



ZONING CODE

INFORMATION GUIDE

Planning and Zoning Procedures Until 2035 Comprehensive Plan and Related Projects are Acknowledged

Background

Portland's new 2035 Comprehensive Plan went into effect on May 24th at 1pm. The 20-year plan includes new land use policies, land use maps and zoning, and new public facilities plans. This was the largest overhaul of Portland's land use plan since the City's original Comprehensive was adopted in 1980. Corresponding revisions to zoning maps and codes also took effect on the same day. On May 24th, Council also adopted a package of largely technical amendments to the zoning code and maps that took effect immediately. In total, 15% of the City's land area was re-zoned.

The new plan was adopted by City Council in June 2016, with a delayed effective date to allow time for state review. In March, the Oregon Land Conservation and Development Commission (LCDC) voted to approve the plan, rejecting six appeals. A final, written decision from LCDC is expected shortly.

Although the plan and related zoning code and map amendments are now in effect, LCDC's written decision may be appealed to the Court of Appeals. The plan will not be officially "acknowledged" until any appeals are resolved. Oregon law allows the City to implement unacknowledged land use regulations, with some special procedures in place.

What are some examples of development impacted by these procedures?

- Development on sites where zoning changed with the new 2035 Comprehensive Plan
- Development that relies on zoning entitlements or standards that were significantly changed with the new plan
- Some Land Use Review applications, if the new plan added or amended approval criteria
- Development in the CM2 zone in the Multnomah Neighborhood
- Projects vested in codes in effect prior to May 24th 2018 and projects subject to regulations that did not change with the new plan are not affected.

What are the procedures?

1) Land Use Reviews. Some land use proposals will have to demonstrate compliance with Statewide Planning Goals. For example, Land Use Reviews with new or amended approval criteria must include information about how the proposal meets the Statewide Goals. Planning and Zoning staff have a list of those reviews.

2) Permits. The City will require some applicants and property owners to acknowledge, before beginning construction, that if the plan and related code and map amendments, or portions thereof, are overturned by the courts, approved development may have to be removed or brought into conformance with existing code. Planning and Zoning staff assigned to your permit will provide you with an explanation of how this determination will be made.

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PLANNING AND ZONING PROCEDURES UNTIL 2035 COMPREHENSIVE PLAN AND RELATED PROJECTS ARE ACKNOWLEDGED

How long will the procedures be in place?

- If no further appeals are filed to challenge the plan or the related projects, the requirements could end within three weeks after LCDC issues its written decision, or shortly thereafter. If the 2035 Comprehensive Plan is appealed to the Court of Appeals, the requirements could be extended 6 to 12 more months (potentially though mid-2019).
- On parcels where zoning was changed with the Map Refinement Project, these requirements will end on June 14, or shortly thereafter, if that project is not appealed.
- Additional properties within the Central City Plan District will be subject to these provisions after July 9, if the Central City 2035 Plan is appealed.

For more Information...

- To determine if the zoning of your property changed with the new plan, or related projects, check the following maps:

2035 Comprehensive Plan Zoning Changes

www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=rz

Map Refinement Project

www.portlandmaps.com/bps/mapapp/maps.html#mapTheme=mrp

- If you have general questions about the new 2035 Comprehensive Plan, refer to the Bureau of Planning and Sustainability website at www.portlandoregon.gov/bps/, or call them at 503-823-7700.

You may wish to consult your own attorney or planning professional for more specific advice about how proceeding under unacknowledged land use regulations may impact your project.