to operate and invest in facilities to increase safety and reliability. In addition, the definition of fossil fuels explicitly does not include ethanol, biodiesel/renewable diesel other fuel additives that will allow FFTs to

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add storage capacity to provide reliable low-carbon fuels to help meet the carbon emissions reduction goals.

Goal 7.B: Healthy watersheds and environment. Ecosystem services and ecosystem functions are maintained and watershed conditions have improved over time, supporting public health and safety, environmental quality, fish and wildlife, cultural values, economic prosperity, and the intrinsic value of nature.

229.Finding: The FFTZ amendments foster a healthy environment and sustain the ecosystem services of Portland's air, water and land by reducing the risk associated with a major earthquake. The first step in making the current situation better is to ensure that the situation does not get worse by continuing to allow the unlimited increase in fossil fuel terminal storage tank capacity in a high risk area. The FFTZ amendments are a regulatory approach that will limit the size of new fossil fuel terminals and prohibit the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels, which will be an improvement compared to the current regulations that allow for unlimited growth in fossil fuel terminals. Further, by designating existing FFTs as a limited use allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake, which can minimize environmental impacts in the event of a major earthquake. No changes to the environmental or greenway overlay zones are proposed as part of this project, therefore the natural resource values and functions will be sustained.

Goal 7.C: Resilience. Portland's built and natural environments function in complementary ways and are resilient in the face of climate change and natural hazards.

230.Finding: The City Council finds that the built and natural environments function in complementary ways when they both function without harming the other. The 2035 Comprehensive Plan defines "resilience" as the capability to anticipate, prepare for, respond to, and recover from significant multi-hazard threats with minimum damage to social well-being, the economy, and the environment. Portland's FFTs are within a disaster-prone area that is at risk for a catastrophic Cascadia earthquake disaster. Most of Portland's employment and industrial zones are in areas with high to very high levels of liquefaction susceptibility, as documented by the 2018 DOGAMI Earthquake Regional Impact Analysis. Fossil fuel infrastructure poses considerable risks in the event of a major earthquake.

According to the 2012 DOGAMI Earthquake Risk Study for Oregon's Critical Energy Infrastructure Hub report, a magnitude 8 or 9 Cascadia Subduction Zone earthquake would impact the CEI Hub with: ground shaking; liquefaction (soil behavior phenomenon in which a saturated sand softens and loses strength during strong earthquake ground shaking); lateral spreading (where surficial soil permanently moves laterally due to earthquake shaking); landslides; co-seismic settlement (where the ground surface is permanently lowered due to seismic shaking); and bearing capacity failures (when the foundation soil cannot support the structure it is intended to support).

According to the 2012 DOGAMI report, liquefaction and lateral spreading hazards are of primary concern to the fossil fuel terminals. The CEI Hub is adjacent to the Willamette River and has extensive deposits of highly liquefiable soils. These soils (made of sands, silts, gravels and clays) have been naturally deposited by river activity as well as been created from man-made activities, such as hydraulically placed material from river dredging or debris placed as landfill.

The FFTs have significant seismic risks because most of the tanks have been constructed without any or only limited seismic design criteria on soils with high levels of liquefaction susceptibility, as documented by the Portland Bureau of Emergency Management's 2016 Critical Energy

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Infrastructure Hub Study and the 2012 DOGAMI Earthquake Risk Study for Oregon's Critical Energy Infrastructure Hub report. The City Council interprets this goal to mean that the first step in making Portland more resilient is to stop increasing the risk. Continuing to allow the increase in FFTs in a high risk area increases the risk to the surrounding industrial district and the Willamette River. The FFTZ amendments limit future risk by limiting the size of new fossil fuel terminals and prohibiting the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels. Further, by designating existing FFTs as a limited use, as opposed to a prohibited nonconforming use, allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake, which ultimately can make Portland more resilient.

Goal 7.D: Environmental equity. All Portlanders have access to clean air and water, can experience nature in their daily lives, and benefit from development designed to lessen the impacts of natural hazards and environmental contamination.

231.Finding: The City Council interprets this goal to mean that the first step in lessening the impacts of natural hazards and environmental contamination is to stop increasing the risk. Continuing to allow the increase in FFTs in a high risk area increases the risk to the surrounding neighborhoods and the Willamette River. The FFTZ amendments limit future risk by limiting the size of new fossil fuel terminals and prohibiting the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels. Further, by designating existing FFTs as a limited use, as opposed to a prohibited nonconforming use, allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake.

Goal 7.E: Community stewardship. Portlanders actively participate in efforts to maintain and improve the environment, including watershed health.

232.Finding: The City Council interprets this goal to mean that the City should have programs focused on community involvement in improving the environment. The FFTZ amendments change the Zoning Code and do not include other changes to stewardship programs. This goal does not apply.

Improving environmental quality and resilience

Policy 7.1. Environmental quality. Protect or support efforts to protect air, water, and soil quality, and associated benefits to public and ecological health and safety, through plans and investments.

Policy 7.2. Environmental equity. Prevent or reduce adverse environment-related disparities affecting under-served and under-represented communities through plans and investments. This includes addressing disparities relating to air and water quality, natural hazards, contamination, climate change, and access to nature.

233.Finding: The Council interprets policies 7.1 and 7.2 in tandem. The City Council finds that the policies seek to defend and protect environmental quality and equity. Further, the City Council finds that environmental equity is achieved when disparities are prevented or reduced. The City Council finds that the first step in lessening the impacts of natural hazards and environmental contamination is to stop increasing the risk. Continuing to allow the increase in FFTs in a high risk area increases the risk to the surrounding neighborhoods and the Willamette River. The FFTZ amendments limit future risk by limiting the size of new fossil fuel terminals and prohibiting the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels. Further, by designating existing FFTs as a limited use, as opposed to a

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prohibited nonconforming use, allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake.

Policy 7.3. Ecosystem services. Consider the benefits provided by healthy ecosystems that contribute to the livability and economic health of the city.

234.Finding: The FFTZ amendments foster a healthy environment and sustain the ecosystem services of Portland's air, water and land by reducing the risk associated with a major earthquake. The first step in making the current situation better is to ensure that the situation does not get worse by continuing to allow the unlimited increase in fossil fuel terminal storage tank capacity in a high risk area. The FFTZ amendments are a regulatory approach that will limit the size of new fossil fuel terminals and prohibit the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels, which will be an improvement compared to the current regulations that allow for unlimited growth in fossil fuel terminals. Further, by designating existing FFTs as a limited use allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake, which can minimize environmental impacts in the event of a major earthquake. No changes to the environmental or greenway overlay zones are proposed as part of this project, therefore the natural resource values and functions will be sustained.

Policy 7.4. Climate change. Update and implement strategies to reduce carbon emissions and impacts and increase resilience through plans and investments and public education.

7.4.a. Carbon sequestration. Enhance the capacity of Portland's urban forest, soils, wetlands, and other water bodies to serve as carbon reserves.

7.4.b. Climate adaptation and resilience. Enhance the ability of rivers, streams, wetlands, floodplains, urban forest, habitats, and wildlife to limit and adapt to climate-exacerbated flooding, landslides, wildfire, and urban heat island effects.

235.Finding: The FFTZ amendments help reduce carbon emissions by providing for a transition to a reliable, low-carbon energy infrastructure by designating existing FFTs as a limited use, which allows the terminals to continue to operate and invest in facilities to increase safety and reliability. In addition, the definition of fossil fuels explicitly does not include ethanol, biodiesel/renewable diesel other fuel additives that will allows FFTs to add storage capacity to provide reliable low-carbon fuels to help meet the carbon emissions reduction goals.

The 2035 Comprehensive Plan defines "resilience" as the capability to anticipate, prepare for, respond to, and recover from significant multi-hazard threats with minimum damage to social well-being, the economy, and the environment. Portland's FFTs are within a disaster-prone area that is at risk for a catastrophic Cascadia earthquake disaster. The FFTs have significant seismic risks because most of the tanks have been constructed without any or only limited seismic design criteria on soils with high levels of liquefaction susceptibility. The City Council finds that the first step in making Portland more resilient is to stop increasing the risk. Continuing to allow the increase in FFTs in a high risk area increases the risk to the surrounding to the Willamette River and associated floodplains. The FFTZ amendments limit future risk by limiting the size of new fossil fuel terminals and prohibiting the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels. Further, by designating existing FFTs as a limited use, as opposed to a prohibited nonconforming use, allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake, which ultimately can make Portland more resilient.

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Policy 7.5. Air quality. Improve, or support efforts to improve, air quality through plans and investments, including reducing exposure to air toxics, criteria pollutants, and urban heat island effects. Consider the impacts of air quality on the health of all Portlanders.

Policy 7.6. Hydrology. Through plans and investments, improve or support efforts to improve watershed hydrology to achieve more natural flow and enhance conveyance and storage capacity in rivers, streams, floodplains, wetlands, and aquifers. Minimize impacts from development and associated impervious surfaces, especially in areas with poorly-infiltrating soils and limited public stormwater discharge points, and encourage restoration of degraded hydrologic functions.

Policy 7.7. Water quality. Improve, or support efforts to improve, water quality in rivers, streams, floodplains, groundwater, and wetlands through land use plans and investments, to address water quality issues including toxics, bacteria, temperature, metals, and sediment pollution. Consider the impacts of water quality on the health of all Portlanders.

Policy 7.8. Biodiversity. Strive to achieve and maintain self-sustaining populations of native species, including native plants, native resident and migratory fish and wildlife species, at-risk species, and beneficial insects (such as pollinators) through plans and investments.

Policy 7.9. Habitat and biological communities. Ensure that plans and investments are consistent with and advance efforts to improve, or support efforts to improve fish and wildlife habitat and biological communities. Use plans and investments to enhance the diversity, quantity, and quality of habitats habitat corridors, and especially habitats that:

- Are rare or declining.
- Support at-risk plant and animal species and communities.
- Support recovery of species under the Endangered Species Act, and prevent new listings.
- Provide culturally important food sources, including those associated with Native American fishing rights.

Policy 7.10. Habitat connectivity. Improve or support efforts to improve terrestrial and aquatic habitat connectivity for fish and wildlife by using plans and investments, to:

- Prevent and repair habitat fragmentation.
- Improve habitat quality.
- Weave habitat into sites as new development occurs.
- Enhance or create habitat corridors that allow fish and wildlife to safely access and move through and between habitat areas.
- Promote restoration and protection of floodplains.

Policy 7.11. Urban forest. Improve, or support efforts to improve the quantity, quality, and equitable distribution of Portland's urban forest through plans and investments.

7.11.a. Tree preservation. Require or encourage preservation of large healthy trees, native trees and vegetation, tree groves, and forested areas.

7.11.b. Urban forest diversity. Coordinate plans and investments with efforts to improve tree species diversity and age diversity.

7.11.c. Tree canopy. Support progress toward meeting City tree canopy targets.

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7.11.d. Tree planting. Invest in tree planting and maintenance, especially in low-canopy areas, neighborhoods with under-served or under-represented communities, and within and near urban habitat corridors.

7.11.e. Vegetation in natural resource areas. Require native trees and vegetation in significant natural resource areas.

7.11.f. Resilient urban forest. Encourage planting of Pacific Northwest hardy and climate change resilient native trees and vegetation generally, and especially in urban habitat corridors.

7.11.g. Trees in land use planning. Identify priority areas for tree preservation and planting in land use plans.

7.11.h. Managing wildfire risk. Address wildfire hazard risks and management priorities through plans and investments.

Policy 7.12. Invasive species. Prevent the spread of invasive plants, and support efforts to reduce the impacts of invasive plants, animals, and insects, through plans, investments, and education.

Policy 7.13. Soils. Coordinate plans and investments with programs that address human-induced soil loss, erosion, contamination, or other impairments to soil quality and function.

236.Finding: The City Council interprets policies 7.5 through 7.13 as providing guidance to foster a healthy environment and sustain the ecosystem services of Portland's air, water and land resources. The FFTZ amendments support these policies by reducing the risk associated with a major earthquake. The first step in making the current situation better is to ensure that the situation does not get worse by continuing to allow the unlimited increase in fossil fuel terminal storage tank capacity in a high risk area. The FFTZ amendments are a regulatory approach that will limit the size of new fossil fuel terminals and prohibit the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels, which will be an improvement compared to the current regulations that allow for unlimited growth in fossil fuel terminals. Further, by designating existing FFTs as a limited use allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake, which can minimize environmental impacts in the event of a major earthquake. No changes to the environmental or greenway overlay zones are proposed as part of this project, therefore the natural resource values and functions will be sustained.

Policy 7.14. Natural hazards. Prevent development-related degradation of natural systems and associated increases in landslide, wildfire, flooding, and earthquake risks.

237.Finding: The 2035 Comprehensive Plan defines "prevent" as proactively avoid or hinder adverse impacts or outcomes. Development-related degradation means development that has adverse impacts on natural systems. For example, development in a floodplain that increases impervious surface can result in increased run-off that increases flooding. Further, Council finds that the policy seeks to avoid increasing risks associated with natural disasters, including earthquakes.

According to the 2012 DOGAMI Earthquake Risk Study for Oregon's Critical Energy Infrastructure Hub report, a magnitude 8 or 9 Cascadia Subduction Zone earthquake would impact the CEI Hub with: ground shaking; liquefaction (soil behavior phenomenon in which a saturated sand softens and loses strength during strong earthquake ground shaking); lateral spreading (where surficial soil permanently moves laterally due to earthquake shaking); landslides; co-seismic settlement (where the ground surface is permanently lowered due to seismic shaking); and bearing capacity failures (when the foundation soil cannot support the structure it is intended to support).

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According to the 2012 DOGAMI report, liquefaction and lateral spreading hazards are of primary concern to the fossil fuel terminals. As described in the 2012 Oregon State Energy Assurance Plan, this Critical Energy Infrastructure Hub (CEI Hub), where the existing FFTs are located, sits on top of very poor soils that are highly susceptible to earthquake-induced permanent ground deformation. The CEI Hub is adjacent to the Willamette River and has extensive deposits of highly liquefiable soils. These soils (made of sands, silts, gravels and clays) have been naturally deposited by river activity as well as been created from man-made activities, such as hydraulically placed material from river dredging or debris placed as landfill.

Most of Portland's employment and industrial zones are in areas with high to very high levels of liquefaction susceptibility, as documented by the 2018 DOGAMI Earthquake Regional Impact Analysis. Fossil fuel infrastructure poses considerable risks in the event of a major earthquake. The first step in making the current situation better is to ensure that the situation does not get worse. Continuing to allow the unlimited increase in fossil fuel terminal storage tank capacity in a high risk area increases the risk to the Willamette River. The City Council interprets this policy to mean development regulations should not increase the risk from natural hazards. The current regulations that allow unlimited expansion of storage tank capacity increase the risk from natural hazards. The FFTZ amendments proactively limit future earthquake risk by limiting the size of new fossil fuel terminals and prohibiting the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels. Further, by designating existing FFTs as a limited use allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake. Further, the use limitations provide flexibility to FFTs to replace and reconfigure existing storage tank capacity to increase safety.

Policy 7.15. Brownfield remediation. Improve environmental quality and watershed health by promoting and facilitating brownfield remediation and redevelopment that incorporates ecological site design and resource enhancement.

238.Finding: The City Council interprets this policy to mean that the City will create programs to support brownfield cleanup. The FFTZ amendments are Zoning Code changes that are not directly related to the cleanup of brownfields. However, the changes designate existing FFTs as a limited use, which allows the terminals to continue to operate and invest in facilities, including brownfield remediation.

Policy 7.16. Adaptive management. Evaluate trends in watershed and environmental health using current monitoring data and information to guide and support improvements in the effectiveness of City plans and investments.

Policy 7.17. Restoration partnerships. Coordinate plans and investments with other jurisdictions, air and water quality regulators, watershed councils, soil and water conservation districts, Sovereign nations, and community organizations and groups including under-served and under-represented communities, to optimize the benefits, distribution, and cost-effectiveness of watershed restoration and enhancement efforts.

Policy 7.18. Community stewardship. Encourage voluntary cooperation between property owners, community organizations, and public agencies to restore or re-create habitat on their property, including removing invasive plants and planting native species.

239.Finding: The City Council interprets policies 7.16. through 7.18 to mean that the City will create programs to support restoration and community stewardship. The FFTZ amendments are Zoning Code changes that are not directly related to watershed restoration. These policies do not apply.

Planning for natural resource protection

Policy 7.19. Natural resource protection. Protect the quantity, quality, and function of significant natural resources identified in the City’s natural resource inventory, including:

- Rivers, streams, sloughs, and drainageways.
- Floodplains.
- Riparian corridors.
- Wetlands.
- Groundwater.
- Native and other beneficial vegetation species and communities.
- Aquatic and terrestrial habitats, including special habitats or habitats of concern, large anchor habitats, habitat complexes and corridors, rare and declining habitats such as wetlands, native oak, bottomland hardwood forest, grassland habitat, shallow water habitat, and habitats that support special-status or at-risk plant and wildlife species.
- Other resources identified in natural resource inventories.

Policy 7.20. Natural resource inventory. Maintain an up-to-date inventory by identifying the location and evaluating the relative quantity and quality of natural resources.

Policy 7.21. Environmental plans and regulations. Maintain up-to-date environmental protection plans and regulations that specify the significant natural resources to be protected and the types of protections to be applied, based on the best data and science available and on an evaluation of cumulative environmental, social, and economic impacts and tradeoffs. *See Figure 7-2 — Adopted Environmental Plans.*

7.21.a. Improve the effectiveness of environmental protection plans and regulations to protect and encourage enhancement of ecological functions and ecosystem services.

Policy 7.22. Land acquisition priorities and coordination. Maintain a land acquisition program as a tool to protect and support natural resources and their functions. Coordinate land acquisition with the programs of City bureaus and other agencies and organizations.

240.Finding: The City Council interprets policies 7.19 through 7.22 as providing guidance to the City as to how to protect significant natural resources. The *2035 Comprehensive Plan* background documents included an updated Natural Resources Inventory (NRI), which was adopted (Ordinance 185657) and acknowledged by LCDC on June 13, 2014. The NRI identified the location, quantity, and quality of all significant natural resources as required by the inventory provisions of Statewide Planning Goal 5. From the set of all significant resources, high and medium quality resources, ranked primarily from riparian corridor and wildlife habitat considerations, were identified to comply with the inventory requirements of Title 13 of Metro’s Urban Growth Management Functional Plan.

Environmental zones protect resources and functional values that have been identified by the City as providing benefits to the public. The FFTZ amendments are a regulatory approach that will limit the size of new fossil fuel terminals and prohibit the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels, which will be an improvement compared to the current regulations that allow for unlimited growth in fossil fuel terminals. Further, by designating existing FFTs as a limited use allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major

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earthquake, which can minimize environmental impacts in the event of a major earthquake. No changes to the environmental or greenway overlay zones are proposed as part of this project, therefore the natural resource values and functions will continue to be protected.

Protecting natural resources in development situations

Policy 7.23. Impact evaluation. Evaluate the potential adverse impacts of proposed development on significant natural resources, their functions, and the ecosystem services they provide to inform and guide development design and mitigation consistent with policies 7.24-7.26. and other relevant Comprehensive Plan policies.

Policy 7.24. Regulatory hierarchy: avoid, minimize, mitigate. Maintain regulations requiring that the potential adverse impacts of new development on significant natural resources and their functions first be avoided where practicable, then minimized, then lastly, mitigated.

Policy 7.25. Mitigation effectiveness. Require that mitigation approaches compensate fully for adverse impacts on locally and regionally significant natural resources and functions. Require mitigation to be located as close to the impact as possible. Mitigation must also take place within the same watershed or portion of the watershed that is within the Portland Urban Services Boundary, unless mitigating outside of these areas will provide a greater local ecological benefit. Mitigation will be subject to the following preference hierarchy:

- On the site of the resource subject to impact with the same kind of resource; if that is not possible, then
- Off-site with the same kind of resource; if that is not possible, then
- On-site with a different kind of resource; if that is not possible, then
- Off-site with a different kind of resource.

Policy 7.26. Improving environmental conditions through development. Encourage ecological site design, site enhancement, or other tools to improve ecological functions and ecosystem services in conjunction with new development and alterations to existing development.

241. The City Council interprets policies 7.23 through 7.26 as providing guidance to the City as to how to protect significant natural resources. The City's environmental and greenway overlay zones are the regulations that control development in order to protect the resources and functional values while allowing environmentally sensitive urban development. No changes to the environmental or greenway overlay zones are proposed as part of this project, therefore the natural resource values and functions will continue to be protected.

