

## 33.855 Zoning Map Amendments

# 855

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### **33.855.010 Purpose**

This chapter states the procedures and approval criteria necessary to process an amendment to the base zones, overlay zones, plan districts, and other map symbols of the Official Zoning Maps. The chapter differentiates between amendments which are processed in a quasi-judicial manner and those processed in a legislative manner. A discussion of quasi-judicial and legislative is found in 33.700.070.

### **33.855.020 Initiating a Zoning Map Amendment**

- A. Quasi-Judicial.** Requests for a zoning map amendment that are quasi-judicial may be initiated by an individual, a representative of the owner, the Planning Commission, or the City Council. The Historical Landmarks Commission may initiate amendments concerning historic districts. The Director of BDS may request amendments for initiation by the Planning Commission. Initiations by a review body are made without prejudice towards the outcome.
- B. Legislative.** Requests for zoning map amendments that are legislative may be initiated by the Planning Commission or the City Council. The Design Commission may initiate amendments concerning design districts. Others may request to the Planning Commission to initiate a legislative zoning map amendment. The Planning Commission will review these amendment requests against adopted initiation criteria. Initiations by a review body are made without prejudice towards the outcome.

### **33.855.030 When a Comprehensive Plan Map Amendment Is Also Required**

Zoning map amendments may also require an amendment to the Comprehensive Plan Map. Determination of whether the Comprehensive Plan Map must also be amended is based upon whether the proposed zoning map amendment is to a zone designated by the Comprehensive Plan Map. See Policy 1.18 in the Comprehensive Plan. If an amendment to the Comprehensive Plan Map is required, the zoning map amendment cannot be made unless the amendment to the Comprehensive Plan Map is approved first. Both amendments may be processed concurrently.

### 33.855.040 Procedure

- A. Quasi-Judicial.** Requests for quasi-judicial zoning map amendments are reviewed through a Type II or Type III procedure. Zoning map amendments to rezone a site to IR, Institutional Residential, are processed through a Type II procedure. Amendments for all other zones are processed through a Type III procedure.
- B. Legislative.** Requests for legislative zoning map amendments are reviewed through the legislative procedure stated in Chapter 33.740.
- C. Manufactured dwelling park special notice.** The applicant for a zoning map amendment that changes the zoning on a manufactured dwelling park must provide written notice by first class mail to each unit in the manufactured dwelling park. The notice must include the time, date, and location of the public hearing and the new zone being proposed. The notices must be mailed 20 to 40 days before the hearing date.

### 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.
- 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.
    - 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.
    - 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.

- 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.
3. Services to a site that is requesting rezoning to IR Institutional Residential, will be considered adequate if the development proposed is mitigated through an approved impact mitigation plan or conditional use master plan for the institution.
- C. When the requested zone is IR, Institutional Residential.** In addition to the criteria listed in subsections A. and B. of this Section, a site being rezoned to IR, Institutional Residential must be under the control of an institution that is a participant in an approved impact mitigation plan or conditional use master plan that includes the site. A site will be considered under an institution's control when it is owned by the institution or when the institution holds a lease for use of the site that covers the next 20 years or more.
  - D. When the requested zone change is CI1 or CI2.** When the requested zone change is CI1 or CI2, a Transportation Impact Review is required as part of the zoning map amendment.
  - E. Location.** The site must be within the City's boundary of incorporation. See Section 33.855.080.

### **33.855.060 Approval Criteria for Other Changes**

In addition to the base zones and Comprehensive Plan designations, the Official Zoning Maps also show overlay zones, plan districts, and other items such as special setback lines, recreational trails, scenic viewpoints, and historic resources. Amendments to all of these except historic resources and the creation of plan districts are reviewed against the approval criteria stated in this section. Historic resources are reviewed as stated in Chapter 33.846, Historic Resource Reviews. The creation of a new plan district is subject to the approval criteria stated in 33.500.050. 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;
- 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
- 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.

### **33.855.070 Corrections to the Official Zoning Maps**

The Director of BDS may initiate and approve a review following the Type II procedure for the types of discretionary corrections to the Official Zoning Maps listed below. Nondiscretionary corrections to the Official Zoning Maps may be initiated by the Director of Planning and Sustainability as described in Section 1.01.037 of the Portland City Code.

