

Cracking the Codes of Land Use in Portland

Three years ago, Neighborhood Notes ran a story announcing plans to build what is now The Albert apartment complex on North Williams Avenue in the Boise neighborhood.

That story generated lots of comments—more than 50—for two reasons.

One, because of an office snafu, the Boise Neighborhood Association's land use chair never got the public notice sent by the Bureau of Development Services (BDS), and could not, therefore, relay the details of the project to Boise residents; and two, because the zoning on the block was split between residential and employment, The Albert's four stories would come to loom above the block's adjacent single-story homes.

Although the project was appealed by Boise residents, The Albert was ultimately approved, and now stands, at almost 52 feet, on the corner of North Williams and NE Beech Street.

Yet, despite the concerns of Boise residents, there was little they could do to stop the project because the zoning that allowed for its construction was implemented more than 15 years before The Albert was even proposed.

As we have previously written, land use can be an emotional and thorny topic, especially if it changes the area directly near your home.

But, the first step in understanding how your neighborhood will look in the future is to understand how it's zoned now.

Reading a land use notice for the first time can seem pretty daunting, and may leave you feeling intimidated, confused, or both. And that's understandable, because it seems to become more complicated the deeper you dig.

Try thinking of each notice like a story, a narrative with comprehensive footnotes that illuminate the text and put it all in context.

A land use notice presents a generalized outline of a prospective project, and the proposal's summary explains the project in simple, easy-to-understand language. But to better understand the summary, you'll need to translate the letters and numbers (above the summary) that signify the zoning parameters.

Consider The Albert: The original notice sent out by BDS tagged the zoning on vacant lots where The Albert now stands as “EXd”. But what does that mean, exactly?

The "EX" means the property was zoned for central employment. “EX” designated zonings mean property owners can choose to build an office building, a warehouse or, because of the city's penchant for creating walkable neighborhoods, a residential complex. In fact, the only places where building residential complexes are prohibited are in areas zoned for heavy industrial use.

The diminutive "d" means that whoever proposes a new project must meet certain design specifications, which are reviewed and implemented by city planners at BDS.

For a full index of the city's zoning codes, visit the Bureau of Planning and Sustainability where you can find a handy PDF about all things land use. To get to the meat of the zoning codes, skip ahead to pages 46 and 50.

Once you begin to understand the meaning behind the symbols used in the zoning code, you'll be able to better grasp the language in the next land use notice that crosses your path.

But, don't be surprised if your path remains empty.

Renting an apartment or a condo? You won't receive a public notice. Own your own business but leasing the space? You won't get one there, either.

When a notice is sent out to the public, it goes to all neighborhood organizations, like your local neighborhood association, and to all property owners who own land within 150 feet of a proposed project's perimeter.

But sometimes, a notice doesn't have to be sent out at all.

If a developer dots all the i's and crosses all the t's when submitting a project proposal, the development might not even be subject to a public notice. This path is called the prescriptive path, and it means objective standards, in a very black-and-white way, have been carefully reviewed and met.

The other path is known as the procedural path, meaning, as was the case when The Albert was first proposed, a project must meet certain design guidelines, which triggers a public review by BDS planners who, in turn, notify neighborhood organizations and nearby property owners.

But, just because you might not receive a notice doesn't mean you're not invested in your community. Nor does it mean you do not have a voice.

Everyone always says you should stay informed and tells you to get involved. But where do you start? And, more importantly, when do you start?

The earlier, of course, the better.

Think of it this way: City governments don't plan for the future the way we choose what to make for tonight's dinner. Their visions are years in the making and their planning reflects economic growth, population growth, and services like public transit.

So, the earlier you become invested, the better off you are, whether you own property or not.

And there are plenty of tips and resources to give you the tools you need to make your voice heard.

Be aware of any potential land use changes coming to a neighborhood near you. If you're buying a home, examine how your neighborhood is zoned. (For zoning information on a specific property, enter the address at portlandmaps.com and click on "maps.") If you're looking for a quiet neighborhood, you probably shouldn't consider buying property in parts of the city that have been targeted and zoned for future residential and commercial development.

Be active in your neighborhood association. Attend a meeting or two. Get to know the people who run it, and keep in mind that they're volunteers who balance their work on your behalf with jobs, families and homes of their own.

Be aware of online resources where information about upcoming developments are posted.

If you have a question about a specific proposal, contact the people listed on the proposal, including land use chairs and business district liaisons. You can also directly contact the BDS planner reviewing the proposal. Keep in mind that a planner's job isn't to write zoning codes, but

to implement them. And know that they can relate to you because land use issues crop up in their neighborhoods, too.

If you're a business owner leasing space from a landlord, develop a good relationship with that person or company, so that you will be in the loop about potential nearby developments that could either positively or negatively affect how you conduct business.

And, in a pinch, the most curious among us can always find out the latest neighborhood news by dialing BDS' 24-hour Planning and Zoning Hotline (503.823.PLAN).

Stay tuned to this series to learn the protocol that will help you best appeal land use decisions, complete with a list of dos and don'ts.