CHAPTER 33.810
COMPREHENSIVE PLAN MAP AMENDMENTS

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33.810.010 Purpose

This chapter states the procedures and review criteria necessary to process a Comprehensive Plan Map amendment. The chapter distinguishes 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.H.

33.810.020 Initiating a Comprehensive Plan Map Amendment

A. Quasi-Judicial. Requests for Comprehensive Plan Map amendments which are quasi-judicial may be initiated by an applicant, the Planning Commission, or the City Council. The Director of BDS may request the Planning Commission to initiate an amendment. Initiations by a review body are made without prejudice towards the outcome.

B. Legislative. Requests for Comprehensive Plan Map amendments which are legislative may be initiated by the Planning Commission or the City Council. Others may request the Planning Commission to consider an initiation. Initiations by a review body are made without prejudice towards the outcome.

33.810.030 Concurrent Zone Changes Allowed

Requests for zoning map amendments may be considered concurrently with a Comprehensive Plan Map amendment. Zoning map amendments must be to a zone corresponding to the requested Comprehensive Plan Map designation. Concurrent zoning map amendments must meet all the approval criteria of Chapter 33.855, Zoning Map Amendments.

33.810.040 Procedure

A. Quasi-Judicial. Requests for a Comprehensive Plan Map amendment which are quasi-judicial are reviewed through a Type III procedure. City Council adoption is also required for these requests. In addition, any post-acknowledgement procedures required by the State must be followed.

B. Legislative. Requests for a Comprehensive Plan Map amendment which are legislative are reviewed through the legislative procedure stated in Chapter 33.740.

33.810.050 Approval Criteria

A. Quasi-Judicial. Amendments to the Comprehensive Plan Map that are quasi-judicial will be approved if the review body finds that the applicant has shown that all of the following criteria are met:

1. The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be equally or more supportive of the Comprehensive Plan as a whole than the old designation;

2. The requested change is consistent with Statewide Land Use Planning Goals;

3. When the requested amendment is:

   - From a residential Comprehensive Plan Map designation to a commercial, employment, industrial, or institutional campus Comprehensive Plan Map designation; or

   - From the urban commercial Comprehensive Plan Map designation with CM zoning to another commercial, employment, industrial, or institutional campus Comprehensive Plan Map designation;

   the requested change will not result in a net loss of potential housing units. The number of potential housing units lost may not be greater than the potential housing units gained. The method for calculating potential housing units is specified in subparagraph A.2.a, below; potential housing units may be gained as specified in subparagraph A.2.b, below.

   a. Calculating potential housing units. To calculate potential housing units, the maximum density allowed by the zone is used. In zones where density is regulated by floor area ratios, a standard of 900 square feet per unit is used in the calculation and the maximum floor area ratio is used. Exceptions are:

      (1) In the RX zone, 20 percent of allowed floor area is not included;

      (2) In the R3, R2, and R1 zones, the amenity bonus provisions are not included; and

      (3) In the CM zone, one half of the maximum FAR is used.

      (4) Where a residentially zoned area is being used by an institution and the zone change is to the Institutional Residential zone, the area in use as part of the institution is not included.

      (5) Where a residentially zoned area is controlled by an institution and the zone change is to the Institutional Residential zone the area excluded by this provision also includes those areas within the boundaries of an approved current conditional use permit or master plan.

   b. Gaining potential housing units. Potential housing units may be gained through any of the following means:

(1) Rezoning and redesignating land off site from a commercial, employment, or industrial designation to residential;

(2) Rezoning and redesignating lower-density residential land off site to higher-density residential land;

(3) Rezoning land on or off site to the CM zone;

(4) Building residential units on the site or in a commercial or employment zone off site. When this option is used to mitigate for lost housing potential in an RX, RH, or R1 zone, only the number of units required by the minimum density regulations of the zone are required to be built to mitigate for the lost housing potential; or

(5) Any other method that results in no net loss of potential housing units, including units from the housing pool as stated in 33.810.060 below.

(6) In commercial and employment zones, residential units that are required, such as by a housing requirement of a plan district, are not credited as mitigating for the loss of potential units.

(7) When housing units in commercial or employment zones are used to mitigate for lost housing potential, a covenant must be included that guarantees that the site will remain in housing for the credited number of units for at least 25 years.

