

EXHIBIT A
FY 2002-2003 “Top Ten” Regulatory Code Improvement List

Revision: 10/10/02

Item #	Code Section	Statement of Issue	Desired Outcomes	Selected Comments Received
10	Plant Materials 33.248.030.C	Reduce the minimum required caliper of trees. Required trees in the Commercial, Employment and Industrial Zones must have a minimum caliper of three inches. This is not a standard caliper found in many nurseries, making conformance with the regulation impractical, particularly for sites requiring large numbers of trees.	<ul style="list-style-type: none"> ◆ Reduce the number of Adjustment applications that are currently processed for this standard. ◆ Reduce noncompliance with this standard due to unavailability of the three- inch caliper. ◆ Reduce development costs without changing the intended policy objectives of the standard. 	<p><i>“The 3 inch caliper is more expensive, trees are difficult to find, and die at a higher rate than smaller trees.”</i></p> <p><i>“Plant density requirements are costly and endangers tree survivability.”</i></p>
13	Short-Term Bicycle Parking 33.266.220.A	Allow required short-term bicycle parking to be located in the adjacent public sidewalk when such sidewalks are of an adequate width. This would provide greater flexibility in locating bike parking spaces, particularly when upgrading an existing building, and results in bicycle parking that is convenient and more easily accessed. This requires coordination with City titles implemented by Office of Transportation.	<ul style="list-style-type: none"> ◆ Provide more convenient, accessible parking for bicyclists. ◆ Facilitate development/redevelopment of sites by increasing options where bicycle parking may be located. 	<p><i>“Bike parking is inadequate in the City, removal of the parking meters has made this worse.”</i></p> <p><i>“Quantity required is too large; must put some in ROW or lose parking.”</i></p> <p><i>“Very good revision.”</i></p>
16	Alternative Design Density (“a”) Overlay Zone 33.405	Reexamine and amend the regulations in the “a” overlay. Much of what is in this overlay either conflicts or duplicates what is elsewhere in the Code, such as the accessory dwelling provisions. The regulations are generally confusing and little used. The intended goals and potential impacts of the some of the regulations, such as allowing attached residential infill at an R2.5 zone density on vacant lots in the R20, R10 and R7 zones, should be reconsidered.	<ul style="list-style-type: none"> ◆ Ease implementation of the Zoning Code by eliminating redundancy and conflicts. ◆ Remove provisions that result in density of infill development that is incompatible with surrounding residential development. 	<p><i>“Need to map areas where this is applied, if it is not removed all together.”</i></p>
37	Definition of Building Coverage 33.910	Amend definition of “Building Coverage” to exclude eaves and wood decks. The definition provides a disincentive for including eaves in buildings, and limits the design potential for neighborhoods and compatibility of new housing. Existing stormwater regulations should address any increase in stormwater runoff due to larger roof areas.	<ul style="list-style-type: none"> ◆ Promote greater design flexibility for new housing. ◆ Ease code implementation. 	<p><i>“The City wants us to build on smaller lots, but including eaves and decks in the definition makes it very hard, if not impossible.”</i></p>
41	Nonconforming Uses Title 33	Study non-conforming businesses created through past legislative rezoning. There are areas of the city where uses along whole block frontages are nonconforming. Being non-conforming places a substantial burden on existing landowners and businesses, and discourages further investment in these nonconforming uses.	<ul style="list-style-type: none"> ◆ Encourage owners/tenants to continue investing in these properties ◆ Reduce the number of contiguous non-conforming uses. ◆ Enhance ability for existing nonconforming uses along these frontages to continue operating. 	<p><i>“Discussions have already begun with the APNBA about helping to map the existing non-conforming uses.”</i></p>

