

# Miscellaneous Zoning Amendments

EARLY IMPLEMENTATION OF THE 2035 COMPREHENSIVE PLAN

RECOMMENDED DRAFT - AUGUST 2016



City Council Public Hearings  
October 6 and 13, 2016



August 2016  
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# Acknowledgments

This report was written by staff from the City of Portland Bureau of Planning and Sustainability with input from the Portland Bureaus of Transportation, Development Services and Parks and Recreation.

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# Section I: Introduction

The Miscellaneous Zoning Project is one of eight projects that implement Portland’s 2035 Comprehensive Plan, adopted by the Portland City Council on June 15, 2016. These “Early Implementation” projects are the final stage of the state-required periodic review of Portland’s Comprehensive Plan. Each project was considered through its own public process and timeline.

## **The Comprehensive Plan Early Implementation Package**

On August 23, 2016, the Portland Planning and Sustainability Commission voted to consolidate its recommendations on all of the Early Implementation projects into one submittal to City Council. This submittal, the “Comprehensive Plan Early Implementation Package,” includes:

- Zoning Code changes
- Zoning Map changes
- A new Community Involvement Program
- Transportation System Plan – Stage 2

The Planning and Sustainability Commission’s recommendations for each individual Early Implementation project are summarized in separate reports. This report addresses the Miscellaneous Zoning Project only.

## **What is the Miscellaneous Zoning Project?**

The Miscellaneous Zoning Project (MZP) is one of the Task 5 Implementation projects of the 2035 Comprehensive Plan Update. It includes a package of eight amendments to the zoning code and zoning map that implement new goals and policies of the 2035 Comprehensive Plan. This project does not have one overall theme like other Task 5 packages such as the Employment Zoning Project or the Mixed-Use Zoning Project. Rather, it includes a variety of amendments that are necessary to resolve an apparent conflict between the 2035 Comprehensive Plan policies and existing code or otherwise implement Council direction. The following is a summary list of the zoning code and zoning map amendments recommended as part of this project:

**Recommended zoning code and zoning map amendments:**

1. Allow retail plant nurseries as a conditional use in residential zones.
2. Preserve rights to one house on lots that were buildable prior to down-zoning as part of the City's natural hazard mitigation strategy.
3. Amend the multi-dwelling residential zone maximum FAR map series to reflect changes made by City Council to designations on the 2035 Comprehensive Plan Map and subsequent zoning map scheduled for PSC Review on July 12, 2016.
4. Allow established office uses in historic buildings to continue in the R5 zone as an incentive to preserve historic resources.
5. Amend the Guild's Lake Industrial Sanctuary plan district to limit office uses and expand the area where these limits apply.
6. Address school district enrollment capacity during zoning map amendments, land divisions, and planned developments in a district that has a school facility plan.
7. Delete requirement for addressing "no-net-loss of housing" policies for quasi-judicial comprehensive plan map amendments and zoning map changes.
8. Update the trail alignments designation on the zoning map to correspond to the Major Public Trail alignment adopted in the 2035 Comprehensive Plan.

**What is in this report?**

This report consists of four parts. Section 1 introduces the project. Section 2 describes the general policy directions leading to the recommended code and map changes, including the relationship between specific code or map amendments and Comprehensive Plan policies, as well as public involvement activities related to the recommended amendments. Section 3 includes a reference to the recommended zoning code amendments, along with code commentary pages that describe and help clarify rationale for the recommended changes and expected implementation actions. Section 4 describes recommended zoning map changes including Appendix A that shows the recommended trail alignment that will be applied on the zoning map. The zoning map amendment proposal can also be found in the [online map app](#).



# Section II: Relationship to Comprehensive Plan

## Early implementation project of the Comprehensive Plan

The Miscellaneous Zoning Project is one of the early implementation projects of the Comprehensive Plan Update. It includes a number of specific code and map changes that implement, conform to, or otherwise support 2035 Comprehensive Plan policies that are not included in one of the designated Task 5 zoning code amendment projects previously considered by the Planning and Sustainability Commission.

## Guiding principles of the Comprehensive Plan

The Comprehensive Plan establishes five Guiding Principles, which encourage balanced, integrated multi-disciplinary approaches in plans and investments that implement the Plan.

***Economic prosperity.*** Support a low-carbon economy and foster employment growth, quality education and training, competitiveness, and equitably-distributed household prosperity.

***Human health.*** Avoid or minimize negative health impacts and improve opportunities for Portlanders to lead healthy, active lives.

***Environmental health.*** Weave nature into the city and foster a healthy environment that sustains people, neighborhoods, and wildlife. Recognize the intrinsic value of nature and sustain the ecosystem services of Portland's air, water and land.

***Equity.*** Promote equity and environmental justice by reducing disparities, minimizing burdens, extending community benefits, increasing the amount of affordable housing, affirmatively furthering fair housing, proactively fighting displacement, and improving socio-economic opportunities for under-served and under-represented populations. Intentionally engage under-served and under-represented populations in decisions that affect them. Specifically recognize, address and prevent repetition of the injustices suffered by communities of color throughout Portland's history.