Aggregate resources

Policy 7.27. Aggregate resource protection. Protect aggregate resource sites for current and future use where there are no major conflicts with urban needs, or where these conflicts may be resolved.

Policy 7.28. Aggregate resource development. When aggregate resources are developed, ensure that development minimizes adverse environmental impacts and impacts on adjacent land uses.

Policy 7.29. Mining site reclamation. Ensure that the reclamation of mining sites protects public health and safety, protects fish and wildlife (including at-risk species), enhances or restores habitat (including rare and declining habitat types), restores adequate watershed conditions and functions on the site, and is compatible with the surrounding land uses and conditions of nearby land.

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242.Finding: Policies 7.27 through 7.29 provide guidance on aggregate resources. The FFTZ amendments are Zoning Code changes that affect one allowed use in the employment and industrial zones and are not directly related to aggregate. These policies do not apply.

Watershed-specific policies

The policies above guide planning, actions, and investments citywide. The following policies are intended to augment the citywide Watershed Health and Environment policies by providing additional guidance relating and responding to the characteristics within each of Portland's distinctive watersheds. They address watershed-specific habitat types, hydrology, water quality issues, and stormwater management challenges. Together, the citywide and watershed-specific policies support the close coordination of watershed health and land use programs, guiding land use planning-related activities and future infrastructure investments. While these watersheds are not entirely within Portland's urban services boundary, Portland's actions can have significant benefits for the watershed as a whole.

Columbia River Watershed

Policy 7.30. In-water habitat. Enhance in-water habitat for native fish and wildlife, particularly in the Oregon Slough and near-shore environments along the Columbia River.

Policy 7.31. Sensitive habitats. Enhance grassland, beach, riverbanks, wetlands, bottomland forests, shallow water habitats, and other key habitats for wildlife traveling along the Columbia River migratory corridor, while continuing to manage the levees and floodplain for flood control.

Policy 7.32. River-dependent and river-related uses. Maintain plans and regulations that recognize the needs of river-dependent and river-related uses while also supporting ecologically-sensitive site design and practices.

243.Finding: None of the existing FFTs have frontage on the Columbia River. The Columbia River plays a major role in the habitat corridors that weave nature into Portland, with designated natural resources that are protected by the Environmental Overlay Zone, which is not amended by this ordinance. In considering the natural hazard risks that the FFTs pose to the ecosystem functions on the river, as identified by the Portland Bureau of Emergency Management's Critical Energy Infrastructure Hub Study (2016), the City Council finds that continuing to allow FFTs in a high risk area does not enhance the current or future natural resource functions of the Columbia River. These regulations apply to only one type of allowed that makes up a minority part of the uses found in Portland's industrial districts. The other industrial uses continue to operate under current regulations, including other river-dependent and river-related uses. Therefore, this ordinance maintains the needs of river-dependent and river-related uses, except for FFTs, while supporting ecologically-sensitive site design.

Willamette River Watershed

Policy 7.33. Fish habitat. Provide adequate intervals of ecologically-functional shallow-water habitat for native fish along the entire length of the Willamette River within the city, and at the confluences of its tributaries.

Policy 7.34. Stream connectivity. Improve stream connectivity between the Willamette River and its tributaries.

Policy 7.35. River bank conditions. Preserve existing river bank habitat and encourage the

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rehabilitation of river bank sections that have been significantly altered due to development with more fish and wildlife friendly riverbank conditions.

Policy 7.37. Contaminated sites. Promote and support programs that facilitate the cleanup, reuse, and restoration of the Portland Harbor Superfund site and other contaminated upland sites.

Policy 7.38. Sensitive habitats. Protect and enhance grasslands, beaches, floodplains, wetlands, remnant native oak, bottomland hardwood forest, and other key habitats for native wildlife including shorebirds, waterfowl, and species that migrate along the Pacific Flyway and the Willamette River corridor.

Policy 7.39. Riparian corridors. Increase the width and quality of vegetated Riparian buffers along the Willamette River.

Policy 7.40. Connected upland and river habitats. Enhance habitat quality and connectivity between the Willamette riverfront, the Willamette's floodplain, and upland natural resource areas.

Policy 7.41. River-dependent and river-related uses. Develop and maintain plans and regulations that recognize the needs of river-dependent and river-related uses, while also supporting ecologically-sensitive site design and practices.

244.Finding: Policies 7.33 through 7.41 provide direction regarding the environment and watershed health in the Willamette River Watershed. The eleven existing FFTs have frontage on the Willamette River. The Willamette River plays a major role in the habitat corridors that weave nature into Portland, with designated natural resources that are protected by the Greenway Overlay Zone, which is not amended by this ordinance. In considering the natural hazard risks that the FFTs pose to the ecosystem functions on the river, as identified by the Portland Bureau of Emergency Management's Critical Energy Infrastructure Hub Study (2016), the City Council finds that continuing to allow FFTs in a high risk area does not enhance the current or future natural resource functions of the Willamette River. This ordinance balances environmental and watershed health by narrowly crafting the regulations to apply to only one type of allowed that makes up a minority part of the uses found in Portland's industrial districts. The other industrial uses continue to operate under current regulations, including other river-dependent and river-related uses.

Columbia Slough Watershed

Policy 7.43. Fish passage. Restore in-stream habitat and improve fish passage within the Columbia Slough, including for salmonids in the lower slough.

Policy 7.44. Flow constriction removal. Reduce constriction, such as culverts, in the slough channels, to improve the flow of water and water quality.

Policy 7.45. Riparian corridors. Increase the width, quality, and native plant diversity of vegetated riparian buffers along Columbia Slough channels and other drainageways within the watershed, while also managing the slough for flood control.

Policy 7.46. Sensitive habitats. Enhance grasslands and wetland habitats in the Columbia Slough, such as those found in the Smith and Bybee Lakes and at the St. Johns Landfill site, to provide habitat for sensitive species, and for wildlife traveling along the Columbia and Willamette river migratory corridors.

Policy 7.47. Connected rivers habitats. Enhance upland habitat connections to the Willamette and Columbia rivers.

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Policy 7.48. Contaminated sites. Ensure that plans and investments are consistent with and advance programs that facilitate the cleanup, reuse, and restoration of contaminated sites that are adjacent, or that discharge stormwater, to the Columbia Slough.

Policy 7.49. Portland International Airport. Protect, restore, and enhance natural resources and functions in the Portland International Airport plan district, as identified in Portland International Airport/Middle Columbia Slough Natural Resources Inventory. Accomplish this through regulations, voluntary strategies, and the implementation of special development standards.

245.Finding: Policies 7.43 through 7.49 provide direction regarding the environment and watershed health in the Columbia Slough Watershed. There are no existing FFTs in the Columbia Slough watershed. The Columbia Slough plays a major role in the habitat corridors that weave nature into Portland, with designated natural resources that are protected by the Environmental Overlay Zone, which is not amended by this ordinance. This ordinance helps to advance these policies by prohibiting new FFTs in these watersheds. These regulations apply to only one type of allowed uses that makes up a minority part of the uses found in Portland's industrial districts. The other industrial uses continue to operate under current regulations.

Fanno and Tryon Creek Watersheds

Policy 7.50 Stream connectivity. Encourage the daylighting of piped portions of Tryon and Fanno creeks and their tributaries.

Policy 7.51 Riparian and habitat corridors. Protect and enhance riparian habitat quality and connectivity along Tryon and Fanno creeks and their tributaries. Enhance connections between riparian areas, parks, anchor habitats, and areas with significant tree canopy. Enhance in-stream and upland habitat connections between Tryon Creek State Natural Area and the Willamette River.

Policy 7.52 Reduced hazard risks. Reduce the risks of landslides and streambank erosion by protecting trees and vegetation that absorb stormwater, especially in areas with steep slopes or limited access to stormwater infrastructure.

246.Finding: Policies 7.50 through 7.52 provide direction regarding habitat and river-related uses in the Fanno and Tryon Creek Watersheds. There are no existing FFTs in the Fanno and Tryon Creek watersheds, which play a major role in the habitat corridors that weave nature into Portland, with designated natural resources that are protected by the Environmental Overlay Zone, which is not amended by this ordinance. This ordinance helps to advance these policies by prohibiting new FFTs in these watersheds.

Johnson Creek Watershed

Policy 7.53 In-stream and riparian habitat. Enhance in-stream and riparian habitat and improve fish passage for salmonids along Johnson Creek and its tributaries.

Policy 7.54 Floodplain restoration. Enhance Johnson Creek floodplain functions to increase flood-storage capacity, improve water quality, and enhance fish and wildlife habitat.

Policy 7.55 Connected floodplains, springs, and wetlands. Enhance hydrologic and habitat connectivity between the Johnson Creek floodplain and its springs and wetlands.

Policy 7.56 Reduced natural hazards. Reduce the risks of landslides, streambank erosion and

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downstream flooding by protecting seeps, springs, trees, vegetation, and soils that absorb stormwater in the East Buttes.

Policy 7.57 Greenspace network. Enhance the network of parks, trails, and natural areas near the Springwater Corridor Trail and the East Buttes to enhance habitat connectivity and nature-based recreation in East Portland.

247.Finding: Policies 7.53 through 7.57 provide direction regarding the environment and watershed health in the Johnson Creek Watershed. There are no existing FFTs in the Fanno and Tryon Creek watersheds, which play a major role in the habitat corridors that weave nature into Portland, with designated natural resources that are protected by the Environmental Overlay Zone, which is not amended by this ordinance. These regulations apply to only one type of allowed that makes up a minority part of the uses found in Portland’s industrial districts. The other industrial uses continue to operate under current regulations, including other river-dependent and river-related uses. This ordinance helps to advance these policies by prohibiting new FFTs in this watershed.

Chapter 8: Public Facilities and Services

Goal 8.A: Quality public facilities and services. High-quality public facilities and services provide Portlanders with optimal levels of service throughout the city, based on system needs and community goals, and in compliance with regulatory mandates.

Goal 8.B: Multiple benefits. Public facility and service investments improve equitable service provision, support economic prosperity, and enhance human and environmental health.

Goal 8.C: Reliability and resiliency. Public facilities and services are reliable, able to withstand or recover from catastrophic natural and manmade events, and are adaptable and resilient in the face of long-term changes in the climate, economy, and technology.

Goal 8.D: Public rights-of-way. Public rights-of-way enhance the public realm and provide a multi-purpose, connected, safe, and healthy physical space for movement and travel, public and private utilities, and other appropriate public functions and uses.

Goal 8.E: Sanitary and stormwater systems. Wastewater and stormwater are managed, conveyed, and/or treated to protect public health, safety, and the environment, and to meet the needs of the community on an equitable, efficient, and sustainable basis.

Goal 8.F: Flood management. Flood management systems and facilities support watershed health and manage flooding to reduce adverse impacts on Portlanders’ health, safety, and property.

Goal 8.G: Water. Reliable and adequate water supply and delivery systems provide sufficient quantities of high-quality water at adequate pressures to meet the needs of the community on an equitable, efficient, and sustainable basis.

Goal 8.H: Parks, natural areas, and recreation. All Portlanders have safe, convenient, and equitable access to high-quality parks, natural areas, trails, and recreational opportunities in their daily lives, which contribute to their health and well-being. The City manages its natural areas and urban forest to protect unique urban habitats and offer Portlanders an opportunity to connect with nature.

Goal 8.I: Public safety and emergency response. Portland is a safe, resilient, and peaceful community where public safety, emergency response, and emergency management facilities and services are coordinated and able to effectively and efficiently meet community needs.

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Goal 8.J: Solid waste management. Residents and businesses have access to waste management services and are encouraged to be thoughtful consumers to minimize upstream impacts and avoid generating waste destined for the landfill. Solid waste — including food, yard debris, recyclables, electronics, and construction and demolition debris — is managed, recycled, and composted to ensure the highest and best use of materials.

Goal 8.K: School facilities. Public schools are honored places of learning as well as multifunctional neighborhood anchors serving Portlanders of all ages, abilities, and cultures.

Goal 8.L: Technology and communications. All Portland residences, businesses, and institutions have access to universal, affordable, and reliable state-of-the-art communication and technology services.

Goal 8.M: Energy infrastructure and services. Residents, businesses, and institutions are served by reliable energy infrastructure that provides efficient, low-carbon, affordable energy through decision-making based on integrated resource planning.

248.Finding: The City Council interprets the Chapter 8 goals to provide general guidance to public agencies in how to provide basic services to Portlanders. The adopted 2035 Comprehensive Plan includes the Citywide Systems Plan (CSP), which was adopted (Ordinance 185657) and acknowledged by LCDC on April 25, 2017. The CSP includes the Public Facilities Plan with information on current and future transportation, water, sanitary sewer, and stormwater infrastructure needs and projects, consistent with the requirements of Statewide Planning Goal 11.

The FFTZ amendments do not include comprehensive plan map amendments and do not amend the CSP. These regulations apply to only one type of use that makes up a minority part of the uses found in Portland's industrial districts. The remaining industrial uses continue to be regulated under the current development regulations and do not intensify the development capacity. Therefore, these changes will not adversely impact the City's public facilities or services. Therefore, the City continues to plan for public infrastructure investments in the industrial districts where the FFTs are located.

Goal 8.M (energy infrastructure) is the one goal that is applicable to this ordinance. Oregon Administrative Rules (OAR 860-027-0400) define integrated resource plans (IRP) as investor-owned energy utility's written plan detailing its future long-term resource needs, its analysis of the expected costs and associated risks of the alternatives to meet those needs, and its action plan to select the best portfolio of resources to meet those needs. The NW Natural LNG Storage facility is the only FFT in Portland that is part of an investor-owned utility. NW Natural's 2018 IRP identifies the replacement of mechanical process equipment used for the liquefaction, vaporization, or storage of LNG, but not expansion of storage capacity. The FFTZ amendments only regulate fossil fuel storage tank capacity, therefore these changes are consistent with the NW Natural IRP.

As documented in the 2012 DOGAMI report, the current CEI hub infrastructure is not reliable in the event of a magnitude 8 or 9 Cascadia Subduction Zone earthquake. The FFTZ amendments will limit the size of new fossil fuel terminals and prohibit the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels, which will minimize the risk from a future major earthquake compared to the current regulations that allow for unlimited growth in FFTs. The FFTZ amendments help provide a reliable, low-carbon energy infrastructure by designating existing FFTs as a limited use, which allows the terminals to continue to operate and invest in facilities to increase safety and reliability. In addition, the definition of fossil fuels (33.910.030) explicitly does not include ethanol, biodiesel/renewable diesel other fuel additives that will allow FFTs to add storage capacity to provide reliable low-carbon fuels.

Service provision and urbanization

Policy 8.1. Urban services boundary. Maintain an Urban Services Boundary for the City of Portland that is consistent with the regional urban growth policy, in cooperation with neighboring jurisdictions. The Urban Services Boundary is shown on the Comprehensive Plan Map.

Policy 8.2. Rural, urbanizable, and urban public facility needs. Recognize the different public facility needs in rural, urbanizable and urban land as defined by the Regional Urban Growth Boundary, the City Urban Services Boundary, and the City Boundaries of Municipal Incorporation. See Figure 8-1 — Urban, Urbanizable, and Rural Lands.

Policy 8.3. Urban service delivery. Provide the following public facilities and services at urban levels of service to urban lands within the City’s boundaries of incorporation:

- Public rights-of-way, streets, and public trails
- Sanitary sewers and wastewater treatment
- Stormwater management and conveyance
- Flood management
- Protection of the waterways of the state
- Water supply
- Police, fire, and emergency response
- Parks, natural areas, and recreation
- Solid waste regulation

Policy 8.4. Supporting facilities and systems. Maintain supporting facilities and systems, including public buildings, technology, fleet, and internal service infrastructure, to enable the provision of public facilities and services.

Policy 8.5. Planning service delivery. Provide planning, zoning, building, and subdivision control services within the boundaries of incorporation, and as otherwise provided by intergovernmental agreement within the City’s Urban Services Boundary.

249.Finding: The City Council interprets policies 8.1 through 8.5 provide direction on the provision of public facilities and services. The FFTZ amendments do not include new public facility or infrastructure projects. These policies do not apply.

Service coordination

Policy 8.6. Interagency coordination. Maintain interagency coordination agreements with neighboring jurisdictions and partner agencies that provide urban public facilities and services within the City of Portland’s Urban Services Boundary to ensure effective and efficient service delivery. See Policy 8.3 for the list of services included. Such jurisdictions and agencies include, but may not be limited to:

- Multnomah County for transportation facilities and public safety.
- State of Oregon for transportation and parks facilities and services.
- TriMet for public transit facilities and services.
- Port of Portland for air and marine facilities and services.
- Metro for regional parks and natural areas, and for solid waste, composting, and recycling

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facilities and transfer stations.

- Gresham, Milwaukie, Clackamas County Service District #1, and Clean Water Services for sanitary sewer conveyance and treatment.
- Multnomah County Drainage District No. 1, Peninsula Drainage District No 1, and Peninsula Drainage District No. 2 for stormwater management and conveyance, and for flood mitigation, protection, and control.
- Rockwood People's Utility District; Sunrise Water Authority; and the Burlington, Tualatin Valley, Valley View, West Slope, Palatine Hill, Alto Park, and Clackamas River Water Districts for water distribution.
- Portland Public Schools and the David Douglas, Parkrose, Reynolds, Centennial, and Riverdale school districts for public education, park, trail, and recreational facilities.

Policy 8.7. Outside contracts. Coordinate with jurisdictions and agencies outside of Portland where the City provides services under agreement.

Policy 8.8. Public service coordination. Coordinate with the planning efforts of agencies providing public education, public health services, community centers, urban forest management, library services, justice services, energy, and technology and communications services.

Policy 8.9. Internal coordination. Coordinate planning and provision of public facilities and services, including land acquisition, among City agencies, including internal service bureaus.

Policy 8.10. Co-location. Encourage co-location of public facilities and services across providers where co-location improves service delivery efficiency and access for historically under-represented and under-served communities.

250.Finding: The City Council interprets policies 8.6 through 8.10 provide direction on coordination with neighboring jurisdictions and partner agencies that provide urban public facilities and services within the City of Portland's Urban Services Boundary. The FFTZ amendments do not include new public facility or infrastructure projects or amendments to public service coordination agreements. These policies do not apply.

Service extension

Policy 8.11. Annexation. Require annexation of unincorporated urbanizable areas within the City's Urban Services Boundary as a prerequisite to receive urban services.

Policy 8.12. Feasibility of service. Evaluate the physical feasibility and cost-effectiveness of extending urban public services to candidate annexation areas to ensure sensible investment and to set reasonable expectations.

Policy 8.13. Orderly service extension. Establish or improve urban public services in newly-annexed areas to serve designated land uses at established levels of service, as funds are available and as responsible engineering practice allows.

Policy 8.14. Coordination of service extension. Coordinate provision of urban public services to newly-annexed areas so that provision of any given service does not stimulate development that significantly hinders the City's ability to provide other urban services at uniform levels.

Policy 8.15. Services to unincorporated urban pockets. Plan for future delivery of urban services to urbanizable areas that are within the Urban Services Boundary but outside the city limits.

Policy 8.16. Orderly urbanization. Coordinate with counties, neighboring jurisdictions, and other

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special districts to ensure consistent management of annexation requests, and to establish rational and orderly process of urbanization that maximize efficient use of public funds.

Policy 8.17. Services outside the city limits. Prohibit City provision of new urban services, or expansion of the capacity of existing services, in areas outside city limits, except in cases where the City has agreements or contracts in place.

Policy 8.18. Service district expansion. Prohibit service district expansion or creation within the City's Urban Services Boundary without the City's expressed consent.

Policy 8.19. Rural service delivery. Provide the public facilities and services identified in Policy 8.3 in rural areas only at levels necessary to support designated rural residential land uses and protect public health and safety. Prohibit sanitary sewer extensions into rural land and limit other urban services.

251.Finding: The City Council interprets policies 8.11 through 8.19 provide direction on extending public services. The FFTZ amendments do not include new public facility or infrastructure projects or service extensions. These policies do not apply.

Public investment

Policy 8.20. Regulatory compliance. Ensure public facilities and services remain in compliance with state and federal regulations. Work toward cost-effective compliance with federal and state mandates through intergovernmental coordination and problem solving.

Policy 8.21. System capacity. Establish, improve, and maintain public facilities and services at levels appropriate to support land use patterns, densities, and anticipated residential and employment growth, as physically feasible and as sufficient funds are available.