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42	Required Housing Title 33	Consider removing housing requirements in certain areas and/or replacing with incentive provisions. A growing number of plan districts (Central City, Gateway, Hollywood) have regulations that require housing in Commercial and Employment zones. Evaluate the effectiveness of these housing requirements, and consider a carrot rather than a stick approach to encouraging housing.	<ul style="list-style-type: none"> ◆ Reduce complexity of code. ◆ Increases flexibility for applicants/property owners in redeveloping sites. ◆ Promote non-regulatory and/or non-zoning tools to meet housing goals. 	<i>“Mall 205 and Rasmussen Motors are ‘poster children’ for why this requirement isn’t working.”</i>
46	Streamlined E-zone Enforcement Titles 33, 3 and 24	Consider more efficient, effective and reasonable E-zone enforcement tools. All violations of Title 33 Environmental Overlay Zones must now be corrected through the lengthy and expensive Type III review. Proposal would allow different degrees of enforcement, depending on extent of violation.	<ul style="list-style-type: none"> ◆ Promote better compliance of e-zone development with code, community and City goals. ◆ Achieve quicker resolution of violations, and less damage to environment. ◆ Allow a range of penalties more reflective of severity of violation 	<i>“This is related to Healthy Portland Streams (HPS), but there needs to be some avenue now for resolving minor problems. Any interim measure will be coordinated with HPS work underway.”</i>
47	Tree & Landscape Standards Titles 17, 20, 24, 33	Address conflicting and overlapping tree and landscaping requirements and standards in multiple city codes. Landscaping and tree planting and preservation standards are spread through at least 4 city titles and in many locations in the Zoning Code. The zoning code contains technical planting standards that can only be varied through one of the discretionary land use review processes. This is likely a 2-year project.	<ul style="list-style-type: none"> ◆ Clear distinction between land use requirements for landscaping and buffering, and technical standards of planting and maintenance ◆ Provide a method to quickly approve alternate methods of achieving landscaping goals. ◆ Coordinate a series of landscape standards reflective of different urban (residential, commercial, developed parks) or natural (riparian, upland) settings ◆ Better coordination of the use of landscaped areas for stormwater management and risks of wildfire. 	<p><i>“There is a need to consolidate standards. People have reported mixed messages from the various enforcement bureaus.”</i></p> <p><i>“This issue will be addressed in a way that is consistent and coordinated with Healthy Portland Streams (HPS).”</i></p>
48	Improved Compliance Tools and Processes Titles 3, 10, 24, 25, 26, 27, .28, 33 and possibly 29 and 32	Address the variety of existing compliance tools and explore methods to streamline system and make it more responsive to individual cases. The violation/ compliance process are too rigid to adequately address unique, individual circumstances. OPDR enforces multiple City titles, but the base process is not the same. In many cases, the process consumes excessive city resources, takes too long, and fails to achieve compliance.	<ul style="list-style-type: none"> ◆ Use citations as key enforcement tool. ◆ Unified system for all or most OPDR administered programs affecting land development and use. ◆ Improved and clear appeal opportunities. 	<i>“Expedite item, and coordinate closely with Healthy Portland Streams project.”</i>