- A. Mapping errors.** The correction may be made for mapping errors such as:
  - 1. A map line that was intended to follow a topographical feature does not do so. Topographical features include the tops and bottoms of hillsides, the banks of water bodies, and center lines of creeks or drainage ditches; or
  - 2. There is a discrepancy between maps and on balance there is sufficient evidence of legislative intent for where the line should be located.
- B. Movement of the reference item for the map line.** The correction may be made when it can be clearly shown that a map line is based on the location of a reference item that has since been moved. Reference items are rights-of-way, tentative rights-of-way, utility easements and similar type items. Map line changes in these cases must not be more than a trivial change to the map pattern and must not result in any significant impacts to abutting lots.
- C. Land within the Urban Growth Boundary.** The correction may be made when it involves the removal of the Future Urban overlay zone from properties that are now within the Urban Growth Boundary.

### **33.855.075 Automatic Map Amendments for Historic Resources**

The Official Zoning Maps will be amended automatically to add or remove historic resources as follows:

- A. Resources listed on the National Register of Historic Places.**
  - 1. When a historic resource is listed on the National Register of Historic Places, it is automatically identified on the Official Zoning Maps as follows:
    - a. Historic resources listed on the National Register of Historic Places on or before January 27, 2017 are automatically identified on the Official Zoning Maps as a Historic Landmark or Historic District on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the listing of the resource on the National Register; and
    - b. Historic resources listed on the National Register of Historic Places after January 27, 2017 are automatically identified on the Official Zoning Maps as a National Register Landmark or National Register District on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the listing of the resource on the National Register.
  - 2. When a historic resource is removed from the National Register of Historic Places and it has not also been independently designated by the City as the result of a legislative or quasi-judicial procedure, it is automatically removed from the Official Zoning Maps as a Historic Landmark, Historic District, National Register Landmark, or National

Register District on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the removal of the resource from the National Register.

3. When the federal Keeper of the National Register of Historic Places approves a change to the boundary of a historic resource listed on the National Register of Historic Places that has not also been independently designated by the City as the result of a legislative or quasi-judicial procedure, the change is automatically identified on the Official Zoning Map on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the change.
- B. Removal after destruction.** If a Historic Landmark, Conservation Landmark, or National Register Landmark is destroyed by causes beyond the control of the owner, the Landmark designation for the resource is automatically removed from the Official Zoning Maps.
- C. Removal after demolition.** If a Historic Landmark, Conservation Landmark, or National Register Landmark is demolished after approval of demolition through demolition review, the Landmark designation for the resource is automatically removed from the Official Zoning Maps.
- D. Removal after relocation.** If a Historic Landmark, Conservation Landmark, or National Register Landmark is relocated, the Landmark designation for the resource is automatically removed from the sending site on the Official Zoning Maps.

### **33.855.080 Automatic Zone Map Amendments for Annexed Areas**

- A. Areas with Multnomah County zoning.** Areas annexed into the City from Multnomah County with Multnomah County zoning automatically receive comparable City zoning upon officially being incorporated into the City. Comparable zoning is shown in Table 855-1 and will apply to the area unless it is superseded by a special area study or a plan district.
- B. Areas with City zoning.** In areas annexed into the City from Multnomah County that already have City zoning and Comprehensive Plan designations, zoning is automatically changed to conform with the Comprehensive Plan designation when the site is officially incorporated into the City.

<b>Table 855-1 Assigned City Zoning for Multnomah County Zones</b>	
<b>Multnomah County Zones</b>	<b>Assigned City Zoning</b>
<b>Base zones</b>	
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	RM1 [3]
HR-2, A-2	RM1 [3]
HR-1, A1B	RM2 [3]
BPO	CM2
LC, C4, SC	CM1
GC, EC, C2, NC, C3	CE
LM, M3, M4	EG1
Gm, M2	IG2
HM, M1	IH
THR	RM3
TMR	RM1 [3]
TLR-5	R5
TLC	CM1
TNC	CM2
TGC	CM2
TO	CM2
TLM	EG1
<b>Overlay zones</b>	
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	g, r, i, n [4]

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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.

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*(Amended by: Ord. No. 167054, effective 10/25/93; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 4/15/00; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 176742, effective 7/31/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178961, effective 6/13/05; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 185915, effective 5/1/13; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22.)*