Policy 8.22. Equitable service. Provide public facilities and services to alleviate service deficiencies and meet level-of-service standards for all Portlanders, including individuals, businesses, and property owners.

8.22.a. In places that are not expected to grow significantly but have existing deficiencies, invest to reduce disparity and improve livability.

8.22.b. In places that lack basic public facilities or services and also have significant growth potential, invest to enhance neighborhoods, fill gaps, maintain affordability, and accommodate growth.

8.22.c. In places that are not expected to grow significantly and already have access to complete public facilities and services, invest primarily to maintain existing facilities and retain livability.

8.22.d. In places that already have access to complete public facilities and services, but also have significant growth potential, invest to fill remaining gaps, maintain affordability, and accommodate growth.

Policy 8.23. Asset management. Improve and maintain public facility systems using asset management principles to optimize preventative maintenance, reduce unplanned reactive maintenance, achieve scheduled service delivery, and protect the quality, reliability, and adequacy of City services.

Policy 8.24. Risk management. Maintain and improve Portland's public facilities to minimize or eliminate economic, social, public health and safety, and environmental risks.

Policy 8.25. Critical infrastructure. Increase the resilience of high-risk and critical infrastructure

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through monitoring, planning, maintenance, investment, adaptive technology, and continuity planning.

Policy 8.26. Capital programming. Maintain long-term capital improvement programs that balance acquisition and construction of new public facilities with maintenance and operations of existing facilities.

252.Finding: The City Council interprets policies 8.20 through 8.26 provide direction on investment priorities for public facilities. The FFTZ amendments do not include new public facility or infrastructure projects. These policies do not apply.

Funding

Policy 8.27. Cost-effectiveness. Establish, improve, and maintain the public facilities necessary to serve designated land uses in ways that cost-effectively provide desired levels of service, consider facilities' lifecycle costs, and maintain the City's long-term financial sustainability.

Policy 8.28. Shared costs. Ensure the costs of constructing and providing public facilities and services are equitably shared by those who benefit from the provision of those facilities and services.

Policy 8.29. System development. Require private or public entities whose prospective development or redevelopment actions contribute to the need for public facility improvements, extensions, or construction to bear a proportional share of the costs.

Policy 8.30. Partnerships. Maintain or establish public and private partnerships for the development, management, or stewardship of public facilities necessary to serve designated land uses, as appropriate.

253.Finding: The City Council interprets policies 8.27 through 8.30 provide direction on funding public facilities and services within the City of Portland's Urban Services Boundary. The FFTZ amendments do not include new public facility or infrastructure projects. These policies do not apply.

Public benefits

Policy 8.31. Application of Guiding Principles. Plan and invest in public facilities in ways that promote and balance the Guiding Principles established in The Vision and Guiding Principles of this Comprehensive Plan.

Policy 8.32. Community benefit agreements. Encourage the use of negotiated community benefit agreements for large public facility projects as appropriate to address environmental justice policies in Chapter 2: Community Involvement.

Policy 8.33. Community knowledge and experience. Encourage public engagement processes and strategies for larger public facility projects to include community members in identifying potential impacts, mitigation measures and community benefits.

Policy 8.34. Resource efficiency. Reduce the energy and resource use, waste, and carbon emissions from facilities necessary to serve designated land uses to meet adopted City goals and targets.

Policy 8.35. Natural systems. Protect, enhance, and restore natural systems and features for their infrastructure service and other values.

Policy 8.36. Context-sensitive infrastructure. Design, improve, and maintain public rights-of-way and facilities in ways that are compatible with, and that minimize negative impacts on, their physical, environmental, and community context.

Policy 8.37. Site- and area-specific needs. Allow for site- and area-specific public facility standards,

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requirements, tools, and policies as needed to address distinct topographical, geologic, environmental, and other conditions.

Policy 8.38. Age-friendly public facilities. Promote public facility designs that make Portland more age-friendly.

254.Finding: The City Council interprets policies 8.31 through 8.38 provide direction on the associated public benefits that should be considered in conjunction with investment in public facilities and services within the City of Portland’s Urban Services Boundary. The FFTZ amendments do not include new public facility or infrastructure projects. These policies do not apply.

Public rights-of-way

Policy 8.39. Interconnected network. Establish a safe and connected rights-of-way system that equitably provides infrastructure services throughout the city.

Policy 8.40. Transportation function. Improve and maintain the right-of-way to support multimodal transportation mobility and access to goods and services as is consistent with the designated street classification.

Policy 8.41. Utility function. Improve and maintain the right-of-way to support equitable distribution of utilities, including water, sanitary sewer, stormwater management, energy, and communications, as appropriate.

Policy 8.42. Stormwater management function. Improve rights-of-way to integrate green infrastructure and other stormwater management facilities to meet desired levels-of-service and economic, social, and environmental objectives.

Policy 8.43. Trees in rights-of-way. Integrate trees into public rights-of-way to support City canopy goals, transportation functions, and economic, social, and environmental objectives.

Policy 8.44. Community uses. Allow community use of rights-of-way for purposes such as public gathering space, events, or temporary festivals, if the community uses are integrated in ways that balance and minimize conflict with the designated through movement and access roles of rights-of-ways.

Policy 8.45. Pedestrian amenities. Encourage facilities that enhance pedestrian enjoyment, such as transit shelters, garbage containers, benches, etc. in the right-of-way.

Policy 8.46. Commercial uses. Accommodate allowable commercial uses of the rights-of-way for enhancing commercial vitality, if the commercial uses can be integrated in ways that balance and minimize conflict with the other functions of the right-of-way.

Policy 8.47. Flexible design. Allow flexibility in right-of-way design and development standards to appropriately reflect the pattern area and other relevant physical, community, and environmental contexts and local needs.

8.47.a. Use a variety of transportation resources in developing and designing projects for all City streets, such as the City of Portland’s Pedestrian Design Guide, Bicycle Master Plan- Appendix A, NACTO Urban Bikeway Design Guide, NACTO Urban Street Design Guide, Portland Parks and Recreation Trail Design Guidelines, Designing for Truck Movements and Other Large Vehicles, and City of Portland Green Street Policy, Stormwater Management Manual, Design Guide for Public Street Improvements, and Neighborhood Greenways. (TSP objective 8.1.e.).

Policy 8.48. Corridors and City Greenways. Ensure public facilities located along Civic Corridors,

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Neighborhood Corridors, and City Greenways support the multiple objectives established for these corridors.

Policy 8.49. Coordination. Coordinate the planning, design, development, improvement, and maintenance of public rights-of-way among appropriate public agencies, private providers, and adjacent landowners.

8.49.a. Coordination efforts should include the public facilities necessary to support the uses and functions of rights-of-way, as established in policies 8.40 to 8.46.

8.49.b. Coordinate transportation and stormwater system plans and investments, especially in unimproved or substandard rights-of-way, to improve water quality, public safety, including for pedestrians and bicyclists, and neighborhood livability.

Policy 8.50. Undergrounding. Encourage undergrounding of electrical and telecommunications facilities within public rights-of-way, especially in centers and along Civic Corridors.

Policy 8.51. Right-of-way vacations. Maintain rights-of-way if there is an established existing or future need for them, such as for transportation facilities or for other public functions established in policies 8.40 to 8.46.

Policy 8.52. Rail rights-of-way. Preserve existing and abandoned rail rights-of-way for future rail or public trail uses.

255.Finding: The City Council interprets policies 8.39 through 8.52 to apply to new public facilities or infrastructure projects in the right-of-way. The FFTZ amendments do not include new public facility or infrastructure projects in the right-of-way. These policies do not apply.

Trails

Policy 8.53. Public trails. Establish, improve, and maintain a citywide system of public trails that provide transportation and/or recreation options and are a component of larger network of facilities for bicyclists, pedestrians, and recreational users.

Policy 8.54. Trail system connectivity. Plan, improve, and maintain the citywide trail system so that it connects and improves access to Portland's neighborhoods, commercial areas, employment centers, schools, parks, natural areas, recreational facilities, regional destinations, the regional trail system, and other key places that Portlanders access in their daily lives.

Policy 8.55. Trail coordination. Coordinate planning, design, improvement, and maintenance of the trail system among City agencies, other public agencies, non-governmental partners, and adjacent landowners.

Policy 8.56. Trail diversity. Allow a variety of trail types to reflect a trail's transportation and recreation roles, requirements, and physical context.

Policy 8.57. Public access requirements. Require public access and improvement of public trails along the future public trail alignments shown in Figure 8-2 — Future Public Trail Alignments.

Policy 8.58. Trail and City Greenway coordination. Coordinate the planning and improvement of trails as part of the City Greenways system.

Policy 8.59. Trail and Habitat Corridor coordination. Coordinate the planning and improvement of trails with the establishment, enhancement, preservation, and access to habitat corridors.

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Policy 8.60. Intertwine coordination. Coordinate with the Intertwine Alliance and its partners, including local and regional parks providers, to integrate Portland’s trail and active transportation network with the bi-state regional trail system.

256.Finding: The City Council interprets policies 8.53 through 8.60 to apply to designated trails. While designated trail alignments are included in public rights of way adjacent industrial zones, the FFTZ amendments do not amend the designated trail alignments. These policies do not apply.

Sanitary system

Policy 8.61. Sewer connections. Require all developments within the city limits to be connected to sanitary sewers unless the public sanitary system is not physically or legally available per City Code and state requirements; or the existing onsite septic system is functioning properly without failure or complaints per City Code and state requirements; and the system has all necessary state and county permits.

Policy 8.62. Combined sewer overflows. Provide adequate public facilities to limit combined sewer overflows to frequencies established by regulatory permits.

Policy 8.63. Sanitary sewer overflows. Provide adequate public facilities to prevent sewage releases to surface waters as consistent with regulatory permits.

Policy 8.64. Private sewage treatment systems. Adopt land use regulations that require any proposed private sewage treatment system to demonstrate that all necessary state and county permits are obtained.

Policy 8.65. Sewer extensions. Prioritize sewer system extensions to areas that are already developed at urban densities and where health hazards exist.

Policy 8.66. Pollution prevention. Reduce the need for wastewater treatment capacity through land use programs and public facility investments that manage pollution as close to its source as practical and that reduce the amount of pollution entering the sanitary system.

Policy 8.67. Treatment. Provide adequate wastewater treatment facilities to ensure compliance with effluent standards established in regulatory permits.

257.Finding: The City Council interprets policies 8.61 through 8.67 to apply to the provision of sanitary sewer facilities. The FFTZ amendments do not include comprehensive plan map amendments and do not amend the CSP. These regulations apply to only one type of use that makes up a minority part of the uses found in Portland’s industrial districts. The remaining industrial uses continue to be regulated under the current development regulations and do not intensify the development capacity. Therefore, these changes will not adversely impact the City’s sanitary sewer system.

Stormwater Systems

Policy 8.68. Stormwater facilities. Provide adequate stormwater facilities for conveyance, flow control, and pollution reduction.

Policy 8.69. Stormwater as a resource. Manage stormwater as a resource for watershed health and public use in ways that protect and restore the natural hydrology, water quality, and habitat of Portland’s watersheds.

Policy 8.70 Natural systems. Protect and enhance the stormwater management capacity of natural resources such as rivers, streams, creeks, drainageways, wetlands, and floodplains.

Policy 8.71. Green infrastructure. Promote the use of green infrastructure, such as natural areas, the

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urban forest, and landscaped stormwater facilities, to manage stormwater.

Policy 8.72. Stormwater discharge. Avoid or minimize the impact of stormwater discharges on the water and habitat quality of rivers and streams.

Policy 8.73. On-site stormwater management. Encourage on-site stormwater management, or management as close to the source as practical, through land use decisions and public facility investments.

Policy 8.74. Pollution prevention. Coordinate policies, programs, and investments with partners to prevent pollutants from entering the stormwater system by managing point and non-point pollution sources through public and private facilities, local regulations, and education.

Policy 8.75. Stormwater partnerships. Provide stormwater management through coordinated public and private facilities, public-private partnerships, and community stewardship.

258. Finding: The City Council interprets policies 8.68 through 8.75 to apply to the provision of stormwater facilities. The FFTZ amendments do not include comprehensive plan map amendments and do not amend the CSP. These regulations apply to only one type of use that makes up a minority part of the uses found in Portland's industrial districts. The remaining industrial uses continue to be regulated under the current development regulations and do not intensify the development capacity. Therefore, these changes will not adversely impact the City's stormwater systems.

Flood management

Policy 8.76. Flood management. Improve and maintain the functions of natural and managed drainageways, wetlands, and floodplains to protect health, safety, and property, provide water conveyance and storage, improve water quality, and maintain and enhance fish and wildlife habitat.

Policy 8.77. Floodplain management. Manage floodplains to protect and restore associated natural resources and functions and to minimize the risks to life and property from flooding.

Policy 8.78. Flood management facilities. Establish, improve, and maintain flood management facilities to serve designated land uses through planning, investment and regulatory requirements.

Policy 8.79. Drainage district coordination. Coordinate with drainage districts that provide stormwater management, conveyance, and flood mitigation, protection, and control services within the City's Urban Services Boundary.

Policy 8.80. Levee coordination. Coordinate plans and investments with special districts and agencies responsible for managing and maintaining certification of levees along the Columbia River.

259. The City Council interprets policies 8.76 through 8.80 to apply to the management of floodplains. Six of the existing FFTs have frontage on the Willamette River, with portions of the sites in the FEMA designated 100-year floodplain. For sites in flood prone areas, the FFTZ amendments do not amend the environmental overlay maps, nor do they change City programs that regulate development in the floodplain (i.e., Title 33.631 Sites in Flood Hazard Areas; Title 10 Erosion Control, and the balanced cut and fill requirements of Title 24).

Water systems

Policy 8.81. Primary supply source. Protect the Bull Run watershed as the primary water supply source for Portland.

Policy 8.82. Bull Run protection. Maintain a source-protection program and practices to safeguard the

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Bull Run watershed as a drinking water supply.

Policy 8.83. Secondary supply sources. Protect, improve, and maintain the Columbia South Shore wellfield groundwater system, the Powell Valley wellfield groundwater system, and any other alternative water sources designated as secondary water supplies.

Policy 8.84. Groundwater wellfield protection. Maintain a groundwater protection program and practices to safeguard the Columbia South Shore wellfield and the Powell Valley wellfield as drinking water supplies.

Policy 8.85. Water quality. Maintain compliance with state and federal drinking water quality regulations.

Policy 8.86. Storage. Provide sufficient in-city water storage capacity to serve designated land uses, meet demand fluctuations, maintain system pressure, and ensure supply reliability.

Policy 8.87. Fire protection. Provide adequate water facilities to serve the fire protection needs of all Portlanders and businesses.

Policy 8.88. Water pressure. Provide adequate water facilities to maintain water pressure in order to protect water quality and provide for the needs of customers.

Policy 8.89. Water efficiency. Reduce the need for additional water facility capacity and maintain compliance with state water resource regulations by encouraging efficient use of water by customers within the city.

Policy 8.90. Service interruptions. Maintain and improve water facilities to limit interruptions in water service to customers.

Policy 8.91. Outside user contracts. Coordinate long-term water supply planning and delivery with outside-city water purveyors through long-term wholesale contracts.

260.Finding: The City Council interprets policies 8.81 through 8.91 to apply to the provision of water service. The FFTZ amendments do not include comprehensive plan map amendments and do not amend the CSP. These regulations apply to only one type of use that makes up a minority part of the uses found in Portland's industrial districts. The remaining industrial uses continue to be regulated under the current development regulations and do not intensify the development capacity. Therefore, these changes will not adversely impact the City's water system.

Parks and recreation

Policy 8.92. Acquisition, development, and maintenance. Provide and maintain an adequate supply and variety of parkland and recreational facilities to serve the city's current and future population based on identified level-of-service standards and community needs.

Policy 8.93. Service equity. Invest in acquisition and development of parks and recreation facilities in areas where service-level deficiencies exist.

Policy 8.94. Capital programming. Maintain a long-range park capital improvement program, with criteria that considers acquisition, development, and operations; provides opportunities for public input; and emphasizes creative and flexible financing strategies.

Policy 8.95. Park planning. Improve parks, recreational facilities, natural areas, and the urban forest in accordance with current master plans, management plans, or adopted strategies that reflect user

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group needs, development priorities, development and maintenance costs, program opportunities, financing strategies, and community input.

Policy 8.96. Recreational trails. Establish, improve, and maintain a complete and connected system of public recreational trails, consistent with Portland Parks & Recreation’s trail strategy.

Policy 8.97. Natural resources. Preserve, enhance, and manage City-owned natural areas and resources to protect and improve their ecological health, in accordance with both the natural area acquisition and restoration strategies, and to provide compatible public access.

Policy 8.98. Urban forest management. Manage urban trees as green infrastructure with associated ecological, community, and economic functions, through planning, planting, and maintenance activities, education, and regulation.

Policy 8.99. Recreational facilities. Provide a variety of recreational facilities and services that contribute to the health and well-being of Portlanders of all ages and abilities.

261.Finding: The City Council interprets policies 8.92 through 8.103 to address City-owned parks and natural areas and not development on private land. These policies do not apply.

Public safety and emergency response

Policy 8.104. Emergency preparedness, response, and recovery coordination. Coordinate land use plans and public facility investments between City bureaus, other public and jurisdictional agencies, businesses, community partners, and other emergency response providers, to ensure coordinated and comprehensive emergency and disaster risk reduction, preparedness, response, and recovery.

Policy 8.105. Emergency management facilities. Provide adequate public facilities – such as emergency coordination centers, communications infrastructure, and dispatch systems – to support emergency management, response, and recovery.

Policy 8.106. Police facilities. Improve and maintain police facilities to allow police personnel to efficiently and effectively respond to public safety needs and serve designated land uses.

Policy 8.107. Community safety centers. Establish, coordinate, and co-locate public safety and other community services in centers.

Policy 8.108. Fire facilities. Improve and maintain fire facilities to serve designated land uses, ensure equitable and reliable response, and provide fire and life safety protection that meets or exceeds minimum established service levels.

Policy 8.109. Mutual aid. Maintain mutual aid coordination with regional emergency response providers as appropriate to protect life and ensure safety.

Policy 8.110. Community preparedness. Enhance community preparedness and capacity to prevent, withstand, and recover from emergencies and natural disasters through land use decisions and public facility investments.

Policy 8.111. Continuity of operations. Maintain and enhance the City's ability to withstand and recover from natural disasters and human-made disruptions in order to minimize disruptions to public services.

262.Finding: The City Council interprets policies 8.104 through 8.111 to address the provision of public safety and emergency response services and not development on private land. These policies do not apply.

Solid waste management

Policy 8.112. Waste management. Ensure land use programs, rights-of-way regulations, and public facility investments allow the City to manage waste effectively and prioritize waste management in the following order: waste reduction, recycling, anaerobic digestion, composting, energy recovery, and then landfill.

263.Finding: The City Council interprets this policy to address the provision of waste management services and not development on private land. These policies do not apply.

School facilities

Policy 8.113. School district capacity. Consider the overall enrollment capacity of a school district – as defined in an adopted school facility plan that meets the requirements of Oregon Revised Statute 195 – as a factor in land use decisions that increase capacity for residential development.

Policy 8.114. Facilities Planning. Facilitate coordinated planning among school districts and City bureaus, including Portland Parks and Recreation, to accommodate school site/facility needs in response to most up-to-date growth forecasts.

Policy 8.115. Co-location. Encourage public school districts, Multnomah County, the City of Portland, and other providers to co-locate facilities and programs in ways that optimize service provision and intergenerational and intercultural use.

Policy 8.116. Community use. Encourage public use of public school grounds for community purposes while meeting educational and student safety needs and balancing impacts on surrounding neighborhoods.

Policy 8.117. Recreational use. Encourage publicly-available recreational amenities (e.g. athletic fields, green spaces, community gardens, and playgrounds) on public school grounds for public recreational use, particularly in neighborhoods with limited access to parks.

Policy 8.118. Schools as emergency aid centers. Encourage the use of seismically-safe school facilities as gathering and aid-distribution locations during natural disasters and other emergencies.

Policy 8.119. Facility adaptability. Ensure that public schools may be upgraded to flexibly accommodate multiple community-serving uses and adapt to changes in educational approaches, technology, and student needs over time.

Policy 8.120. Leverage public investment. Encourage City public facility investments that complement and leverage local public school districts' major capital investments.

Policy 8.121. School access. Encourage public school districts to consider the ability of students to safely walk and bike to school when making decisions about the site locations and attendance boundaries of schools.