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55	Storm/Sanitary Sewer Requirements	Develop an intermediate, simpler public works permit for small public extensions appropriate for small commercial or infill development requiring 100-200 foot extensions of mainline sanitary or storm sewers.	<ul style="list-style-type: none"> ◆ Reduce costs and time infill projects (small commercial or infill residential) that require extensions to the sanitary sewer (100 –200 feet). 	<i>“Small businesses have been asking for this for years.”</i>
A3*	Design and construction standards for awnings Title 32	Amend Title 32 to allow for an exemption from Design Review for smaller awning signs and update the snow load requirements The current regulations need to be updated for snow load requirements. The requirement for a design review for smaller awning signs creates undue hardship for smaller businesses. There is already a provision for pre-approved designs for awnings that could be expanded to address this concern. Design standards could be checked at plan review.	<ul style="list-style-type: none"> ◆ Simpler process, perhaps an over-the-counter review, for smaller awning signs. 	<i>If City Council directs, this could be part of Sign Code Maintenance package for FY 02-03.”</i>
A6*	Land Division specifics Title 33	<p>Amend language adopted under the latest Land Division Code Rewrite to ensure that regulations and required reviews can be implemented as intended, and to address conflicts and needed clarifications. Regulations and reviews that need immediate attention include:</p> <ol style="list-style-type: none"> 1. Definition of Site. The revised definition of site, as it applies to land divisions, needs clarification. A land division of one lot currently requires inclusion of all contiguous lots under their ownership. This definition needs further refinement to more directly address the initial concerns that resulted in changes to the definition through the Land Division Rewrite. 2. Lot Dimensions: The following issues related to lot dimensions need addressing: <ol style="list-style-type: none"> a. Duplexes in Multi-Dwelling Zones: No lot dimension standards for duplexes in Multi-Dwelling zones. b. Nonconforming Uses: No lot dimension standards for nonconforming uses in R2.5 and Multi-Dwelling zones. c. Property Line Adjustments: Dimension standards apply to land divisions; however, a Property Line Adjustment is not a land division, so it is unclear which standards apply. d. Lot Validation Dimensions vs. Regular Lot Dimensions: Valid lot standards in R20, R10, and R7 smaller than regular lot standards, making lots undevelopable even when meeting minimum lot dimension standards. e. Front Lot line in Commercial Zones: 16’ minimum front lot line required for attached house lots; 25’ minimum front lot line required for all other lots. Development on lots created with 16’ front lot line therefore limited to attached houses, even when located in nonresidential zone. Prevents live/work situations. f. Depth of R2 Lots: The minimum depth of R2 lots increased from 80’ to 100’, making many sites nonconforming and requiring Planned Developments for division of these lots. 3. Maximum Building Coverage. Modifications to the maximum building coverage allowance in Single-Dwelling zones resulted in a substantial reduction in allowed building coverage on large lots when compared to what was previously allowed. Reexamine the allowed building coverages on larger lots for consistency with 	<ul style="list-style-type: none"> ◆ Ease implementation of the Code. ◆ Reduce the number of adjustment applications processed on large lots with existing development. ◆ Ensure objectives of the Land Division Code Rewrite Project are being met without unintended consequences. 	<p><i>“These items would address real case issues that have become apparent in the first two months of implementing the new code.”</i></p> <p><i>“The City needs to determine how to monitor and further evaluate the changes in process and code that were adopted as part of the Land Divisions rewrite.”</i></p>

* These additional items were suggested by the public and did not appear on the original August 27, 2002 list.

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		<p>Council intent. Also, the calculations in Table 110-6 are complicated, and should be modified for easier implementation.</p> <p>4. Lot Consolidation. A replat process is needed for consolidating lots. Requiring an applicant to go through the land division process is excessive for a situation where lots simply need to be consolidated and old lot lines eliminated. Subjecting such situations to the land division process is also problematic given the new definition of site, and the new standards for maximum lot size and minimum density.</p> <p>5. Conditional Uses in Single-Dwelling Zones. An existing or proposed conditional use (such as a religious institution or cemetery) wanting to split off a portion of their site must meet the maximum lot size and minimum density standards, with no adjustments allowed to the minimum density standard.</p> <p>6. Landslide Hazard Areas. Land divisions proposed in mapped Potential Landslide Hazard Area are reviewed through a Type IIx or a Type III procedure. The mapped area is broad and general, and includes some flat sites. A Type IIx or Type III review is excessive for sites in this mapped area that are flat.</p> <p>7. Land Divisions in Multi-Dwelling Zones. Currently, land divisions in multi-dwelling zones require a complex and expensive Type II review, even in situations where only very few lots are involved and no development is currently proposed. Need to evaluate if a Type IIx review might be more appropriate in these cases.</p>		
A25 */	Non-conforming upgrades and Non-conforming situation review	<p>Allow the list of nonconforming upgrades to be used as a menu, rather than a priority list. If one item cannot be met, the applicant could select another, rather than going through an adjustment process.</p>	<ul style="list-style-type: none"> ◆ Provide more flexibility for property owners to select and schedule upgrades that take into account their business needs. ◆ Allow existing businesses to expand and continue operating at the same level of impact to the surrounding neighborhood. ◆ Remove unnecessary burden for existing non-conforming businesses. 	<p><i>“The priority list approach cannot address the unique circumstances of each project. The new approach would better serve City goals.”</i></p>
A37 *	criteria Title 33	<p>Revise non-conforming situation review criteria to require "no net increase" in any detrimental impacts of the existing use rather than a "net decrease" which is often impossible to meet.</p>		
A38	Inventory and assessment of Portland's industrial land supply and zoning issues	<p>Compile and review existing data on the inventory and evaluation of the city's supply of industrial and employment lands. Assess critical and underutilized sites and assess barriers to their development.</p>	<ul style="list-style-type: none"> ◆ Create a basis for future policy decisions regarding the city's industrial zoning categories and industrial land use designations. 	

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