4. In order to prevent the displacement of industrial and employment uses and preserve land primarily for these uses, the following criteria must be met when the requested amendment is from an Industrial Sanctuary or Mixed Employment Comprehensive Plan Map designation:

a. The uses allowed by the proposed designation will not have significant adverse effects on industrial and employment uses in the area or compromise the area's overall industrial character;

b. The transportation system is capable of safely supporting the uses allowed by the proposed designation in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, truck circulation, access to arterials, transit availability, on-street parking impacts, site access requirements, neighborhood impacts, and pedestrian and bicycle circulation and safety;

c. The uses allowed by the proposed designation will not significantly interfere with industrial use of the transportation system in the area, including truck, rail, air, and marine facilities;

d. The site does not have direct access to special industrial services such as multimodal freight movement facilities;

e. The proposed designation will preserve the physical continuity of the area designated as Industrial Sanctuary or Mixed Employment and not result in a discontinuous zoning pattern;

f. The uses allowed by the proposed designation will not reduce the ability of Portland's Central City, Regional or Town Centers to attract or retain the principal retail, cultural, and civic facilities; and

g. The size of the area that may be given a new Comprehensive Plan Map designation is as follows:

(1) If the site is designated Industrial Sanctuary, and Metro also has designated the site as part of a Regionally Significant Industrial Area, no more than 10 acres may be given a new Comprehensive Plan Map designation;

(2) If the site is designated Industrial Sanctuary, and Metro has designated the site as an Industrial Area, but not as part of a Regionally Significant Industrial Area, no more than 20 acres may be given a new Comprehensive Plan Map designation;

(3) If the site is designated Industrial Sanctuary, and Metro has designated the site as an Employment Area, no more than 40 acres may be given a new Comprehensive Plan Map designation;

(4) If the site is designated Mixed Employment, no more than 40 acres may be given a new Comprehensive Plan Map designation;

(5) Exception. If the site is not designated as industrial or employment by Metro, these size limits do not apply.

B. Legislative. Amendments to the Comprehensive Plan Map which are legislative must be found to be consistent with the goals and policies of the Comprehensive Plan, Metro's Urban Growth Management Functional Plan, the Statewide Planning Goals, and any relevant area plans adopted by the City Council.

33.810.060 Housing Pool

A. Purpose. The housing pool is intended to provide a resource of housing units that can be used by applicants for Comprehensive Plan Map amendments where housing potential would be lost. It is intended to be used only in cases where the other approval criteria for approving the Comprehensive Plan Map amendment have been met. It is generally intended for use only by small business persons or other applicants who do not have other resources or expertise to mitigate for the lost housing potential through other means.

B. Adding units to the pool. Units may be added to the housing pool through the following methods:

1. Units in C, E, or I zones. Residential units in C, E, or I zones that are not required by other regulations, such as the requirement of a plan district, may be included in the pool. The residential units can be included only if there is a covenant that guarantees that the site will remain in housing for the credited number of units for at least 25 years.

2. Redesignating and rezoning land. Units may be added to the pool by redesignating and rezoning nonresidentially zoned land to a residential designation and zone. They may also be added by redesignating and rezoning lower density residential land to higher density residential land, or by redesignating and rezoning to the CM zone. In these cases the number of units added to the pool is the number of additional potential housing units that result from the change. However, increased housing potential that results from a neighborhood planning or district planning process may not be included.

C. Subtracting units from the pool.

1. Process. Use of units from the housing pool will not be recommended until after the Director of BDS has made a tentative recommendation on the application for a Comprehensive Plan Map amendment. The review body will make the final decision on whether units from the pool may be used. The review body will base its recommendation on the review criteria in Paragraph C.2. below.

2. Review criteria for use of the pool. Units from the housing pool will only be used if the review body finds that all of the criteria below are met. The burden of proof that the criteria are met increase as the size of the area of the Comprehensive Plan Map amendment increases.

   a. The applicant does not have the resources or expertise, or cannot reasonably obtain the resources or expertise to mitigate for the lost housing potential through other means, and

   b. The project will:

      (1) Provide valuable services to the surrounding community, through such means as providing goods or services to the community, drawing trade and economic activity into the community, or hiring from the community;

      (2) Retain or create employment opportunities for city residents; and

      (3) Contribute new investment to the area.

33.810.070 Recently Annexed Areas
Areas annexed into the City will automatically receive City Comprehensive Plan designations as part of the process of applying comparable zoning. See 33.855.080, Recently Annexed Areas.

33.810.080 Corrections to the Comprehensive Plan Map
The Director of BDS may initiate a review through the Type II procedure for the types of corrections to the Comprehensive Plan Map listed below. Nondiscretionary corrections to the Comprehensive Plan Map 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;

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 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 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.