Policy 8.122. Private institutions. Encourage collaboration with private schools and educational institutions to support community and recreational use of their facilities.

264.Finding: The City Council interprets policies 8.115 through 8.122 to address school facilities and not development on private land. These policies do not apply.

Technology and communications

Policy 8.123. Technology and communication systems. Maintain and enhance the City's technology and communication facilities to ensure public safety, facilitate access to information, and maintain City operations.

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Policy 8.124. Equity, capacity, and reliability. Encourage plans and investments in technology and communication infrastructure to ensure access in all areas of the city, reduce disparities in capacity, and affordability, and to provide innovative high-performance, reliable service for Portland’s residents and businesses.

265.Finding: The City Council interprets policies 8.123 and 8.124 to address the provision technology and communication services and not development on private land. This policy does not apply.

Energy infrastructure

Policy 8.125. Energy efficiency. Promote efficient and sustainable production and use of energy resources by residents and businesses, including low-carbon renewable energy sources, district energy systems, and distributed generation, through land use plans, zoning, and other legislative land use decisions.

Policy 8.126. Coordination. Coordinate with energy providers to encourage investments that ensure reliable, equitable, efficient, and affordable energy for Portland residents and businesses.

266.Finding: The City Council finds that “promote” means to “further the progress of, advance, or raise.” The 2035 Comprehensive Plan defines “coordinate” as work together with others toward a common goal; collaborate. The verb “encourage”, which is defined in the 2035 Comprehensive Plan, means to promote or foster using some combination of voluntary approaches, regulations, or incentives. The City Council finds that these policies work together to promote efficient and sustainable production and use of energy. Also, the City Council finds that this is done by coordinating with energy providers to encourage investments that will result in reliable, equitable, efficient and affordable energy. As part of the concept development of the zoning code changes, in June 2016 BPS held stakeholder focus group meetings with representatives from energy providers - the FFTs, the Western States Petroleum Association and Northwest Natural. The Proposed Draft was crafted in response to these discussions and additional comments on the Discussion Draft. Further, in response to testimony at the Planning and Sustainability Commission, changes were made to the use regulations to designate FFTs as a limited use (rather than a prohibited use) and allow for a ten percent expansion of storage capacity in conjunction with seismic safety upgrades. The City Council received testimony from energy providers that a ten percent capacity increase limit would be a severe limitation and would not justify the private investment needed to replace existing tanks. However, the City Council found that the energy providers’ proposed Energy Corridor Overlay zone and definition of “region” as a seven state area (PADD-5) was not consistent with other City goals and policies to reduce seismic risk. Further, the City does not have the administrative authority and capacity to monitor and enforce regulations to control the destination of fossil fuels flowing through Portland to a seven-state region. Also, allowing for unlimited expansion of Portland’s FFTs is not consistent with the DOGAMI recommendation to mitigate seismic vulnerability by increasing redundancy and reserve capacity in Oregon’s liquid fuel supply by replacing, relocating, or adding redundant systems elsewhere. The FFTZ amendments designate existing FFTs as a limited use, as opposed to a prohibited or nonconforming use, allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake. Further, the use limitations (33.140.100.B.17.a) provide flexibility to FFTs to replace and reconfigure existing storage tank capacity to increase safety.

The City has a few provisions in the Zoning Code to support energy conservation, including energy efficiency or renewable energy improvements do not trigger nonconforming upgrade improvements (PCC 33.258); development standards for small, urban-wind turbines (PCC 33.299); and a requirement that new development in the Central City Plan District must register for green

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building certification (PCC 33.510). The FFTZ amendments do not amend any of these implementing provisions.

Chapter 9 Transportation

GOAL 9.A: Safety. Transportation safety impacts the livability of a city and the comfort and security of those using City streets. Comprehensive efforts to improve transportation safety through engineering, education, enforcement and evaluation will be used to eliminate traffic-related fatalities and serious injuries from Portland's transportation system.

Goal 9.B: Multiple goals. Portland's transportation system is funded and maintained to achieve multiple goals and measurable outcomes for people and the environment. The transportation system is safe, complete, interconnected, multimodal, and fulfills daily needs for people and businesses.

GOAL 9.C: Great places. Portland's transportation system enhances quality of life for all Portlanders, reinforces existing neighborhoods and great places, and helps make new great places in town centers, neighborhood centers and corridors, and civic corridors.

GOAL 9.D: Environmentally sustainable. The transportation system increasingly uses active transportation, renewable energy, or electricity from renewable sources, achieves adopted carbon reduction targets, and reduces air pollution, water pollution, noise, and Portlanders' reliance on private vehicles.

GOAL 9.E: Equitable transportation. The transportation system provides all Portlanders options to move about the city and meet their daily needs by using a variety of safe, efficient, convenient, and affordable modes of transportation. Transportation investments are responsive to the distinct needs of each community.

GOAL 9.F: Positive health outcomes. The transportation system promotes positive health outcomes and minimizes negative impacts for all Portlanders by supporting active transportation, physical activity, and community and individual health.

GOAL 9.G: Opportunities for prosperity. The transportation system supports a strong and diverse economy, enhances the competitiveness of the city and region, and maintains Portland's role as a West Coast trade gateway and freight hub by providing efficient and reliable goods movement, multimodal access to employment areas and educational institutions, as well as enhanced freight access to industrial areas and intermodal freight facilities. The transportation system helps people and businesses reduce spending and keep money in the local economy by providing affordable alternatives to driving.

GOAL 9.H: Cost effectiveness. The City analyzes and prioritizes capital and operating investments to cost effectively achieve the above goals while responsibly managing and protecting our past investments in existing assets.

GOAL 9.I: Airport Futures. Promote a sustainable airport (Portland International Airport [PDX]) by meeting the region's air transportation needs without compromising livability and quality of life for future generations.

267.Finding: The City Council interprets these goals to address transportation improvements, programming, funding priorities and provide policy guidance for developing and implementing the Transportation System Plan. The adopted 2035 Comprehensive Plan includes the Transportation System Plan (TSP), which was adopted in three phases (Ordinance 187832, 188177, and 188957). Phase 1 and 2 was submitted as part Task Four of Periodic Review; and both were approved by

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LCDC Order 18 – WKTSK – 001897 on August 8, 2018. Phase 3 of the Transportation System Plan was adopted as a post-acknowledgement plan amendment by Ordinance No. 188957, became effective on June 23, 2018. The FFTZ amendments do not amend the TSP.

The City Council interprets these goals to apply to the transportation system as whole and not to individual components of the transportation system. The FFTZ amendments limit one type of use allowed in industrial areas. The remaining industrial uses continue to be regulated under the current development regulations and do not intensify the development capacity. Therefore, the amendments do not have a significant effect on the transportation system.

Specifically, the City Council finds that Goal 9.G requires Portland to maintain Portland’s role as a multimodal freight hub as part of supporting a strong and diverse economy. The FFTZ amendments maintains Portland’s role as a multimodal freight hub with enhanced freight access because they do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments to maintain and strengthen the multimodal transportation infrastructure in the industrial areas where the existing FFTs are located. The regulations are narrowly crafted to support the retention of existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels. Finally, even though transloading facilities are a defining characteristic of a Bulk Fossil Fuel Terminal, the ordinance only limits new fossil fuel storage tank capacity. It does not regulate transloading facilities, docks or pipelines – facilities that are key components of the multimodal freight transportation system. Existing FFTs and other industrial uses can make investments in multimodal freight facilities.

Testimony from the Portland Business Alliance et al., the Working Water Coalition, and the Western States Petroleum Association raised the concern that the ordinance would force fuels to be transported by truck and increase vehicle miles travelled and emissions. The City Council finds that this unsupported assertion provides no details or explanation as to how this ordinance will force a change in transportation modes. There is no explanation or evidence on future demand, pipeline capacity utilization, or storage tank utilization or how or why truck traffic would increase. BPS staff provided evidence in the Council presentation and the written record that demonstrates that there is a reasonable expectation that the demand for fossil fuels will be flat and that the existing FFT storage capacity, with the allowed exceptions, will continue to meet the future demand for fossil fuels.

Designing and planning

Policy 9.1. Street design classifications. Maintain and implement street design classifications consistent with land use plans, environmental context, urban design pattern areas, and the Neighborhood Corridor and Civic Corridor Urban Design Framework designations.

Policy 9.2. Street policy classifications. Maintain and implement street policy classifications for pedestrian, bicycle, transit, freight, emergency vehicle, and automotive movement, while considering access for all modes, connectivity, adjacent planned land uses, and state and regional requirements.

9.2.a. Designate district classifications that emphasize freight mobility and access in industrial and employment areas serving high levels of truck traffic and to accommodate the needs of intermodal freight movement.

9.2.b. Designate district classifications that give priority to pedestrian access in areas where high levels of pedestrian activity exist or are planned, including the Central City, Gateway regional

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center, town centers, neighborhood centers, and transit station areas.

9.2.c. Designate district classifications that give priority to bicycle access and mobility in areas where high levels of bicycle activity exist or are planned, including Downtown, the River District, Lloyd District, Gateway Regional Center, town centers, neighborhood centers, and transit station areas.

Policy 9.3. Transportation System Plan. Maintain and implement the Transportation System Plan (TSP) as the decision-making tool for transportation-related projects, policies, programs, and street design.

Policy 9.4. Use of classifications. Plan, develop, implement, and manage the transportation system in accordance with street design and policy classifications outlined in the Transportation System Plan.

9.4.a. Classification descriptions are used to describe how streets should function for each mode of travel, not necessarily how they are functioning at present.

268.Finding: The FFTZ amendments do not change the functional classification of any existing or proposed transportation facility, nor do they change the standards implementing a functional classification system.

Policy 9.5. Mode share goals and Vehicle Miles Travelled (VMT) reduction. Increase the share of trips made using active and low-carbon transportation modes. Reduce VMT to achieve targets set in the most current Climate Action Plan and Transportation System Plan, and meet or exceed Metro's mode share and VMT targets.

Policy 9.6. Transportation strategy for people movement. Design the system to accommodate the most vulnerable users, including those that need special accommodation under the Americans with Disabilities Act (ADA). Implement a prioritization of modes for people movement by making transportation system decisions per the following ordered list:

- Walking
- Bicycling
- Transit
- Fleets of electric, fully automated, multiple passenger vehicles
- Other shared vehicles
- Low or no occupancy vehicles, fossil-fueled non-transit vehicles

When implementing this prioritization ensure that:

- The needs and safety of each group of users are considered, and changes do not make existing conditions worse for the most vulnerable users.
- All users' needs are balanced with the intent of optimizing the right of way for multiple modes on the same street.
- When necessary to ensure safety, accommodate some users on parallel streets as part of multi-street corridors.
- Land use and system plans, network functionality for all modes, other street functions, and complete street policies, are maintained.
- Policy-based rationale is provided if modes lower in the ordered list are prioritized.

Policy 9.7. Moving goods and delivering services. In tandem with people movement, maintain efficient and reliable movement of goods and services as a critical transportation system function.

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Prioritize freight system reliability improvements over single-occupancy vehicle mobility where there are solutions that distinctly address those different needs.

269.Finding: The City Council interprets policies 9.5 through 9.7 to mean that people movement and freight movement are critical functions of the transportation system that should be prioritized over single-occupancy vehicles. Further, the City Council interprets this policy to apply to transportation system design and investment decisions, and not land use decisions. Portland’s role as a multimodal freight hub is maintained because the FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan. Therefore, the City continues to plan for public infrastructure investments to maintain and strengthen the multimodal transportation infrastructure in the northwest industrial area where the FFTs are located. The ordinance regulates storage capacity, it does not regulate transloading facilities, docks or pipelines – facilities that are key components of the multimodal freight transportation system.

Testimony from the Portland Business Alliance et al., the Working Water Coalition, and the Western States Petroleum Association raised the concern that the ordinance would force fuels to be transported by truck and increase vehicle miles travelled and emissions. The City Council finds that this unsupported assertion provides no details or explanation as to how this ordinance will force a change in transportation modes. There is no explanation or evidence on future demand, pipeline capacity utilization, or storage tank utilization or how or why truck traffic would increase. BPS staff provided evidence in the Council presentation and the written record that demonstrates that there is a reasonable expectation that the demand for fossil fuels will be flat and that the existing FFT storage capacity, with the allowed exceptions, will continue to meet the future demand for fossil fuels.

Policy 9.8. Affordability. Improve and maintain the transportation system to increase access to convenient and affordable transportation options for all Portlanders, especially those who have traditionally been under-served or under-represented or have historically borne unequal burdens.

Policy 9.9. Accessible and age-friendly transportation system. Ensure that transportation facilities are accessible to people of all ages and abilities, and that all improvements to the transportation system (traffic, transit, bicycle, and pedestrian) in the public right-of-way comply with the Americans with Disabilities Act of 1990. Improve and adapt the transportation system to better meet the needs of the most vulnerable users, including the young, older adults, and people with different abilities.

Policy 9.10. Geographic policies. Adopt geographically-specific policies in the Transportation System Plan to ensure that transportation infrastructure reflects the unique topography, historic character, natural features, system gaps, economic needs, demographics, and land uses of each area. Use the Pattern Areas identified in Chapter 3: Urban Form as the basis for area policies.

9.10.a. Refer to adopted area plans for additional applicable geographic objectives related to transportation. Land use, development, and placemaking

270.Finding: Policies 9.8 through 9.10 address the design and planning of transportation facilities and not development on private land. These policies do not apply.

Land use, development, and placemaking

Policy 9.11. Land use and transportation coordination. Implement the Comprehensive Plan Map and the Urban Design Framework through coordinated long-range transportation and land use planning. Ensure that street policy and design classifications and land uses complement one another.

Policy 9.12. Growth strategy. Use street design and policy classifications to support Goals 3A-3G in

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Chapter 3: Urban Form. Consider the different design contexts and transportation functions in Town Centers, Neighborhood Centers, Neighborhood Corridors, Employment Areas, Freight Corridors, Civic Corridors, Transit Station Areas, and Greenways.

Policy 9.13. Development and street design. Evaluate adjacent land uses to help inform street classifications in framing, shaping, and activating the public space of streets. Guide development and land use to create the kinds of places and street environments intended for different types of streets.

271.Finding: For policies 9.11 through 9.13, the City Council interprets these policies as providing direction to ensure that the transportation system, specifically the street classifications, support the Comprehensive Plan Map (and land use designations). The FFTZ amendments do not change the functional classification of any existing or proposed transportation facility, nor do they change the standards implementing a functional classification system. The FFTZ amendments limit one type of use allowed in industrial areas. The remaining industrial uses continue to be regulated under the current development regulations and do not intensify the development capacity. Therefore, the long-range transportation and land use plan continue to be coordinated.

Streets as public spaces

Policy 9.14. Streets for transportation and public spaces. Integrate both placemaking and transportation functions when designing and managing streets by encouraging design, development, and operation of streets to enhance opportunities for them to serve as places for community interaction, environmental function, open space, tree canopy, recreation, and other community purposes.

Policy 9.15. Repurposing street space. Encourage repurposing street segments that are not critical for transportation connectivity to other community purposes.

Policy 9.16. Design with nature. Promote street alignments and designs that respond to topography and natural features, when feasible, and protect streams, wildlife habitat, and native trees.

272.Finding: These policies address the design and use of public streets and not development on private land. These policies do not apply.

Modal policies

Policy 9.17. Pedestrian transportation. Encourage walking as the most attractive mode of transportation for most short trips, within and to centers, corridors, and major destinations, and as a means for accessing transit.

Policy 9.18. Pedestrian networks. Create more complete networks of pedestrian facilities, and improve the quality of the pedestrian environment.

Policy 9.19. Pedestrian safety and accessibility. Improve pedestrian safety, accessibility, and convenience for people of all ages and abilities.

Policy 9.20. Bicycle transportation. Create conditions that make bicycling more attractive than driving for most trips of approximately three miles or less.

Policy 9.21. Accessible bicycle system. Create a bicycle transportation system that is safe, comfortable, and accessible to people of all ages and abilities.

Policy 9.22. Public transportation. Coordinate with public transit agencies to create conditions that make transit the preferred mode of travel for trips that are not made by walking or bicycling.

Policy 9.23. Transportation to job centers. Promote and enhance transit to be more convenient and

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economical than the automobile for people travelling more than three miles to and from the Central City and Gateway. Enhance regional access to the Central City and access from Portland to other regional job centers.

Policy 9.24. Transit service. In partnership with TriMet, develop a public transportation system that conveniently, safely, comfortably, and equitably serves residents and workers 24 hours a day, 7 days a week.

Policy 9.25. Transit equity. In partnership with TriMet, maintain and expand high-quality frequent transit service to all Town Centers, Civic Corridors, Neighborhood Centers, Neighborhood Corridors, and other major concentrations of employment, and improve service to areas with high concentrations of poverty and historically under-served and under-represented communities.

9.25.a. Support a public transit system and regional transportation that address the transportation needs of historically marginalized communities and provide increased mobility options and access.

Policy 9.26. Transit funding. Consider funding strategies and partnership opportunities that improve access to and equity in transit service, such as raising metro-wide funding to improve service and decrease user fees/fares.

Policy 9.27. Transit service to centers and corridors. Use transit investments to shape the city's growth and increase transit use. In partnership with TriMet and Metro, maintain, expand, and enhance Portland Streetcar, frequent service bus, and high-capacity transit, to better serve centers and corridors with the highest intensity of potential employment and household growth.

9.27.a. Locate major park-and-ride lots only where transit ridership is increased significantly, vehicle miles traveled are reduced, transit-supportive development is not hampered, bus service is not available or is inadequate, and the surrounding area is not negatively impacted.

Policy 9.28. Intercity passenger service. Coordinate planning and project development to expand intercity passenger transportation services in the Willamette Valley, and from Portland to Seattle and Vancouver, BC.

Policy 9.29. Regional trafficways and transitways. Maintain capacity of regional transitways and existing regional trafficways to accommodate through-traffic.

273.Finding: Policies 9.17 through 9.29 address the design and planning of transportation facilities and not development on private land. These policies do not apply.

Policy 9.30. Multimodal goods movement. Develop, maintain, and enhance a multimodal freight transportation system for the safe, reliable, sustainable, and efficient movement of goods within and through the city.

Policy 9.31. Economic development and industrial lands. Ensure that the transportation system supports traded sector economic development plans and full utilization of prime industrial land, including brownfield redevelopment.

Policy 9.32. Multimodal system and hub. Maintain Portland's role as a multimodal hub for global and regional movement of goods. Enhance Portland's network of multimodal freight corridors.

Policy 9.33. Freight network. Develop, manage, and maintain a safe, efficient, and reliable freight street network to provide freight access to and from intermodal freight facilities, industrial and commercial districts, and the regional transportation system. Invest to accommodate forecasted growth of interregional freight volumes and provide access to truck, marine, rail, and air

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transportation systems. Ensure designated routes and facilities are adequate for over-dimensional trucks and emergency equipment.

Policy 9.34. Sustainable freight system. Support the efficient delivery of goods and services to businesses and neighborhoods, while also reducing environmental and neighborhood impacts. Encourage the use of energy efficient and clean delivery vehicles, and manage on- and off-street loading spaces to ensure adequate access for deliveries to businesses, while maintaining access to homes and businesses.

Policy 9.35. Freight rail network. Coordinate with stakeholders and regional partners to support continued reinvestment in, and modernization of, the freight rail network.

Policy 9.36. Portland Harbor. Coordinate with the Port of Portland, private stakeholders, and regional partners to improve and maintain access to marine terminals and related river-dependent uses in Portland Harbor.

9.36.a. Support continued reinvestment in, and modernization of, marine terminals in Portland Harbor.

9.36.b. Facilitate continued maintenance of the shipping channels in Portland Harbor and the Columbia River.

9.36.c. Support shifting more long-distance, high-volume movement of goods to river and oceangoing ships and rail.

274.Finding: Policies 9.30 through 9.36 direct the City to develop, maintain, and enhance a multimodal freight transportation system. The City Council interprets these policies to apply to transportation system design and city investment decisions that are embodied in the Freight Master Plan, which is one of the modal plans of the TSP. The Freight Master Plan includes capital projects, programs and activities to improve mobility, reduce community conflicts, and promote a multimodal transportation system to support long-term economic development. The FFTZ amendments maintain Portland's multimodal freight hub because they do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments to maintain and strengthen the multimodal transportation infrastructure in the northwest industrial area where the FFTs are located. Further, the changes support the retention of existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels. Finally, even though transloading facilities are a defining characteristic of a Bulk Fossil Fuel Terminal, the ordinance only limits new fossil fuel storage tank capacity and does not regulate transloading facilities, docks or pipelines – facilities that are key components of the multimodal freight transportation system. Existing FFTs and other industrial uses can make investments in multimodal freight facilities.

