ZONING CODE INFORMATION GUIDE

Zoning Map Amendment Approval Criteria, Ch. 33.855

About Zoning Map Amendments in Compliance with the Comprehensive Plan:

Zoning map amendments in compliance with the Comprehensive Plan designation may be approved if adequate public services are capable of supporting the uses allowed by the zone or will be capable by the time the development is complete. This review process allows the City to assess the adequacy of these services

Urban services include water supply, transportation system structure and capacity, police and fire protection, and sanitary waste disposal and stormwater disposal systems. In order to determine if adequate public services are available for the uses allowed by the proposed zone, you should contact the appropriate city service agency. Those services and agencies contact numbers are:

Water.....503-823-7368
Sanitary and stormwater disposal 503-823-7761
Transportation capabilities:
Transportation Engineering and Development.....503-823-5185
Transportation System Management.....503-823-5185
Police protection (Contact Planning and Zoning Staff) 503-823-7526
Fire protection.....503-823-7366 or 503-823-3802

Zoning Map Amendment Procedure:

Requests for zoning map amendments are processed through a Type III procedure. For information about the Type III procedure, please refer to the description of procedures explanation in this packet.

How to Address the Approval Criteria: The burden of proof is on you to show how your request meets the approval criteria that are listed below. You may answer in the space that we have provided after the approval criteria list, or you may submit a separate written statement in which you address each item. If you submit a separate written statement, use the approval criteria as an outline, so that anyone who reads you application can find where you have addressed each item.

33.855.050 Approval Criteria for Base Zone Changes:

A. Compliance with the Comprehensive Plan Map. The zone change is to a corresponding zone of the Comprehensive Plan Map.

1. When the Comprehensive 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 of each zone and the zoning pattern of surrounding land.
2. Where Residential zoned lands have a Commercial, Employment, or Industrial designation with a Buffer overlay, the zone change will only be approved if it is for the expansion of a use from abutting nonresidential land. Zone changes for new uses that are not expansions are prohibited.
3. When the zone change request is from a higher-density residential zone to a lower-density residential zone, or from the CM zone to the CS zone, then the approval criterion in 33.810.050 A.2 must be met.

B. Adequate public services. Public services for water supply, transportation system facilities 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, and proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services.

1. Adequacy of services applies only to the specific zone change site.
2. Adequacy of services is based on the projected service demands of the site and the ability of the public services to accommodate those demands. Service demands may be determined based on a specific use or development proposal, if submitted. If a specific proposal is not submitted, determination is based on the City service bureau demand projections for that zone or area which are then applied to the size of the

site. Adequacy of services is determined by the service bureaus, who apply the demand numbers to the actual and proposed services to the site and surrounding area.

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, Institution 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.

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 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 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.

Information current as of July 1, 2003, code changes and requirements made after this date may not be reflected.

For more information contact staff at the Development Services Center, 1900 SW 4th Avenue, Suite 1500, 503-823-7526
The Zoning Code is online at www.portlandonline.com/zoningcode

Information is subject to change.