



## Adjustment Approval Criteria, Zoning Code Chapter 33.805

### Adjustments

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply citywide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purpose of the code.

### Adjustment procedure

Adjustment requests are processed through a Type II ([www.portlandoregon.gov/bds/article/71806](http://www.portlandoregon.gov/bds/article/71806)) administrative procedure that results in a staff decision. If the decision is appealed, a public hearing is held and the Adjustment Committee makes the final local decision. Information about the Type II procedure is attached to this packet.

### Guidelines for Addressing Approval Criteria, Zoning Code Section 33.805.040

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A through F, listed below, have been met (Zoning Code Section 33.805.040 - [www.portlandoregon.gov/bps/article/54249](http://www.portlandoregon.gov/bps/article/54249)).

The burden of proof is on the applicant to show how the request meets the approval criteria. A ***written response to all applicable approval criteria must be part of your application***. Be sure to address each criterion. Note that adjustment approval criteria for signs are stated in Title 32 ([www.portlandoregon.gov/citycode/?c=28196](http://www.portlandoregon.gov/citycode/?c=28196)).

#### A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

In order to make findings that the adjustment equally or better meets the purpose of the regulation(s), the applicant must first identify the specific purpose statement for the standard, located in the Portland Zoning Code ([www.portlandoregon.gov/bps/title33\\_complete\\_print.pdf](http://www.portlandoregon.gov/bps/title33_complete_print.pdf)). All relevant portions of the purpose statement must be addressed. If multiple Adjustments are requested (for different standards) each purpose statement must be addressed. \*

Purpose Statements of the Single Dwelling Zones ([www.portlandoregon.gov/bds/article/98198](http://www.portlandoregon.gov/bds/article/98198))

#### B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

If the site is in a residential zone, you will need to demonstrate that the proposal is compatible with the area. It is therefore important to look at the residential area, which includes adjacent neighbors and other houses in the general vicinity of the site (approximately 1 block in all directions). When discussing "livability and appearance," calling out examples of similar development in the area to what is being proposed will strengthen your proposal.

If the site is in an OS, C, E, I, or CI zone, note that street classifications can be found via the Portland Transportation System Plan (TSP) map: <http://pdx.maps.arcgis.com/apps/webappviewer/index.html?id=d1d5e545ca6f436fb119932d710ff2fb>

Additionally, the Portland Zoning Code defines "desired character" as "the preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area."

- Character statements and purpose statements are found in within the 33.100s section of the Zoning Code (Base Zones) ([www.portlandoregon.gov/bps/34560](http://www.portlandoregon.gov/bps/34560))
- Overlay Zones are found in the 33.400s section of the Zoning Code ([www.portlandoregon.gov/bps/34562](http://www.portlandoregon.gov/bps/34562))
- Plan Districts are found in the 33.500s section of the Zoning Code ([www.portlandoregon.gov/bps/34563](http://www.portlandoregon.gov/bps/34563))
- Design Disticts are found in Map 420-1 through Map 420-6 of the Zoning Code ([www.portlandoregon.gov/bps/article/53342](http://www.portlandoregon.gov/bps/article/53342))
- Adopted area plans are found here: [www.portlandoregon.gov/bps/34248](http://www.portlandoregon.gov/bps/34248)

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- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

The “purpose of the zone” can be found under the first paragraph of every base zone within the Zoning Code ([www.portlandoregon.gov/bps/34560](http://www.portlandoregon.gov/bps/34560)).\* If only one adjustment is proposed, this criterion will not apply.

- D. City-designated scenic resources and historic resources are preserved; and

City designated scenic resources are identified on the Official Zoning Map with a lower case “s” and historic resources are designated by a large dot or as being within the boundaries of a Historic or Conservation district.\* If the site is not considered a City designated scenic resource, this criterion will not apply.

- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Mitigations should be related to and offset any impacts created by the Adjustment.

- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable

Environmental overlay zones are designated on the Official Zoning Map with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone).\* If the site is not considered a City designated environmental zone, this criterion will not apply.

In the uncommon situation where ***all reasonable economic use of the site would be precluded*** if the adjustment were not granted, the following approval criteria G, H and I apply. Because these approval criteria apply only in unusual circumstances, please discuss your proposal with Planning and Zoning staff before preparing your application.

- G. Application of the regulation in question would preclude all reasonable economic use of the site; and

- H. Granting the adjustment is the minimum necessary to allow the use of the site; and

- I. Any impacts resulting from the adjustment are mitigated to the extent practical.

\*If you need help locating the base zone, overlay zone, plan district, adjacent street classification, adopted area plans, purpose statements, etc. please contact the Planning and Zoning Hotline at 503-823-7526 or consult with a planner in person at the [Development Services Center](#) located at 1900 SW 4th Avenue, Portland, OR 97201 on the First Floor

For more zoning information visit or call the Development Services Center at 1900 SW 4th Avenue, Suite 1500, 503-823-7526

For current Portland Zoning Code visit [www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds) | select Codes tab | City Codes | Title 33 Zoning Code