Testimony from the Portland Business Alliance et al., the Working Water Coalition, and the Western States Petroleum Association raised the concern that the ordinance would force fuels to be transported by truck and increase vehicle miles travelled and emissions. The City Council finds that this unsupported assertion provides no details or explanation as to how this ordinance will force a change in transportation modes. There is no explanation or evidence on future demand, pipeline capacity utilization, or storage tank utilization or how or why truck traffic would increase. BPS staff provided evidence in the Council presentation and the written record that demonstrates that there

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is a reasonable expectation that the demand for fossil fuels will be flat and that the existing FFT storage capacity, with the allowed exceptions, will continue to meet the future demand for fossil fuels.

Policy 9.37. Portland Heliport. Maintain Portland’s Heliport functionality in the Central City.

275.Finding: This policy applies to the Central City. There are no FFTs in the Central City. This policy does not apply.

Policy 9.38. Automobile transportation. Maintain acceptable levels of mobility and access for private automobiles while reducing overall vehicle miles traveled (VMT) and negative impacts of private automobiles on the environment and human health.

Policy 9.39. Automobile efficiency. Coordinate land use and transportation plans and programs with other public and private stakeholders to encourage vehicle technology innovation, shifts toward electric and other cleaner, more energy-efficient vehicles and fuels, integration of smart vehicle technology with intelligent transportation systems, and greater use of options such as car-share, carpool, and taxi.

Policy 9.40. Emergency response. Maintain a network of accessible emergency response streets to facilitate safe and expedient emergency response and evacuation. Ensure that police, fire, ambulance, and other emergency providers can reach their destinations in a timely fashion, without negatively impacting traffic calming and other measures intended to reduce crashes and improve safety.

276.Finding: Policies 9.38 through 9.40 address the design and use of public streets and not development on private land. These policies do not apply.

Airport Futures

Policy 9.41. Portland International Airport. Maintain the Portland International Airport as an important regional, national, and international transportation hub serving the bi-state economy.

Policy 9.42. Airport regulations. Implement the Airport Futures Plan through the implementation of the Portland International Airport Plan District.

9.42.a. Prohibit the development of a potential third parallel runway at PDX unless need for its construction is established through a transparent, thorough, and regional planning process.

9.42.b. Support implementation of the Aircraft Landing Zone to provide safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures, vegetation, and construction equipment.

9.42.c. Support the Port of Portland’s Wildlife Hazard Management Plan by implementing airport-specific landscaping requirements in the Portland International Airport Plan District to reduce conflicts between wildlife and aircraft.

Policy 9.43. Airport partnerships. Partner with the Port of Portland and the regional community to address the critical interconnection between economic development, environmental stewardship, and social responsibility. Support an ongoing public advisory committee for PDX to:

9.43.a. Support meaningful and collaborative public dialogue and engagement on airport related planning and development.

9.43.b. Provide an opportunity for the community to inform the decision-making related to the airport of the Port, the City of Portland, and other jurisdictions/organizations in the region.

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9.43.c. Raise public knowledge about PDX and impacted communities.

Policy 9.44. Airport investments. Ensure that new development and redevelopment of airport facilities supports the City's and the Port's sustainability goals and policies, and is in accordance with Figure 9-3 — Portland International Airport. Allow the Port flexibility in configuring airport facilities to preserve future development options, minimize environmental impacts, use land resources efficiently, maximize operational efficiency, ensure development can be effectively phased, and address Federal Aviation Administration's airport design criteria.

277.Finding: Policies 9.41 through 9.44 provide policy direction related to Portland International Airport. The FFTZ amendments include an exemption for fossil fuel storage facilities for the exclusive use at airports to maintain a supply of aviation fuel to Portland International Airport (PDX).

System management

Policy 9.45. System management. Give preference to transportation improvements that use existing roadway capacity efficiently and that improve the safety of the system for all users.

9.45.a. Support regional equity measures for transportation system evaluation.

Policy 9.46. Traffic management. Evaluate and encourage traffic speed and volume to be consistent with street classifications and desired land uses to improve safety, preserve and enhance neighborhood livability, and meet system goals of calming vehicle traffic through a combination of enforcement, engineering, and education efforts.

9.46.a. Use traffic calming tools, traffic diversion and other available tools and methods to create and maintain sufficiently low automotive volumes and speeds on neighborhood greenways to ensure comfortable cycling environment on the street.

Policy 9.47. Connectivity. Establish an interconnected, multimodal transportation system to serve centers and other significant locations. Promote a logical, direct, and connected street system through street spacing guidelines and district-specific street plans found in the Transportation System Plan, and prioritize access to specific places by certain modes in accordance with policies 9.6 and 9.7.

9.47.a. Develop conceptual master street plans for areas of the City that have significant amounts of vacant or underdeveloped land and where the street network does not meet City and Metro connectivity guidelines.

9.47.b. As areas with adopted Street Plans develop, provide connectivity for all modes by developing the streets and accessways as shown on the Master Street Plan Maps in the Comp Plan.

9.47.c. Continue to provide connectivity in areas with adopted Street Plans for all modes of travel by developing public and private streets as shown on the Master Street Plan Maps in the Comp Plan.

9.47.d. Provide street connections with spacing of no more than 530 feet between connections except where prevented by barriers such as topography, railroads, freeways, or environmental constraints. Where streets must cross over protected water features, provide crossings at an average spacing of 800 to 1000 feet, unless exceptional habitat quality of length of crossing prevents a full street connection.

9.47.e Provide bike and pedestrian connections at approximately 330 feet intervals on public easements or rights-of-way when full street connections are not possible, except where

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prevented by barriers such as topography, railroads, freeways, or environmental constraints. Bike and pedestrian connections that cross protected water features should have an average spacing of no more than 530 feet, unless exceptional habitat quality or length of connection prevents a connection.

Policy 9.48 Technology. Encourage the use of emerging vehicle and parking technology to improve real-time management of the transportation network and to manage and allocate parking supply and demand.

Policy 9.49 Performance measures. Establish multimodal performance measures and measures of system completeness to evaluate and monitor the adequacy of transportation services based on performance measures in goals 9.A. through 9.I. Use these measures to evaluate overall system performance, inform corridor and area-specific plans and investments, identify project and program needs, evaluate and prioritize investments, and regulate development, institutional campus growth, zone changes, Comprehensive Plan Map amendments, and conditional uses.

9.49.a. Eliminate deaths and serious injuries for all who share Portland streets by 2025.

9.49.b. Maintain or decrease the number of peak period non-freight motor vehicle trips, system-wide and within each mobility corridor to reduce or manage congestion.

9.49.c. By 2035, reduce the number of miles Portlanders travel by car to 11 miles per day or less, on average.

9.49.d. Establish mode split targets in 2040 Growth Concept areas within the City, consistent with Metro's targets for these areas.

9.49.e. By 2035, increase the mode share of daily non-drive alone trips to 70 percent citywide, and to the following in the five pattern areas:

Pattern Area	2035 daily target mode share
Central City	85%
Inner Neighborhoods	70%
Western Neighborhoods	65%
Eastern Neighborhoods	65%
Industrial and River	55%

9.49.f. By 2035, 70 percent of commuters walk, bike, take transit, carpool, or work from home at approximately the following rates:

Mode	Mode Share
Walk	7.5%
Bicycle	25%

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Transit	25%
Carpool	10%
Single Occupant Vehicle (SOV)	30% or less
Work at home	10% below the line (calculated outside of the modal targets above)

9.49.g. By 2035, reduce Portland’s transportation-related carbon emissions to 50% below 1990 levels, at approximately 934,000 metric tons.

9.49.h. By 2025, increase the percentage of new mixed use zone building households not owning an automobile from approximately 13% (2014) to 25%, and reduce the percentage of households owning two automobiles from approximately 24% to 10%.

9.49.i. Develop and use alternatives to the level-of-service measure to improve safety, encourage multimodal transportation, and to evaluate and mitigate maintenance and new trip impacts from new development.

9.49.j. Use level-of-service, consistent with Table 9.1*, as one measure to evaluate the adequacy of transportation facilities in the vicinity of sites subject to land use review.

9.49.k. Maintain acceptable levels of performance on state facilities and the regional arterial and throughway network, consistent with the interim standard in Table 9.2*, in the development and adoption of, and amendments to, the Transportation System Plan and in legislative amendments to the Comprehensive Plan Map.

9.49.l. In areas identified by Metro that exceed the level-of-service in Table 9.2* and are planned to, but do not currently meet the alternative performance criteria, establish an action plan that does the following:

- Anticipates growth and future impacts of motor vehicle traffic on multimodal travel in the area
- Establishes strategies for mitigating the future impacts of motor vehicles
- Establishes performance standards for monitoring and implementing the action plan.

*Note: Referenced Tables 9.1 and 9.2 are contained within the Transportation System Plan and should not be confused with tables or figures within the 2035 Comprehensive Plan.

9.49.m. Develop performance measures to track progress in creating and maintaining the transportation system.

Policy 9.50 Regional congestion management. Coordinate with Metro to establish new regional multimodal mobility standards that prioritize transit, freight, and system completeness.

9.50.a. Create a regional congestion management approach, including a market-based system, to price or charge for auto trips and parking, better account for the cost of auto trips, and to more efficiently manage the regional system.

Policy 9.51. Multimodal Mixed-Use Area. Manage Central City Plan amendments in accordance with the designated Central City Multimodal Mixed-Use Area (MMA) in the geography indicated in Figure 9-

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2. The MMA renders congestion / mobility standards inapplicable to any proposed plan amendments under OAR 660-0012-0060(10).

278.Finding: Policies 9.45 through 9.51 address the management of the City's transportation system and not development on private land. These policies do not apply.

Transportation Demand Management

Policy 9.52. Outreach. Create and maintain TDM outreach programs that work with Transportation Management Associations (TMA), residents, employers, and employees that increase the modal share of walking, bicycling, and shared vehicle trips while reducing private vehicle ownership, parking demand, and drive-alone trips, especially during peak periods.

Policy 9.53. New development. Create and maintain TDM regulations and services that prevent and reduce traffic and parking impacts from new development and redevelopment. Encourage coordinated area-wide delivery of TDM programs. Monitor and improve the performance of private-sector TDM programs.

Policy 9.54. Projects and programs. Integrate TDM information into transportation project and program development and implementation to increase use of new multimodal transportation projects and services.

279.Finding: Policies 9.52 through 9.54 address TDM programs. The FFTZ amendments affect one type of allowed use in employment and industrial zones. The City Council has not applied the TDM program to industrial development and those changes are not part of this ordinance.

Parking management

Policy 9.55. Parking management. Reduce parking demand and manage supply to improve pedestrian, bicycle and transit mode share, neighborhood livability, safety, business district vitality, vehicle miles traveled (VMT) reduction, and air quality. Implement strategies that reduce demand for new parking and private vehicle ownership, and that help maintain optimal parking occupancy and availability.

Policy 9.56. Curb Zone. Recognize that the Curb Zone is a public space, a physical and spatial asset that has value and cost. Evaluate whether, when, and where parking is the highest and best use of this public space in support of broad City policy goals and local land use context. Establish thresholds to utilize parking management and pricing tools in areas with high parking demand to ensure adequate on-street parking supply during peak periods.

Policy 9.57. On-street parking. Manage parking and loading demand, supply, and operations in the public right of way to achieve mode share objectives, and to encourage safety, economic vitality, and livability. Use transportation demand management and pricing of parking in areas with high parking demand.

Policy 9.58. Off-street parking. Limit the development of new parking spaces to achieve land use, transportation, and environmental goals, especially in locations with frequent transit service. Regulate off-street parking to achieve mode share objectives, promote compact and walkable urban form, encourage lower rates of car ownership, and promote the vitality of commercial and employment areas. Use transportation demand management and pricing of parking in areas with high parking demand.

Policy 9.59. Share space and resources. Encourage the shared use of parking and vehicles to maximize the efficient use of limited urban space.

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Policy 9.60. Cost and price. Recognize the high public and private cost of parking by encouraging prices that reflect the cost of providing parking and balance demand and supply. Discourage employee and resident parking subsidies.

Policy 9.61. Bicycle parking. Promote the development of new bicycle parking facilities including dedicated bike parking in the public right-of-way. Provide sufficient bicycle parking at high-capacity transit stations to enhance bicycle connection opportunities. Require provision of adequate off-street bicycle parking for new development and redevelopment. Encourage the provision of parking for different types of bicycles. In establishing the standards for long-term bicycle parking, consider the needs of persons with different levels of ability.

280.Finding: Policies 9.55 through 9.61 address parking. The FFTZ amendments do not change parking requirements or development standards affecting parking or the use of the right-of-way for parking. These policies do not apply.

Finance, programs, and coordination

Policy 9.62. Coordination. Coordinate with state and federal agencies, local and regional governments, special districts, other City bureaus, and providers of transportation services when planning for, developing, and funding transportation facilities and services.

Policy 9.63. New development impacts. Prevent, reduce, and mitigate the impacts of new development and redevelopment on the transportation system. Utilize strategies including transportation and parking demand management, transportation system analysis, and system and local impact mitigation improvements and fees.

Policy 9.64. Education and encouragement. Create, maintain, and coordinate educational and encouragement programs that support multimodal transportation and that emphasize safety for all modes of transportation. Ensure that these programs are accessible to historically under-served and under-represented populations.

Policy 9.65. Telecommuting. Promote telecommuting and the use of communications technology to reduce travel demand.

Policy 9.66. Project and program selection criteria. Establish transportation project and program selection criteria consistent with goals 9A through 9I, to cost-effectively achieve access, placemaking, sustainability, equity, health, prosperity, and safety goals.

Policy 9.67. Funding. Encourage the development of a range of stable transportation funding sources that provide adequate resources to build and maintain an equitable and sustainable transportation system.

281.Finding: Policies 9.62 through 9.67 address the funding and management of the City's transportation system and not development on private land. These policies do not apply.

Connected and Automated Vehicles

Policy 9.68 Connected and Automated Vehicles Priorities and Outcomes. Prioritize connected and automated vehicles that are fleet/shared ownership, fully automated, electric and, for passenger vehicles, shared by multiple passengers (known by the acronym FAVES). Develop and implement strategies for each following topic.

9.68.a. Ensure that all levels of automated vehicles advance Vision Zero by operating safely for all users, especially for vulnerable road users. Require adequate insurance coverage for operators, customers, and the public-at-large by providers of commercial connected and

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autonomous vehicle services.

9.68.b. Ensure that connected and automated vehicles improve travel time reliability and system efficiency by:

1. maintaining or reducing the number of vehicle trips during peak congestion periods;
2. reducing low occupancy vehicle trips during peak congestion periods;
3. paying for use of, and impact on, Portland's transportation system including factors such as congestion level, vehicle miles traveled, vehicle occupancy, and vehicle energy efficiency; and
4. supporting and encouraging use of public transportation.

9.68.c. Cut vehicle carbon pollution by reducing low occupancy "empty miles" traveled by passenger vehicles with zero or one passengers. Prioritize electric and other zero direct emission vehicles operated by fleets and carrying multiple passengers.

9.68.d. Make the benefits of automated mobility available on an equitable basis to all segments of the community while ensuring traditionally disadvantaged communities are not disproportionately hurt by connected and autonomous vehicle use. This includes people with disabilities, as well as communities of color, women, and geographically underserved communities.

9.68.e Identify, prevent, and mitigate potential adverse impacts from connected and automated vehicles.

Policy 9.69 Connected and Automated Vehicles Tools. Use a full range of tools to ensure that connected and automated vehicles and private data communications devices installed in the City right of way contribute to achieving Comprehensive Plan and Transportation System Plan goals and policies.

9.69.a. Maintain City authority to identify and develop appropriate data sharing requirements to inform and support safe, efficient, and effective management of the transportation system. Ensure that when connected and automated vehicles use City rights-of-way or when vehicles connect with smart infrastructure within the City they share information including, but not limited to, vehicle type, occupancy, speed, travel routes, and travel times, with appropriate privacy controls. Ensure that private data communications devices installed in the City right of way are required to share anonymized transportation data.

9.69.b. Design and manage the mobility zone, curb zone, and traffic control devices, e.g. to limit speeds to increase safety, to minimize cut-through traffic, evaluate future demand for pick-up and drop-off zones, and to prioritize automated electric vehicles carrying more passengers in congested times and locations;

9.69.c. Evaluate the public cost and benefit of investments in wayside communication systems serving connected and automated vehicles. Develop a criteria-driven automated vehicle wayside infrastructure investment plan.

9.69.d. Develop sustainable user-pays funding mechanisms to support connected and automated vehicle infrastructure and service investments, transportation system maintenance, and efficient system management.

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9.69.e. Ensure that automated vehicles and vehicles that connect to smart City infrastructure, and private data communications devices installed in the City right of way, help pay for infrastructure and service investments, and support system reliability and efficiency. Develop a tiered pricing structure that reflects vehicle impacts on the transportation system, including factors such as congestion level, vehicle miles traveled, vehicle occupancy, and vehicle energy efficiency.

282.Finding: Policies 9.68 and 9.69 address the management of automated vehicles and not development on private land. These policies do not apply.

Chapter 10: Land Use Designations and Zoning

Goal 10.A: Land use designations and zoning. Effectively and efficiently carry out the goals and policies of the Comprehensive Plan through the land use designations, Zoning Map, and the Zoning Code.

283. The FFTZ amendments do not change the land use designations, nor do they amend the Comprehensive Plan Map or the Zoning Map. These findings show how the changes carry out the goals and policies of the Comprehensive Plan through the Zoning Code.

Land use designations

Policy 10.1. Land use designations. Apply a land use designation to all land and water within the City's Urban Services Boundary. Apply the designation that best advances the Comprehensive Plan goals and policies. The land use designations are shown on the adopted Land Use Map and on official Zoning Maps.

284. The FFTZ amendments do not change the land use designations, nor do they amend the Comprehensive Plan Map or the Zoning Map. These findings show how the changes carry out the goals and policies of the Comprehensive Plan through the Zoning Code.

The Zoning Map and the Zoning Code

Policy 10.2. Relationship of land use designations to base zones. Apply a base zone to all land and water within the City's urban services boundary. The base zone applied must either be a zone that corresponds to the land use designation or be a zone that does not correspond but is allowed per Figure 10-1 — Corresponding and Less-Intense Zones for Each Plan Map Designation. In some situations, there are long-term or short-term obstacles to achieving the level of development intended by the land use designation (e.g., an infrastructure improvement to serve the higher level of development is planned but not yet funded). In these situations, a less intense zone (listed in Figure 10-1) may be applied. When a land use designation is amended, the zone may also have to be changed to a corresponding zone or a zone that does not correspond but is allowed.

Policy 10.3. Amending the Zoning Map.

10.3.a. Amending a base zone may be done legislatively or quasi-judicially.

10.3.b. When amending a base zone quasi-judicially, the amendment must be to a corresponding zone (*see Figure 10-1 — Corresponding and Allowed Zones for Each Land Use Designation*). When a designation has more than one corresponding zone, the most appropriate

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zone, based on the purpose of the zone and the zoning and general land uses of surrounding lands, will be applied.

10.3.c. When amending a base zone legislatively, the amendment may be to a corresponding zone or to a zone that does not correspond but is allowed (*see Figure 10-1 — Corresponding and Allowed Zones for each Land Use Designation for zones that are allowed*). A legislative Zoning Map amendment may not be to a zone that is not allowed.

10.3.d. An amendment to a base zone consistent with the land use designation must be approved when it is found that current public services can support the uses allowed by the zone, or that public services can be made capable by the time the development is complete. The adequacy of services is based on the proposed use and development. If a specific use and development proposal is not submitted, services must be able to support the range of uses and development allowed by the zone. For the purposes of this requirement, services include water supply, sanitary sewage disposal, stormwater management, transportation, school district capacity (where a school facility plan exists), and police and fire protection.

10.3.e. An amendment to apply or remove an overlay zone or plan district may be done legislatively or quasi-judicially, and must be based on a study or plan document that identifies a specific characteristic, situation, or problem that is not adequately addressed by the base zone or other regulations.

285.Finding: The FFTZ amendments do not amend the Zoning Map. The changes only define the allowed uses in the base zones in the Zoning Code. This policy does not apply.

