



ZONING CODE

INFORMATION GUIDE

Planning and Zoning Procedures Until Acknowledgement of 2035 Comprehensive Plan and 2035 Central City Plan

Background

Portland's new 2035 Comprehensive Plan and implementing measures went into effect on May 24, 2018. This 20-year plan includes new policies, maps, and a list of public works projects. New zoning maps and land use regulations were adopted to carry out this plan.

On July 9, 2018, the Central City 2035 Plan also went into effect. The Central City Plan includes new zoning maps and land use regulations for the Central City.

While both plans and related zoning code and map amendments are in effect, they are not yet "acknowledged" by the state. In March of 2018, Oregon Land Conservation and Development Commission voted unanimously to approve the 2035 Comprehensive Plan but has not yet issued a written order. When issued, the written order may be appealed to the Court of Appeals. The 2035 Comprehensive Plan will not be "acknowledged" until appeals are resolved.

Additionally, ordinances implementing the Central City 2035 Plan were appealed to the Oregon Land Use Board of Appeals. The ordinances will not be acknowledged until the appeals are resolved.

Consequences

Proceeding under an effective, but unacknowledged, plans and regulations means that:

1. The City must make findings of compliance with the Statewide Planning Goals when an unacknowledged plan or land use regulation applies to a land use decision or a limited land use decision.
2. If development is approved under an unacknowledged plan or regulation and that plan or regulation is remanded or reversed on appeal, the development may have to be removed or made to comply with existing code. ORS 197.625(5)

Examples

Examples of development impacted by risks of unacknowledged plans and regulations include:

- Uses different than what was allowed by the prior zoning
- Development that relies on allowances that are more than what was allowed under prior land use regulations
- Land use reviews that require the application of new or amended approval criteria

Exceptions

An application for development outside the Central City that was received before May 24, 2018; an application for development within the Central City that was received before July 9, 2018; and any development not subject to a new or changed plan, zone, or land use regulations.

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

What are the special 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.

How long will these procedures be in place?

After LCDC issues its written order, if no further appeals are filed challenging the 2035 Comprehensive Plan, development outside the Central City will no longer be subject to these requirements. If the 2035 Comprehensive Plan is appealed to the Court of Appeals, the requirements will extend until all appeals are resolved.

Inside the Central City, the requirements will remain in place until all appeals are resolved.

More information

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

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
- City-wide zone changes: <https://pdx.maps.arcgis.com/apps/Minimalist/index.html?appid=2a2d29fa4a874de4b46261692054d794>
- Central City zone changes: www.portlandoregon.gov/bds/article/695324
- Central City height increases: www.portlandoregon.gov/bds/article/695323
- Central City floor area ratio increases: www.portlandoregon.gov/bds/article/695322

This notice is not legal advice

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