Policy 10.4. Amending the Zoning Code. Amendments to the zoning regulations must be done legislatively and should be clear, concise, and applicable to a broad range of development situations faced by a growing city. Amendments should:

286.Finding: The FFTZ amendments were initially adopted by a legislative process and the reconsideration on remand is a continuation of the initial legislative procedure at City Council. The regulations are clear and concise in creating one use category with clear definition of terms and is applicable to all employment and industrial zones.

10.4.a. Promote good planning:

- Effectively and efficiently implement the Comprehensive Plan.

287.Finding: As demonstrated by these findings, the FFTZ amendments effectively and efficiently implement the Comprehensive Plan. Specifically:

The City Council has considered applicable policies to determine that this ordinance on the whole complies with the 2035 Comprehensive Plan and on balance is equally or more supportive of the goals and policies of the 2035 Comprehensive Plan than the current regulations. In reaching this conclusion, City Council has weighed and balanced competing policy directions.

In particular, the Council finds that Goal 4.D with Policies 4.79 and 4.80, requires evaluating and reducing risk to people and property from natural hazards. The FFTZ amendments further these goals and policies because by limiting the risks of storing large volumes of hazardous materials in an area with high susceptibility to an earthquake. Large fossil fuel terminals represent a risk to people, property and the natural environments that the City Council finds as a compelling reason to limit future risk by limiting the size of new facilities and prohibit the expansion of existing facilities. Continuing to allow an unlimited increase in storage capacity at FFTs in a high risk area would be less supportive of the 2035 Comprehensive Plan than adopting the FFTZ amendments

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The City Council further finds that Policy 6.48 provides direction to limit fossil fuel terminals to what is necessary to serve the region. The City Council recognizes that Portland's fossil fuel terminals handle 90 percent of the fossil fuel for the State of Oregon and Southwest Washington. BPS presented evidence that national petroleum consumption forecast out to 2050 is essentially flat, which is a continuation of historic trends in Oregon and Washington, during a period of a thriving economy. In addition, ODOT is forecasting a decline in motor fuel consumption over the medium term to 2029. The more recent cargo forecasts project a modest growth in volumes, but those volumes do not exceed the historic peak volumes that were handled by the Portland terminals. No other evidence of future demand for fossil fuels was submitted in testimony. Therefore, the City Council finds that the fossil fuel storage capacity at the existing FFTs is sufficient to meet future needs. These changes support the retention of existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels. Further, the use limitations provide flexibility to FFTs to replace and reconfigure existing storage tank capacity to increase safety. In addition, limiting storage capacity to the existing facilities reduces risk from a major earthquake, which outweighs the policy direction to provide capacity to accommodate any potential future increase in fossil fuel consumption, in part, because continuing to consolidate fossil fuel storage capacity in Portland is counter to resiliency principles that emphasize redundancy and distributed facilities.

At the same time, the City Council finds that Goal 6.C with Policies 6.20 and 6.36, among others, provide for the retention and growth of businesses, especially those in the traded sector. However, the City Council interprets these policies apply to the economy in general, rather than specific types of business. These changes and restrictions only apply to a narrowly defined new land use category, Bulk Fossil Fuel Terminals, and do not have a significant effect on the other allowed uses in industrial and employment zones. There are no changes proposed to the Comprehensive Plan or Zoning Map that will impact the overall size or intensity of development in the industrial and employment areas of Portland. These amendments are narrowly constructed to apply to one class of businesses that make up a small portion of the city, regional and state economy. Further, these regulations only limit future expansion of these fossil fuel terminals, with some key exceptions, and designate these businesses as a limited use that allows their continued operation.

Guilds Lake Industrial Sanctuary (GLIS) Plan policies provide direction to maintain, protect and enhance businesses in the sanctuary. This plan was adopted in 2001 and does not address the need for resiliency in a high and medium liquefaction susceptibility area. The City Council interprets these policies to apply to the GLIS as a whole and not individual businesses. The City Council interprets the legislative intent of the GLISP is to maintain the area as an industrial sanctuary and to prohibit incompatible land uses. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses that could undermine the viability of the industrial sanctuary. These regulations apply to only one type of business that makes up a minority part of the businesses found in GLIS. The remaining industrial uses to continue to operate under current regulations. The impact of the limits on fossil fuel terminals is mitigated by designating existing fossil fuel terminals as a limited use that allows the terminals to continue to operate and make upgrades and supports limited enhancement through exceptions to the fossil fuel storage capacity restrictions.

- Address existing and potential land use problems.

288.Finding: Most of Portland's employment and industrial zones are in areas with high to very high levels of liquefaction susceptibility, as documented by the 2018 DOGAMI Earthquake Regional Impact Analysis. Fossil fuel infrastructure poses considerable risks in the event of a major

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earthquake. The FFTs have significant seismic risks because most of the tanks have been constructed without any or only limited seismic design criteria on soils with moderate to high levels of liquefaction susceptibility, as documented by the Portland Bureau of Emergency Management's 2016 Critical Energy Infrastructure Hub Study and the 2012 DOGAMI Earthquake Risk Study for Oregon's Critical Energy Infrastructure Hub report. Continuing to allow the increase in FFTs in a high risk area increases the risk to the surrounding industrial district and the Willamette River. The FFTZ amendments limit future risk by limiting the size of new fossil fuel terminals and prohibiting the expansion of storage capacity at existing fossil fuel terminals, with limited exceptions for aviation and renewable fuels.

- **Balance the benefits of regulations against the costs of implementation and compliance.**

289.The FFTZ amendments balance the benefits and costs by designating existing FFTs as a limited use, as opposed to a prohibited nonconforming use, which allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake, which ultimately can make Portland more resilient.

Testimony by the Portland Business Alliance, the Working Waterfront Coalition, and others implied that the regulations will not be cost effective because existing FFTs cannot expand to meet market demand. The City Council finds that based on the evidence in the record the fossil fuel storage capacity at the existing FFTs is sufficient to meet future needs. There also is testimony that implies that the cost of seismically upgrading is too expensive without expanding storage capacity. The City Council rejects this assertion because no explanation or evidence was provided to support the assertion that additional tanks are needed.

- **Maintain Portland's competitiveness with other jurisdictions as a location in which to live, invest, and do business.**

290.Finding: The City Council interprets this policy to require the City maintain an adequate supply of employment and housing land, but that it does not require the City to accommodate specific individual businesses or sectors. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes maintain Portland's employment land supply to create opportunities for a growing economy. These regulations apply to only one type of business that makes up a minority part of the businesses found in Portland's industrial districts. The remaining industrial uses continue to operate under the current development review system.

10.4.b. Ensure good administration of land use regulations:

- **Keep regulations as simple as possible.**

291.Finding: The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes maintain Portland's employment land supply to create opportunities for a growing economy. These regulations apply to only one type of business that makes up a minority part of the businesses found in Portland's industrial districts. The remaining industrial uses continue to operate under the current development review system.

- **Use clear and objective standards wherever possible.**

292.Finding: The FFTZ amendments establish clear definitions for fossil fuels and the Bulk Fossil Fuel Terminal use category.

- **Maintain consistent procedures and limit their number.**
- **Establish specific approval criteria for land use reviews.**
- **Establish application requirements that are as reasonable as possible, and ensure they are**

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directly tied to approval criteria.

- Emphasize administrative procedures for land use reviews.
- Avoid overlapping reviews.

293.Finding: The FFTZ amendments do not establish new procedures or land use reviews. The FFTZ amendments establish clear definitions for fossil fuels and the Bulk Fossil Fuel Terminal use category. These regulations apply to only one type of use that makes up a minority part of the uses found in Portland’s industrial districts. The other industrial uses continue to operate under current regulations. Designating the existing FFTs as a limited use, as opposed to a prohibited nonconforming or conditional use, allows the terminals to continue to operate and invest in upgrades without additional discretionary land use reviews. tank capacity, such as consolidating smaller tanks into larger tanks.

10.4.c. Strive to improve the code document:

- Use clear language.
- Maintain a clear and logical organization.
- Use a format and layout that enables use of the document by lay people as well as professionals.
- Use tables and drawings to clarify and shorten the document.
- Identify and act on regulatory improvement suggestions.

294.Finding: The FFTZ amendments create a new use category consistent with the format used described and regulate other types of uses. The Zoning Code amendments are presented in as clear and objective of a way possible to ensure the intended users will be able understand and utilize the Zoning Code as it applies to their development proposals, land use, and properties, consistent with Comprehensive Plan Policy 10.4.

Part IV. Adopted Area Plans

Pursuant to PCC 33.835.040(A), the City Council considers whether the FFTZ amendments are consistent with any adopted area plan associated with the regulations. The City Council finds that “consistent” means “the ordinance meets the requirements of, satisfies, or adheres to the regulations, mandate, or plan listed in the goal or policy. The City Council finds that Guild’s Lake Industrial Sanctuary Plan (GLISP) is the only plan associated with the FFTZ amendments.

Guilds Lake Industrial Sanctuary Plan (2001)

The Guild’s Lake Industrial Sanctuary (GLIS) Plan provides a policy framework to protect and promote the area’s long-term economic viability as an industrial district for a broad variety of industrial land uses and businesses. The GLIS is an area that runs northwest of NW Vaughn Street along the Willamette River to the St. Johns Bridge. The plan recognizes the unique role of industrial land in Portland’s economy and the importance of industrial businesses in providing living-wage jobs. The plan’s vision statement, policies and objectives have been adopted as part of Portland’s Comprehensive Plan and are implemented through the Zoning Code through the GLIS Plan District (33.531), which adds land use prohibitions and limits that were (at the time) above and beyond the limits in the industrial base zones.

295.Finding: The City Council finds that the central the purpose of the GLISP and its policies and objectives is to protect the industrial area from encroachment from the neighboring residential and commercial areas.

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Policy 1: Jobs and Economic Development

Maintain and expand industrial business and employment opportunities in the Guild’s Lake Industrial Sanctuary. Stimulate investment in the area’s public and private infrastructure and industrial facilities.

296.Finding: The City Council interprets this policy and objectives to apply to the GLISP area as whole and not to individual businesses or sectors of business. The GLISP seeks to provide a public policy framework and foster a business environment that will create more certainty and encourage continued private sector investment in facilities. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes do not conflict with the policy intent to maintain the area as an industrial sanctuary. These regulations apply to only one type of business that makes up a minority part of the businesses found in GLIS. The remaining industrial uses continue to operate under current regulations. The impact of the limits on fossil fuel terminals is mitigated by designating existing fossil fuel terminals as a limited use, as opposed to a prohibited or non-conforming use, that allows the terminals to continue to operate and invest in upgrades and supports opportunities for enhancement through exceptions, such as aviation or renewable fuels.

The City Council interprets the verb “stimulate” to mean “encourage”, which is defined in the 2035 Comprehensive Plan as to promote or foster using some combination of voluntary approaches, regulations, or incentives. The FFTZ amendments apply to only one type of business that makes up a minority part of the businesses found in GLIS. The remaining industrial uses continue to operate under current regulations. The limits on expansion of storage capacity at fossil fuel terminals is mitigated by designating existing fossil fuel terminals as a limited use that allows the terminals to continue to operate and invest in upgrades. In addition, even though transloading facilities are a defining characteristic of a Bulk Fossil Fuel Terminal, the ordinance only limits new fossil fuel storage tank capacity and does not regulate transloading facilities, docks or pipelines – facilities that are key components of the multimodal freight transportation system. Existing FFTs and other industrial uses can make investments in multimodal freight facilities. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments in the area.

As noted in the findings above, the FFTZ amendments are consistent with the goals and policies of Chapter 6 (Economic Development) of the 2035 Comprehensive Plan and Statewide Planning Goal 9. The findings in response to those goals and policies are incorporated by reference.

Objective 1. Provide new employment opportunities by reusing or redeveloping reclaimed, underutilized and vacant land and buildings in the GLIS.

297.Finding: The City Council interprets the GLISP objectives as subpolicies that support the policy. The City Council does not interpret the objectives as mandatory requirements that must be satisfied with every legislative action.

The City Council finds that the objective does not require the City to provide new employment opportunities with every legislative action but instead requires that the City maintain an adequate supply of vacant and underutilized industrial land that can provide for new employment opportunities, as defined in the EOA. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes will continue to provide opportunities for industrial redevelopment in the GLIS. These regulations apply to only one type of business that makes up a minority part of the businesses found in GLIS. These changes support the retention of existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades, which maintains the current employment opportunities at these businesses. The regulations also provide opportunities for growth through

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exceptions, such as aviation or renewable fuels, which can provide additional employment opportunities.

Objective 2. Foster a business and public policy environment that promotes continued private and public sector investments in infrastructure, facilities, equipment and jobs.

298.Finding: The City Council interprets this objective seeks to encourage an environment that furthers public and private sector investments. The City Council finds that the City’s role is through land use regulations, such as industrial zoning protections, maintaining an adequate supply of land; and public infrastructure investments. The FFTZ amendments maintain industrial zoning protections because the ordinance does not include changes to the Prime Industrial Overlay Zone, the GLIS Plan District, or to the Zoning Map where they are applied. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes will continue to provide an adequate industrial land base for employment growth. These regulations apply to only one type of business that makes up a minority part of the businesses found in GLIS. The limits on expansion of storage capacity at fossil fuel terminals is mitigated by designating existing fossil fuel terminals as a limited use that allows the terminals to continue to operate and invest in other types of upgrades. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments in the area.

Objective 3. Enhance the GLIS as a competitive and forward-thinking industrial area by fostering innovative and environmentally-sensitive industrial projects and practices that improve the operational efficiency of GLIS firms while conserving natural resources and reducing pollution.

299.Finding: The City Council interprets the verb “enhance”, which is not defined in the 2035 Comprehensive Plan, to mean to intensify or improve. The verb “foster”, which is defined in the 2035 Comprehensive Plan, means to encourage or guide the incremental development of something over a long period of time. The City Council interprets this policy to mean that industrial development should incorporate green building practices, such as on-site stormwater management, and natural resource conservation, such as riverbank restoration. The City has achieved this objective through other regulatory programs, such as the Stormwater Management Manual and the Greenway Overlay Zone, that are not amended by this ordinance. The limits on expansion of storage capacity at fossil fuel terminals is mitigated by designating existing fossil fuel terminals as a limited use that allows the terminals to continue to operate and invest in other types of upgrades that conserve natural resources and reduce pollution.

Policy 2: Transportation

Maintain, preserve and improve the intermodal and multimodal transportation system to provide for the smooth movement of goods and employees into and through the Guild’s Lake Industrial Sanctuary.

300.Finding: The Council finds that this policy seeks to maintain and improve the intermodal and multimodal transportation system. The City Council interprets this policy and the objectives to apply to the GLISP area as whole and not to individual businesses or sectors of business. The transportation policy discussion and action plan in the GLISP is focused on a street system that accommodates all modes of traffic while preserving operational characteristics that support truck movement. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes will not significantly impact the performance of the transportation system. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure

Fossil Fuel Terminal Zoning Amendments

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investments in the area that seeks to accommodate all modes of traffic consistent with the freight classifications for the district's roadways.

The fossil fuel terminals are privately-owned, specialized intermodal facilities that exclusively transport liquid bulk products into and out of the GLISP area via pipeline, barge, rail and truck. There is no evidence that these terminals are used by other businesses to move other types of goods. The limits on expansion of storage capacity at fossil fuel terminals is mitigated by designating existing fossil fuel terminals as a limited use that allows the terminals to maintain, preserve and continue to operate and improve their intermodal facilities to provide for the continued movement of goods through the GLIS. Finally, the ordinance does not regulate transloading facilities, docks or pipelines – facilities that are key components of the multimodal freight transportation system. Existing FFTs and other industrial uses can make investments in multimodal freight facilities.

As noted in the findings above, the FFTZ amendments are consistent with the goals and policies of Chapter 9 (Transportation) of the 2035 Comprehensive Plan and Statewide Planning Goal 12. The findings in response to those goals and policies are incorporated by reference.

Objective 1. Maintain, protect, and enhance the public and private multimodal transportation investments in the GLIS, including rail and marine terminal facilities, to ensure its continued viability as a major center for the import and export of industrial products in the state of Oregon.

301.Finding: The 2035 Comprehensive Plan defines the verb “maintain” to mean keep what you have; conserve; preserve; continue. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes will continue to provide the same opportunities for investment to provide for the continued movement of goods through the GLIS. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments in the area to provide for the continued viability as a major industrial center in Oregon.

The City Council interprets the verb “enhance”, which is not defined in the 2035 Comprehensive Plan, to mean to intensify or improve. The FFTZ regulations apply to only one type of business that makes up a minority part of the businesses found in GLIS. The limits on expansion of storage capacity at fossil fuel terminals are mitigated by designating existing fossil fuel terminals as a limited use that allows the terminals to maintain, preserve and continue to operate and improve their intermodal facilities to provide for the continued movement of fossil fuels through the GLIS and supports opportunities for enhancement through exceptions, such as aviation or renewable fuels. Finally, even though transloading facilities are a defining characteristic of a Bulk Fossil Fuel Terminal, the ordinance only limits new fossil fuel storage tank capacity and does not regulate transloading facilities, docks or pipelines – facilities that are key components of the multimodal freight transportation system. Existing FFTs and other industrial uses can make investments in multimodal freight facilities.

Objective 2. Maintain operational characteristics on roads and at intersections that support truck movements and industrial economic growth, while accommodating traffic, transit, and emergency access needs.

302.Finding: The Council finds that this policy applies to functional classifications as designated in the adopted TSP. The FFTZ amendments do not change the functional classification of any roads in the GLIS. These regulations apply to only one type of business that makes up a minority part of the businesses found in GLIS. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the operational characteristics of the roads and intersections continue to support truck movements and industrial economic growth.

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Objective 3. Minimize traffic conflicts between industrial and nonindustrial uses.

303.Finding: The City Council interprets the verb “minimize” to mean to reduce something to the smallest possible amount. Minimizing traffic conflicts is a function of transportation policy. The FFTZ amendments do not change any transportation policies, including the functional classification of any roads in the GLIS. The FFTZ amendments do not include map changes, nor do they allow for new incompatible nonindustrial land uses that could be expected increase traffic conflicts.

Objective 4. Manage congestion on highways and roads within the GLIS through regional and area-wide systems planning and maximize the efficiency of transportation facilities for all modes of travel, with the participation of private industry.

304.Finding: The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes will continue to provide the same opportunities for investment in the GLIS. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments in the area to manage congestion on highways and roads within the GLIS.

The City Council interprets the verb “maximize”, which is not defined in the 2035 Comprehensive Plan, to mean to make the best use of. These regulations apply to only one type of business that makes up a minority part of the businesses found in GLIS. The limits on expansion of storage capacity at fossil fuel terminals is mitigated by designating existing fossil fuel terminals as a limited use that allows the terminals to continue to operate and invest in other types of upgrades to all modes of travel. The FFTZ regulations allow terminals to maximize the efficiency of their private transportation facilities (docks and pipelines) by providing expanded opportunities through exceptions, such as for aviation or renewable fuels, to the storage capacity restrictions. The ordinance does not regulate transloading facilities, docks or pipelines – facilities that are key components of the multimodal freight transportation system. Existing FFTs and other industrial uses can make investments in multimodal freight facilities.

Testimony from the Portland Business Alliance et al., the Working Water Coalition, and the Western States Petroleum Association raised the concern that the ordinance would force fuels to be transported by truck and increase vehicle miles travelled and emissions. The City Council finds that this unsupported assertion provides no details or explanation as to how this ordinance will force a change in transportation modes. There is no explanation or evidence on future demand, pipeline capacity utilization, or storage tank utilization or how or why truck traffic would increase. BPS staff provided evidence in the Council presentation and the written record that demonstrates that there is a reasonable expectation that the demand for fossil fuels will be flat and that the existing FFT storage capacity, with the allowed exceptions, will continue to meet the future demand for fossil fuels.

Objective 5. Develop alternative transportation options for employees of the GLIS, including transit, carpools, bicycling, and walking to reduce parking needs, vehicle emissions, and congestion levels.

305.Finding: The City Council interprets this policy to focus on the commute modes of employees of the GLIS. Developing alternative transportation options is a function of transportation policy. The FFTZ amendments do not change any transportation policies, therefore, this policy does not apply. Further, employment at FFTs is a small share of the overall employment of the GLIS. The limits on expansion of storage capacity at fossil fuel terminals is mitigated by designating existing fossil fuel terminals as a limited use that allows the terminals to continue to operate, which can maintain these employment levels, which can maintain ridership for the existing transit service. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore the City continues to plan for public infrastructure investments in the area to support this objective.

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Objective 6. Locate safe pedestrian and bicycle routes within the GLIS that minimize conflicts with industrial traffic. Improve pedestrian and bicycle connections to nearby residential areas to reduce congestion levels and auto emissions, preserve capacity of the street system, and reduce parking needs.

306.Finding: The City Council interprets this policy to focus on the investment in pedestrian and bicycle routes in the GLIS, which is a function of transportation policy. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore this policy does not apply.

Objective 7. Recognize the role of NW Vaughn Street as an important multimodal access route to the Guild's Lake Industrial Sanctuary and Northwest Portland.

307.Finding: The City Council interprets this policy to focus on the functional classification of NW Vaughn Street, which is a function of transportation policy. The FFTZ amendments do not amend the Citywide System Plan or the Transportation System Plan, therefore this policy does not apply.

Policy 3: Land Use

Preserve and protect land primarily for industrial uses, and minimize land use conflicts in the Guild's Lake Industrial Sanctuary. Allow compatible nonindustrial uses within the GLIS that provide retail and business services primarily to support industrial employees and businesses.

308.Finding: The City Council interprets this policy and the objectives to apply to the GLISP area as whole and not to individual businesses or sectors of business. The City Council interprets this policy to mean that the most effective way to preserve and protect industrial uses is to minimize land use conflicts by limiting nonindustrial uses, which is the reason why the City Council applied the Prime Industrial Overlay Zone to the GLIS as part of the 2035 Comprehensive Plan adoption. The Prime Industrial Overlay Zone restricts non-industrial uses, such as self-service storage and major event entertainment, that are allowed in the industrial base zones. The FFTZ amendments maintain industrial zoning protections because the ordinance does not amend the Prime Industrial Overlay Zone, the GLIS Plan District, or the Zoning Map where they are applied. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, with these changes, the GLIS will continue to be used primarily for industrial uses and land use conflicts will be minimized.

Objective 1. Preserve the overall industrial character of the Guild's Lake Industrial Sanctuary.

309.Finding: The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, the overall industrial character of the GLIS will be preserved.

Objective 2. Preserve the physical continuity of the area designated as Industrial Sanctuary within the Guild's Lake Industrial Sanctuary.

310.Finding: The FFTZ amendments do not include map changes, including to the plan district boundaries, therefore, with the physical continuity of the GLIS is preserved.

Objective 3. Minimize conflicts between industrial and nonindustrial land uses.

311.Finding: The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, the GLIS will continue to be used primarily for industrial uses and land use conflicts will be minimized.

Objective 4. Prohibit new residential uses within the GLIS.

312.Finding: The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, residential uses within the GLIS will continue to be prohibited.

Objective 5. Allow the provision of support services to employees and businesses in the GLIS to reduce trips outside of the GLIS.

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313.Finding: The FFTZ amendments do not include map changes, nor do they allow for new nonindustrial land uses, therefore, this objective does not apply.

Objective 6. Encourage industrial businesses to locate their accessory offices and showrooms along NW Vaughn Street.

314.Finding: The FFTZ amendments do not include map changes, nor do they allow for new nonindustrial land uses. Additionally, there are no FFTs located on NW Vaughn, therefore, this objective does not apply.

Objective 7. Preserve the GLIS's Willamette River waterfront as a location for river-dependent and river-related industrial uses.

315.Finding: The existing fossil fuel terminals are designated as a limited use that allows the terminals to continue to operate and invest in upgrades, including their waterfront facilities. The FFTZ amendments do not include map changes, nor do they allow for new nonindustrial land uses, therefore, the Willamette River waterfront is preserved as a location for river-dependent and river-related industrial uses.

Objective 8. Recognize the Willamette River as a valuable economic, transportation, natural and recreational resource for the entire city. Coordinate GLIS Plan policies and implementation measures with ongoing and future citywide planning efforts that address the significance of the river and the city's industrial land supply.

316.Finding: The verb "recognize" is defined in the 2035 Comprehensive Plan as to acknowledge and treat as valid. The 2035 Comprehensive Plan defines "coordinate" as work together with others toward a common goal; collaborate. The FFTZ amendments do not include map changes, nor do they allow for new nonindustrial land uses, therefore, the city's industrial land supply is maintained. The FFTZ amendments do not include changes that impact the economic, transportation, natural, and recreational resource function of the Willamette River. The waterfront is preserved as a location for river-dependent and river-related industrial uses. Finally, the ordinance does not regulate transloading facilities, docks or pipelines – facilities that are key components of utilizing the Willamette River as part of the multimodal freight transportation system. As noted in the findings above, the FFTZ amendments are consistent with the policies 3.70, 3.72, 4.82, and 9.36 of the 2035 Comprehensive Plan, and the findings in response to those policies are incorporated by reference.

Objective 9. The industrial character and economic viability of the Guild's Lake Industrial Sanctuary must continue to be the priority when considering the public need for expanded access to the Willamette River. Design and implement any greenway enhancements along the river so as to avoid or minimize negative impacts on industrial operations.

317.Finding: The FFTZ amendments do not include changes to the greenway enhancement requirements in Chapter 33.440, therefore this objective does not apply.

Objective 10. Contribute to the maintenance and enhancement of all of Northwest Portland as a diverse urban environment that includes opportunities for housing, commercial services, and industrial employment in relatively close proximity.

318.Finding: The FFTZ amendments do not include map changes, nor do they allow for new nonindustrial land uses, therefore, the diverse urban environment of Northwest Portland is maintained.

The City Council interprets the verb "enhance", which is not defined in the 2035 Comprehensive Plan, to mean to intensify or improve. The FFTZ regulations apply to only one type of business that makes up a minority part of the industrial businesses found in GLIS. The limits on expansion of

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storage capacity at fossil fuel terminals is mitigated by designating existing fossil fuel terminals as a limited use that allows the terminals to maintain, preserve and continue to operate and improve their intermodal facilities to provide for the continued movement of fossil fuels through the GLIS and supports opportunities for enhancement through a number of exceptions, such as aviation or renewable fuels, to the storage capacity restrictions; therefore the FFTZ changes contribute maintain and enhancing the industrial employment in this part of Northwest Portland.

Part V. Zoning Code Amendment Criteria

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.

319.Finding: The findings in this exhibit demonstrate how the FFTZ amendments are consistent with the 2035 Comprehensive Plan, the Urban Growth Management Functional Plan, and the Statewide Planning Goals.

The City Council interprets this criterion to require the FFTZ amendments show consistency. The Council finds that “consistent” means “the subject meets the requirements of, satisfies, or adheres to the regulations, mandate, or plan listed in the goal or policy.” The City Council has applied all applicable policies and the findings in this exhibit demonstrate how the FFTZ amendments to the zoning code are, on balance, consistent with the 2035 Comprehensive Plan, the Urban Growth Management Functional Plan, and with the Statewide Planning Goals.

Council finds that this criterion operates in conjunction with Comprehensive Plan Policy 1.10 which requires that amendments to the Comprehensive Plan’s supporting documents, such as the Zoning Code, must “comply” with the Comprehensive Plan.” “Comply” means “that amendments must be evaluated against the Comprehensive Plan’s applicable goals and policies and on balance be equally or more supportive of the Comprehensive Plan as a whole than the existing language or designation.”

The City Council finds that a proposed amendment is equally supportive when it is on its face directly supported by goals and policies in the Plan. The City Council finds that an amendment is more supportive of the Comprehensive Plan when the amendment will further advance goals and policies, particularly those that are aspirational in nature. The City Council finds that the policy requires consideration as to whether amendments are equally or more supportive of the Plan *as a whole*. The City Council finds that amendments do not need to be equally or more supportive with individual goals and policies, but rather amendments must be equally or more supportive of the entire Comprehensive Plan. Therefore, the City Council finds that there may be instances where specific goals and policies are not supported by the amendments but still the amendment is equally or more supportive of the entire Comprehensive Plan when considered cumulatively. The City Council finds that there is no precise mathematical equation for determining when the Plan as a

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whole is supported but rather such consideration requires City Council discretion in evaluating the competing interests and objectives of the plan.

Applying both the Zoning Code criterion and Policy 1.10 together, as discussed above, the Council finds that the amendments are consistent with the Comprehensive Plan, Urban Growth Management Functional Plan, and Statewide Planning Goals. Additionally, as discussed below, the Council finds that the FFTZ amendments are consistent with the intent or purpose statement for the base zones and the GLISP, the only plan associated with the regulations.

In considering the proposed amendments on balance, the City Council finds that the City Council has considered applicable policies to determine that this ordinance on the whole complies with the 2035 Comprehensive Plan and on balance is equally or more supportive of the goals and policies of the 2035 Comprehensive Plan than the current regulations. In reaching this conclusion, City Council has weighed and balanced competing policy directions.

In particular, the Council finds that Goal 4.D with Policies 4.79 and 4.80, requires evaluating and reducing risk to people and property from natural hazards. The FFTZ amendments further these goals and policies because by limiting the risks of storing large volumes of hazardous materials in an area with high susceptibility to an earthquake. Large fossil fuel terminals represent a risk to people, property and the natural environments that the City Council finds as a compelling reason to limit future risk by limiting the size of new facilities and prohibit the expansion of existing facilities. Continuing to allow an unlimited increase in storage capacity at FFTs in a high risk area would be less supportive of the 2035 Comprehensive Plan than adopting the FFTZ amendments

The City Council further finds that Policy 6.48 provides direction to limit fossil fuel terminals to what is necessary to serve the region. The City Council recognizes that Portland's fossil fuel terminals handle 90 percent of the fossil fuel for the State of Oregon and Southwest Washington. BPS presented evidence that national petroleum consumption forecast out to 2050 is essentially flat, which is a continuation of historic trends in Oregon and Washington, during a period of a thriving economy. In addition, ODOT is forecasting a decline in motor fuel consumption over the medium term to 2029. The more recent cargo forecasts project a modest growth in volumes, but those volumes do not exceed the historic peak volumes that were handled by the Portland terminals. No other evidence of future demand for fossil fuels was submitted in testimony. Therefore, the City Council finds that the fossil fuel storage capacity at the existing FFTs is sufficient to meet future needs. These changes support the retention of existing fossil fuel terminals by designating them as a limited use that allows the terminals to continue to operate and invest in upgrades and supports opportunities for growth through exceptions, such as aviation or renewable fuels. Further, the use limitations provide flexibility to FFTs to replace and reconfigure existing storage tank capacity to increase safety. In addition, limiting storage capacity to the existing facilities reduces risk from a major earthquake, which outweighs the policy direction to provide capacity to accommodate any potential future increase in fossil fuel consumption, in part, because continuing to consolidate fossil fuel storage capacity in Portland is counter to resiliency principles that emphasize redundancy and distributed facilities.

At the same time, the City Council finds that Goal 6.C with Policies 6.20 and 6.36, among others, provide for the retention and growth of businesses, especially those in the traded sector. However, the City Council interprets these policies apply to the economy in general, rather than specific types of business. These changes and restrictions only apply to a narrowly defined new land use category, Bulk Fossil Fuel Terminals, and do not have a significant effect on the other allowed uses in industrial and employment zones. There are no changes proposed to the Comprehensive Plan or Zoning Map that will impact the overall size or intensity of development in the industrial and

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employment areas of Portland. These amendments are narrowly constructed to apply to one class of businesses that make up a small portion of the city, regional and state economy. Further, these regulations only limit future expansion of these fossil fuel terminals, with some key exceptions, and designate these businesses as a limited use that allows their continued operation.

Guilford Lake Industrial Sanctuary (GLIS) Plan policies provide direction to maintain, protect and enhance businesses in the sanctuary. This plan was adopted in 2001 and does not address the need for resiliency in a high and medium liquefaction susceptibility area. The City Council interprets these policies to apply to the GLIS as a whole and not individual businesses. The City Council interprets the legislative intent of the GLISP is to maintain the area as an industrial sanctuary and to prohibit incompatible land uses. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses that could undermine the viability of the industrial sanctuary. These regulations apply to only one type of business that makes up a minority part of the businesses found in GLIS. The remaining industrial uses to continue to operate under current regulations. The impact of the limits on fossil fuel terminals is mitigated by designating existing fossil fuel terminals as a limited use that allows the terminals to continue to operate and make upgrades and supports limited enhancement through exceptions to the fossil fuel storage capacity restrictions.

Further, the Council finds that the FFTZ amendments amend the allowed uses in all of the base zones. The City Council finds that because the amendments prohibit FFTs in the open space, residential, commercial/mixed use, and campus institution base zones that these amendments are consistent with the purpose statements of those zones.

The City Council finds that because the FFTZ amendments do not amend overlay zones or plan districts, or land division regulations, and therefore these purpose statements do not apply.

The purpose statements for the Employment and Industrial Zones and the Use Categories that are amended by this ordinance are addressed below.

No new plan district has been proposed, therefore the criteria in 33.500.050 do not apply.

Testimony by Zenith Energy implied that Resolution 37168 should be considered additional approval criteria. The City Council rejects this interpretation. Resolutions provide guidance on future City actions, such as directing BPS to develop proposed code changes to advance the resolution. However, in the context of making a legislative land use decision (amending the Zoning Code), the 2035 Comprehensive Plan and Title 33 (Planning and Zoning) establish the procedures and approval criteria for making these decisions. Neither the 2035 Comprehensive Plan nor Title 33 include references to include other resolutions that have not been incorporated into the 2035 Comprehensive Plan goals and policies.

Part VI. Zoning Code Purpose Statements

33.140 Employment and Industrial Zones

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,

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and address environmental concerns. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

320.Finding: The City Council interprets this purpose statement to require that the employment and industrial zones focus on a mix of industrial uses in general, but that it does not require every type of industrial use, especially when considering the protection of health and safety of the public and the environment. The FFTZ amendments do not allow for new incompatible land uses, therefore, these changes are consistent with the intent to allow a mix of uses with a strong industrial orientation in Portland's industrial districts. These regulations apply to only one type of use that makes up a minority part of the uses found in Portland's industrial districts. The remaining industrial uses continue to operate under current regulations. The FFTZ amendments protect the health, safety and welfare of the public and address environmental concerns by reducing the risk associated with a major earthquake by ensuring that the situation does not get worse by continuing to allow the unlimited increase in fossil fuel terminal storage tank capacity in a high risk area. The regulations provide certainty by designating existing FFTs as a limited use, which allows the terminals to continue to operate and invest in facilities that reduce the risks and improve their ability to withstand a major earthquake.

33.920 Description of 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.

321.Finding: The FFTZ amendments create a new use category – Bulk Fossil Fuel Terminals – based on the function, the type of product handled or produced, the type and amount of activity, and how the goods are sold or delivered. The use category has been assigned to the base zones. The designation of a prohibited or limited use is based on the findings in this exhibit that demonstrate how, on balance, the designation is consistent with the goals and policies of 2035 Comprehensive Plan.

33.531 Guild's Lake Industrial Sanctuary Plan District

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.

322.Finding: The City Council finds that the Guild's Lake Industrial Sanctuary (GLIS) Plan seeks to protect and promote the area's long-term economic viability as an industrial district for a broad variety of

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industrial land uses and businesses. The FFTZ amendments maintain industrial zoning protections because the ordinance does not include changes to the Prime Industrial Overlay Zone, the GLIS Plan District, or to the Zoning Map where they are applied. The FFTZ amendments do not include map changes, nor do they allow for new incompatible land uses, therefore, these changes will continue to provide an adequate industrial land base for employment growth. The City Council finds that the purpose statement does not require that every industrial use is allowed or allowed to have unlimited growth. These regulations apply to only one type of business that makes up a minority part of the businesses found in GLIS. The limits on expansion of storage capacity at fossil fuel terminals is mitigated by designating existing fossil fuel terminals as a limited use that allows the terminals to continue to operate and invest in other types of upgrades.

As noted above, the findings in response to Statewide Planning Goal 9, the goals and policies of Chapter 6 (Economic Development) of the 2035 Comprehensive Plan, and the Guilds Lake Industrial Sanctuary Plan are incorporated by reference. Therefore, FFTZ amendments are consistent with the purpose of the plan district.



Fossil Fuel Terminal Zoning Amendments

Exhibit B
Remand Report
As Amended

City of Portland, Oregon

December 18, 2019

Proposed Action

The City of Portland is considering the re-adoption of the Fossil Fuel Terminal Zoning Amendments. On December 14, 2016, the Portland City Council adopted Ordinance No. 188142 which amended the Zoning Code to create a new land use category (Bulk Fossil Fuel Terminals) with development standards to regulate the storage tank capacity. The amendments prohibited expansion of storage tank capacity at existing fuel terminals and limited new terminal development to 2 million gallons of storage tank capacity. The storage of coal at Bulk Fossil Fuel Terminals was prohibited.

The amendments allowed for the continued operation of existing terminals as a limited use in the industrial and employment zones. Terminals can continue to operate and invest in seismic and safety upgrades. The prohibition on the expansion of storage capacity included exceptions to the storage capacity limits to address issues identified in previous City Council resolutions, particularly for aviation fuels and renewable fuels.

Ordinance No. 188142 was appealed to the Oregon Land Use Board of Appeals (LUBA). In *Columbia Pacific Building Trades Council v. City of Portland*, LUBA Case No. 2017-001, LUBA reversed the Ordinance holding that the City's decision was unconstitutional; failed to demonstrate compliance with the Guild's Lake Industrial Sanctuary Plan (GLISP) and Statewide Planning Goal 12; and was not supported by an adequate factual base.

LUBA's decision was appealed to the Oregon Court of Appeals. In *Columbia Pacific Building Trades Council v. City of Portland*, 289 Or App 739 (2018), the court reversed LUBA's decision in part and affirmed in part. The Court found that the amendments are constitutional, and the City adequately demonstrated compliance with Goal 12.

The Court of Appeals decision was appealed to the Oregon Supreme Court. The Supreme Court denied review in *Columbia Pacific Building Trades Council v. City of Portland*, 363 Or 390 (2018).

On October 5, 2018, LUBA remanded Ordinance No. 188142 for City Council to demonstrate compliance with GLISP and demonstrate that the decision was supported by an adequate factual base.

The City intends to readopt the Fossil Fuel Terminal Zoning Amendments to comply with LUBA's Order. The Zoning Code amendments are similar to the changes adopted in 2016, except for a few minor adjustments to reconcile the Fossil Fuel Terminal Zoning Amendments with subsequent changes to the Zoning Code that have been adopted since 2016.

On November 20, 2019, the City Council held a public hearing on the consideration of additional evidence to ensure that the amendments are supported by an adequate factual base. Additionally, the findings will demonstrate that the amendments comply with the goals and policies in the 2035 Comprehensive Plan, which was adopted subsequent to the initial adoption of Ordinance No. 188142.

Timeline

In Resolutions 36959 and 36962, adopted in 2012, the City Council expressed opposition to coal trains traveling through Portland until a programmatic, comprehensive and area-wide Environmental Impact Statement and comprehensive Health Impact Assessment are completed.

The City's 2015 Climate Action Plan (adopted by Resolution 37135) identifies the need to establish a "fossil fuel export policy that considers lifecycle emissions, safety, economics, neighborhood livability and environmental impacts" (Climate Action Plan, action 3G, page 69). The City committed in its 2015 Climate Action Plan to advancing policy and programs to reduce local fossil fuel use both in the City's own operations and through community-wide initiatives.

Resolution 37168, adopted November 12, 2015, expressed the City Council's opposition to the "expansion of infrastructure whose primary purpose is transporting or storing fossil fuels in or through Portland or adjacent waterways." It also expressed the Council's intent not to restrict improvements in safety, efficiency, or seismic resilience; the provision of service directly to end users; or infrastructure that will accelerate the transition to non-fossil fuel energy sources. The City Council also expressed support for accelerating the transition to non-fossil fuel energy sources. As part of that transition, the Oregon Department of Environmental Quality (ODEQ) is implementing the Oregon Clean Fuels Program, which requires a 10 percent reduction in average carbon intensity by 2025. Fuels that could be used to achieve the standards include ethanol, biodiesel, electricity, hydrogen, natural gas, propane, and biogas, which may require additional storage capacity. In order to facilitate implementation of the Clean Fuels Program, non-fossil fuel storage tanks are not subject to the capacity limits.

Portland's existing fossil fuel terminals

Portland's industrial districts are Oregon's largest seaport, rail hub and truck distribution center. The Northwest Industrial District in Portland is also the end of the Olympic Pipeline, which supplies most of Oregon's petroleum fuels from Puget Sound refineries. The ten petroleum terminals located in Northwest Portland are the gateway distribution facilities serving Oregon and Southern Washington markets. Additionally, NW Natural's GasCo terminal provides peak-consumption storage of natural gas for the region. In Northwest Portland, these "tank farm" storage facilities have direct access to pipeline, deep-water port, railroad and truck route infrastructure.



Figure 1. An example of petroleum terminals located in the Willbridge area of NW Portland.

Figure 2. Existing fossil fuel terminals in Northwest Portland

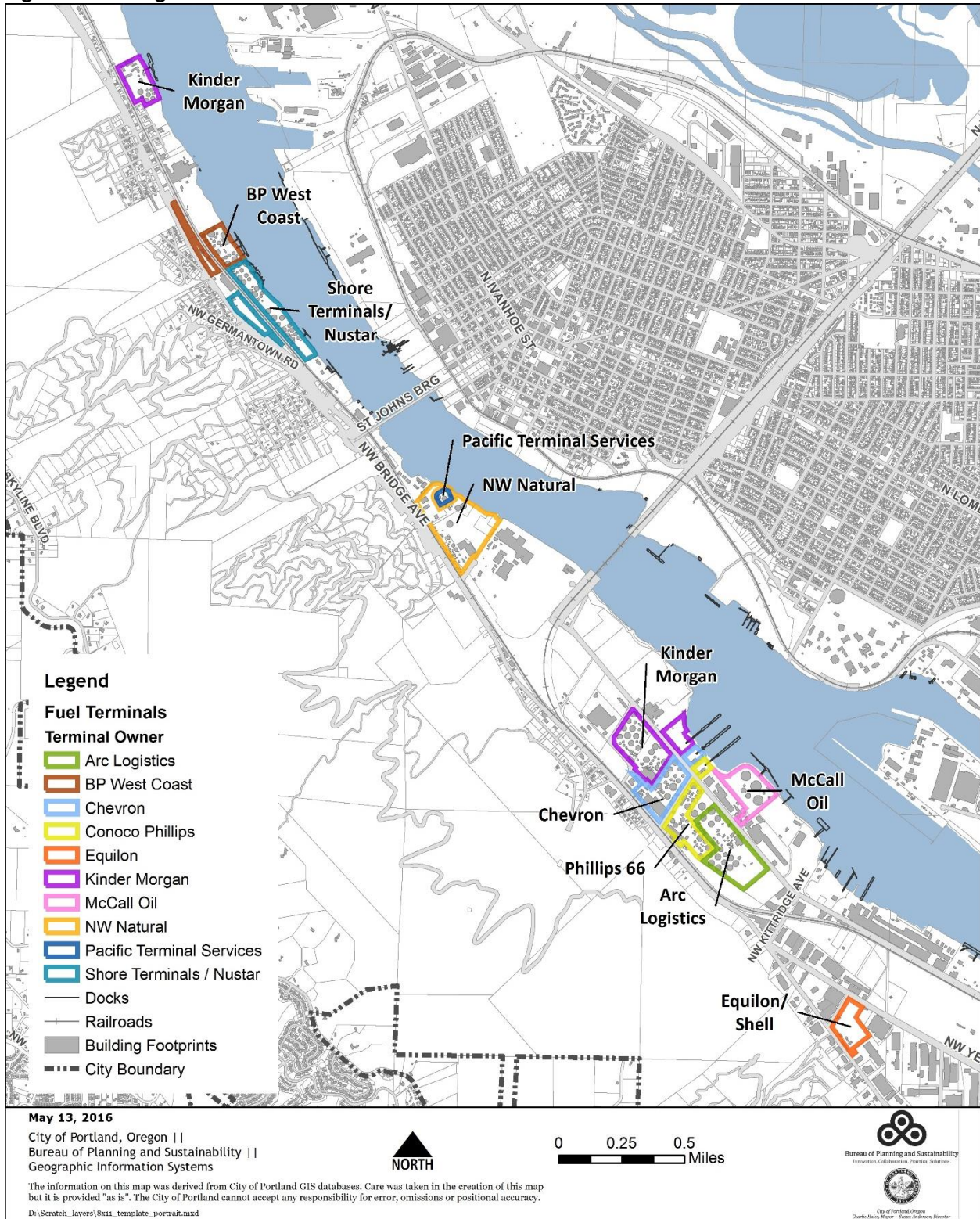


Figure 3. Estimated storage capacity at existing fossil fuel terminals

<i>Operator</i>	<i>Facility type</i>	<i>Site acres</i>	<i>Existing Storage capacity</i>	
Petroleum fuels			barrels	gallons
Chevron	Petroleum terminal	21	1,600,000	67,200,000
Kinder Morgan Willbridge	Petroleum terminal	33	1,551,000	65,142,000
Zenith (Arc Logistics)	Petroleum/crude oil	39	1,518,200	63,764,400
NuStar	Petroleum terminal	22	1,191,000	50,022,000
McCall Oil	Petroleum terminal	19	930,000	39,060,000
Conoco Phillips	Petroleum terminal	21	760,000	31,920,000
BP West Coast	Petroleum terminal	18	601,500	25,263,000
Kinder Morgan Linnton	Petroleum terminal	13	420,000	17,640,000
Equilon/Shell	Petroleum terminal	13	400,000	16,800,000
Pacific Terminal Services	Petroleum terminal	2	278,000	11,676,000
<i>Total</i>			<i>9,249,700</i>	<i>388,487,400</i>
Gaseous fuels			Dth	
NW Natural GasCo	LNG plant/terminal	41	7,500,000	

Terminology: bbls = barrels, Dth = decatherms, LNG = liquified natural gas

Sources: Oregon DEQ for petroleum tank data. NW Natural 2014 Integrated Resource Plan for existing capacity

Zoning code changes

This section of the report specifies the adopted code language, along with code commentary pages that clarify expected implementation. The section is formatted to facilitate readability, showing adopted code changes on the right-hand pages and related code commentary on the facing left-hand pages.

Commentary

Table 100-1 Open Space Zone Primary Uses

The amendments to this table reflect changes to prohibit Bulk Fossil Fuel Terminals in the Open Space base zone.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strike through~~

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
<u>Bulk Fossil Fuel Terminal</u>	<u>N</u>
Railroad Yards	N
Waste-Related	N
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.

Commentary

Table 110-1 Single-Dwelling Zone Primary Uses

The amendments to this table reflect changes to prohibit Bulk Fossil Fuel Terminals in single-dwelling base zones.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strike through~~

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
<u>Bulk Fossil Fuel Terminal</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
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

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 33.110.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Commentary

Table 120-1 Multi-Dwelling Zone Primary Uses

The amendments to this table reflect changes to prohibit Bulk Fossil Fuel Terminals in the multi-dwelling base zones.

Table 120-1 Multi-Dwelling Zone Primary Uses						
Use Categories	R3	R2	R1	RH	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 [12]	L [12]	L [12]	CU[2]	L/CU [3]	L [13]
Office	N	N	N	CU[2]	L/CU [3]	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 [4]	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	CU
Industrial Categories						
Manufacturing And Production	N	N	N	N	N	CU
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	CU
<u>Bulk Fossil Fuel Terminal</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
Institutional Categories						
Basic Utilities	L/CU [10]	L/CU [10]	L/CU [10]	L/CU [10]	L/CU [10]	L/CU [10]
Community Service	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [5]	L/CU [6]
Parks And Open Areas	L/CU [7]	L/CU [7]	L/CU [7]	Y	Y	L/CU [7]
Schools	CU	CU	CU	CU	L/CU [5]	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 [8]	L/CU [8]	L/CU [8]	L/CU [8]	Y	L/CU [8]
Other Categories						
Agriculture	L [11]	L [11]	L [11]	L [11]	L [11]	L [11]
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 [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]
Rail Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed

CU = Conditional Use Review Required

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.

L = Allowed, But Special Limitations

N = No, Prohibited

Commentary

Table 130-1 Commercial/Mixed Use Zone Primary Uses

The amendments to this table reflect changes to prohibit Bulk Fossil Fuel Terminals in the commercial/mixed use base zones.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strike through~~

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]
<u>Bulk Fossil Fuel Terminal</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
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
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
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

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.

L = Allowed, But Special Limitations

N = No, Prohibited

Commentary

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

Commentary

33.140.050 Neighborhood Contact

As an alternative to a land use review, a public notice and meeting requirement applies to development of fuel storage structure, such as a new tank, at a Bulk Fossil Fuel Terminal, similar to the requirement for multi-dwelling residential development. This notice and meeting would create public awareness about the project and serve to discuss a proposal in an informal basis.

33.140.050 Neighborhood Contact in EG and I Zones

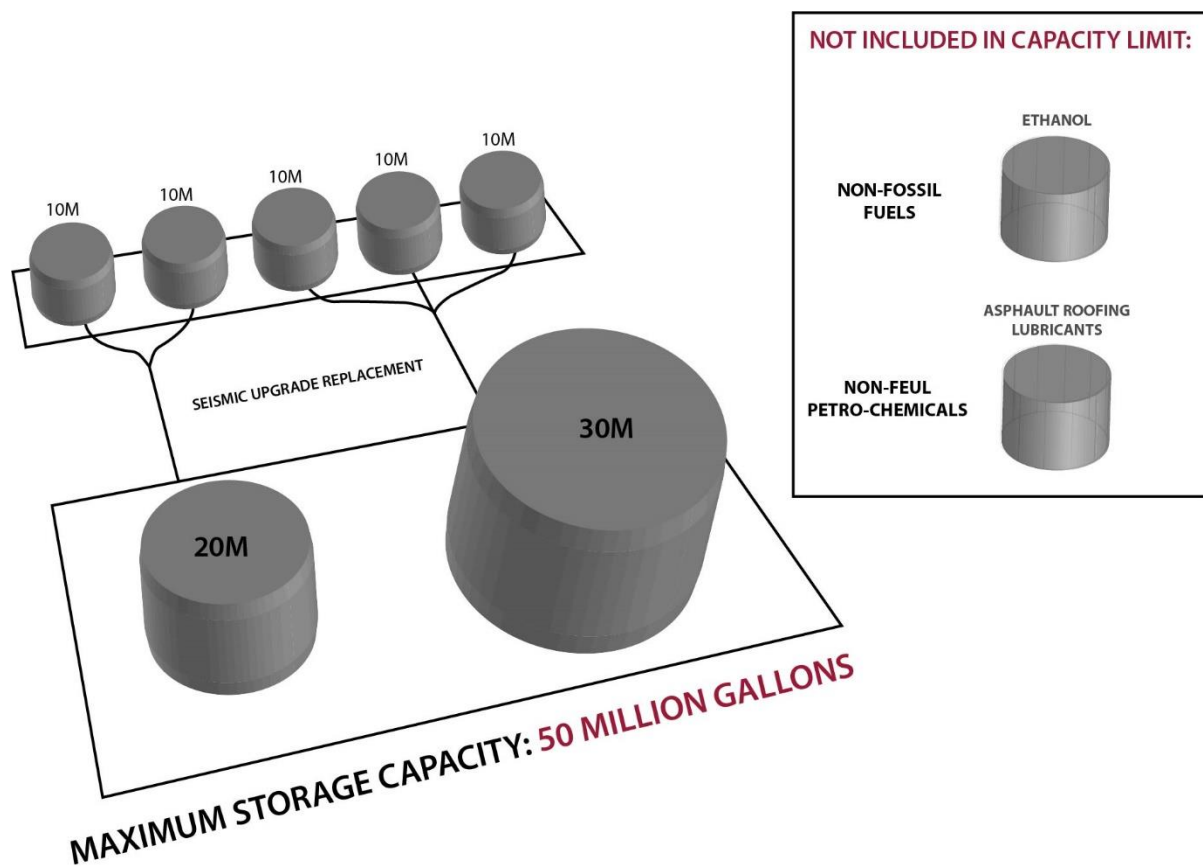
- A. Purpose.** Neighborhood contact is required when a new storage structure for any type of fuel will be built on a Bulk Fossil Fuel Terminal because of the impacts that fuel projects can have on the surrounding community.
- B. Neighborhood contact requirement.** Proposals meeting the following conditions are subject to the neighborhood contact requirement 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.

Commentary

33.140.100 Primary Uses

The amendments to this section reflect changes to prohibit new Bulk Fossil Fuel Terminals in the employment and industrial base zones and reclassify existing terminals as limited uses. Regulation of Bulk Fossil Fuel Terminals implements policy direction in City of Portland Resolution 37168 (adopted November 2015) and, 2035 Comprehensive Plan Policies 4.79, 4.81, 4.82, 6.48, and 7.14 which address reducing natural hazard risks and fossil fuel distribution and storage facilities.

The limited use designation prohibits expansion of fossil fuel tank capacity at existing Bulk Fossil Fuel Terminals, but allows for the replacement and reconfiguration of existing fossil fuel tank capacity as of the date of adoption as a way to facilitate seismic and safety upgrades.



33.140.100 Primary Uses

A. No change

- 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. – 16. No change

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 [insert effective date] 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 [insert effective date]. Total fossil fuel storage tank capacity on the site in excess of the capacity that existed on [insert effective date] is prohibited. Storing coal on the site is prohibited.
- b. New Bulk Fossil Fuel Terminals are prohibited.

Commentary

Table 140-1 Employment and Industrial Zone Primary Uses

The amendments to this section reflect changes to prohibit new Bulk Fossil Fuel Terminals in all employment and industrial base zones and reclassify existing terminals as limited uses.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strike through~~

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
<u>Bulk Fossil Fuel Terminal</u>	<u>L [17]</u>	<u>L [17]</u>	<u>N</u>	<u>L [17]</u>	<u>L [17]</u>	<u>L [17]</u>
Railroad Yards	N	N	N	Y	Y	Y
Waste-Related	N	N	N	L/CU [8]	L/CU [8]	L/CU [8]
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.

Commentary

Table 150-1 Campus Institutional Zone Primary Uses

The amendments to this table reflect changes to prohibit Bulk Fossil Fuel Terminals in the campus institutional base zones.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~striketrough~~

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
<u>Bulk Fossil Fuel Terminal</u>	<u>N</u>	<u>N</u>	<u>N</u>
Railroad Yards	N	N	CU
Waste-Related	N	N	N
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

CU = Conditional Use Review Required

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.

L = Allowed, But Special Limitations

N = No, Prohibited

Commentary

33.730 Quasi-Judicial Procedures

The following amendments correct a mistake that was made as part of the recently adopted Neighborhood Contact Update project. The Neighborhood Contact Update project simplified, clarified and made the existing neighborhood contact requirements more effective. The only existing neighborhood contact requirement in the EG and I zones is a requirement related to development of new fuel storage tanks on fossil fuel terminals. In keeping with the policy direction of the project (clarify the existing rules), the Neighborhood Contact Update project did not add neighborhood contact requirements for development other than fuel tanks in the EG or I zones. However, an exemption for development in EG and I zones was inadvertently left out of the code that details the neighborhood contact steps for a land use review. The following amendments add that exemption.

33.730 Quasi-Judicial Procedures

730

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 it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.

Commentary

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 it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.

C.-H.[No change]

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 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 it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.

C.-H.[No change]

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 it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.

Commentary

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 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 it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.

C.-J. [No change]

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 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 it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.

C.-J. [No change]

Commentary

33.730.030 Type III Procedure

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

Commentary

33.910.030 Definitions

The definition of fossil fuels was added to clarify the land use category Bulk Fossil Fuel Terminals.

Petrochemicals that are used primarily for non-fuel products are excluded, such as asphalt, plastics, lubricants, fertilizer, roofing, and paints. However, methanol is an exception that is included as a fossil fuel, because large methanol storage and distribution facilities tend to have structural similarities to liquid natural gas (LNG) and liquid petroleum gas (LPG) terminals, including large-scale storage and gas pipeline access, and because they can have similar safety and climate impacts.

Some fossil fuels under this definition are also classified as “renewable fuels” in the federal Renewable Fuel Standard and “clean fuels” in Oregon’s Clean Fuel Standard, such as liquid natural gas and liquid propane gas. These federal and state standards require transportation fuel sold within their jurisdiction to contain a minimum volume of renewable or clean fuels. Renewable or clean fuels with more than 5 percent fossil fuel volume are defined as fossil fuels.

Renewable fuels are those fuels derived from biomass (plant or animal material), such as recycled cooking oil, soybean oil, or animal fats. Renewable natural gas/biogas is fuel captured from the waste stream, such as methane from landfills, waste water treatment plants, and agricultural or food waste. It does not include methane and other hydrocarbons produced from fossil fuels. Renewable hydrogen is hydrogen produced using renewable energy derived from wind power sited in ecologically responsible ways, solar, existing and low-impact hydroelectric, geothermal, biogas (including biogas produced from biomass), and ocean/wave technology sources.

Fuels containing 5% or less fossil-fuel volume are not considered fossil fuels under this definition. For example, “pure” ethanol made from corn or other non-fossil source is required by the Alcohol and Tobacco Tax and Trade Bureau to be denatured in order to be transported to the site. Denatured ethanol typically contains up to 5% methanol, so that it is toxic and undrinkable.

33.910 Definitions

910

33.910.030 Definitions

The definition of words with specific meaning in the zoning code are as follows:

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.

Commentary

33.920 Descriptions of the Use Categories

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Sections:

Introduction to the Use Categories

- 33.920.010 Purpose
- 33.920.020 Category Titles
- 33.920.030 Classification of Uses

Residential Use Categories

- 33.920.100 Group Living
- 33.920.110 Household Living

Commercial Use Categories

- 33.920.200 Commercial Outdoor Recreation
- 33.920.210 Commercial Parking
- 33.920.220 Quick Vehicle Servicing
- 33.920.230 Major Event Entertainment
- 33.920.240 Office
- 33.920.250 Retail Sales And Service
- 33.920.260 Self-Service Storage
- 33.920.270 Vehicle Repair

Industrial Use Categories

- 33.920.300 Bulk Fossil Fuel Terminal
- 33.920.~~310~~~~300~~ Industrial Service
- 33.920.320~~310~~ Manufacturing And Production
- 33.920.~~330~~~~320~~ Railroad Yards
- 33.920.~~340~~~~330~~ Warehouse And Freight Movement
- 33.920.~~350~~~~340~~ Waste-Related
- 33.920.360~~350~~ Wholesale Sales

Institutional Use Categories

- 33.920.400 Basic Utilities
- 33.920.410 Colleges
- 33.920.420 Community Service
- 33.920.430 Daycare
- 33.920.450 Medical Centers
- 33.920.460 Parks And Open Areas
- 33.920.470 Religious Institutions
- 33.920.480 Schools

Other Use Categories

- 33.920.500 Agriculture
- 33.920.510 Aviation And Surface Passenger Terminals
- 33.920.520 Detention Facilities
- 33.920.530 Mining
- 33.920.540 Radio Frequency Transmission Facilities
- 33.920.550 Rail Lines And Utility Corridors

Commentary

33.920.300 Bulk Fossil Fuel Terminal

Bulk Fossil Fuel Terminals are added as a new land use category to regulate their development in the Zoning Code. Regulation of Bulk Fossil Fuel Terminals implements policy direction in City of Portland Resolution 37168 and 2035 Comprehensive Plan Policies 4.79, 4.81, 4.82, 6.48, and 7.14 which address reducing natural hazard risks and fossil fuel distribution and storage facilities.

Bulk Fossil Fuel Terminals are characterized by having (1) marine, pipeline or railroad transport access and (2) either trans-loading facilities for transferring a shipment between transport modes (such as from rail to ship) or bulk storage facilities exceeding 2 million gallons of fossil fuels. The 2-million-gallon threshold is sized to include facilities that are large enough to unload unit trains. Functionally, these terminals tend to be regional gateway facilities, where fossil fuels enter and exit the region.

The use description is clarified with criteria that are intended to prevent the aggregation of new facilities smaller than 2 million gallons on adjacent sites into a larger terminal that could effectively circumvent the terminal storage capacity threshold.

Resolution 37168 lists a specific exception to not restrict service directly to end users. At a small scale, services to end users include retail gasoline filling stations, natural gas access lines in street right-of-way to residential and business customers, and heating oil tanks at home sites. Larger scale end users with fossil fuel storage and access infrastructure also include manufacturers, jet fuel facilities for PDX Airport, vessel fuel facilities on Portland Harbor, and others, where fossil fuels are used as an input.

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.

Commentary

33.920.~~310300~~ Industrial Service

33.920.~~320310~~ Manufacturing And Production

33.920.~~330320~~ Railroad Yards

33.920.~~340330~~ 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.~~350340~~ Waste-Related

33.920.~~360350~~ 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.

Commentary

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.