***Resilience.*** Reduce risk and improve the ability of individuals, communities, economic systems, and the natural and built environments to withstand, recover from, and adapt to changes from natural hazards, human-made disasters, climate change, and economic shifts.

The amendments in the Miscellaneous Zoning Project are generally consistent with the Guiding Principles in that they either directly promote a specific principle (or principles) or they contribute to a larger code amendment project that supports the Guiding Principles. More specifically, the recommended amendments support the following Comprehensive Plan goals and policies.

## Goals and policies specifically implemented in this project

### 1) Allow retail plant nurseries as a conditional use in residential zones

The recommended code language allowing retail plant nurseries in residential zones as conditional uses supports Economic Development Goals and Policies directed at promoting and retaining local, neighborhood serving businesses. Specific goals and policies supported by the recommended code amendment include:

#### **Goal 6.A: Prosperity**

*Portland has vigorous economic growth and a healthy, diverse economy that supports prosperity and equitable access to employment opportunities for an increasingly diverse population. A strong economy that is keeping up with population growth and attracting resources and talent can:*

- *Create opportunity for people to achieve their full potential.*
- *Improve public health.*
- *Support a healthy environment.*
- *Support the fiscal well-being of the city.*

#### **Goal 6.B: Development**

*Portland supports an attractive environment for industrial, commercial, and institutional job growth and development by 1) maintaining an adequate land supply; 2) a local development review system that is nimble, predictable, and fair; and 3) high-quality public facilities and services.*

**Policy 6.62**     **Neighborhood business districts.** *Provide for the growth, economic equity, and vitality of neighborhood business districts. See Figure 6-3 – Neighborhood Business Districts.*

**Policy 6.64**     **Small, independent businesses.** *Facilitate the retention and growth of small and locally-owned businesses.*

### 2) Preserve right to one dwelling on lots that were buildable prior to the adoption of the 2035 Comprehensive Plan (with restrictions)

This recommended code amendment is intended to address property owner hardship that may be created through residential downzoning (R10 to R20) intended to address natural hazards that were recommended as part of the Residential Mapping Project. To this extent the recommended text amendment primarily supports the following Environmental Goal and Policies:

#### **Goal 7.B: Healthy watersheds and environment**

*Ecosystem services and ecosystem functions are maintained and watershed conditions have improved over time, supporting public health and safety, environmental quality, fish and wildlife, cultural values, economic prosperity, and the intrinsic value of nature.*

**Policy 7.6**     **Hydrology.** *Through plans and investments, improve or support efforts to improve watershed hydrology to achieve more natural flow and enhance conveyance and storage capacity in rivers, streams, floodplains, wetlands, and aquifers. Minimize*

*impacts from development and associated impervious surfaces, especially in areas with poorly-infiltrating soils and limited public stormwater discharge points, and encourage restoration of degraded hydrologic functions.*

**Policy 7.14** ***Natural hazards.** Prevent development-related degradation of natural systems and associated increases in landslide, wildfire, flooding, and earthquake risks.*

**3) Amend the Multi-dwelling residential zone map series to conform with Comprehensive Plan Map Series and Zone Map Changes**

A number of Comprehensive Plan Map changes were approved by City Council in their adoption of the 2035 Comp Plan Policy Document and Map (6/15/16). In some instances the Comp Plan Map change dictates a corresponding change of zoning. Some of those subsequent zone changes will revise the location of RH High Density Residential zones which in turn requires that the Zoning Code Map series 120-1 through 120-20 pertaining to Maximum FAR in RH Zones be revised to reflect Council direction. Towards this end, changes to the Zoning Code Chapter 120 Map Series are supportive of the following Comprehensive Plan Goal and Policies:

**Goal 1.D: Implementation tools**

*Portland's Comprehensive Plan is executed through a variety of implementation tools, both regulatory and non-regulatory. Implementation tools comply with the Comprehensive Plan and are carried out in a coordinated and efficient manner. They protect the public's current and future interests and balance the need for providing certainty for future development with the need for flexibility and the opportunity to promote innovation.*

**Policy 1.3** ***Implementation tools subject to the Comprehensive Plan.** Maintain Comprehensive Plan implementation tools that are derived from, and comply with, the Comprehensive Plan. Implementation tools include those identified in policies 1.4 through 1.9.*

**Policy 1.4** ***Zoning Code.** Maintain a Zoning Code that establishes the regulations that apply to various zones, districts, uses, and development types.*

**Policy 1.5** ***Zoning Map.** Maintain a Zoning Map that identifies the boundaries of various zones, districts, and other special features.*

**Policy 4.49** ***Resolution of conflicts in historic districts.** Adopt and periodically update design guidelines for unique historic districts. Refine base zoning in historic districts to take into account the character of the historic resources in the district.*

**4) Allow established office uses in historic buildings in the R5 Zone to continue as a historic preservation incentive**

This recommended code change is targeted at preserving existing historic single family residential structures that have been used as offices to continue as an allowed use with a Historic Preservation Incentive Review. As such these code amendments are supportive of the following Design Development Goal and Policies:

**Goal 4.B: Historic and cultural resources**

*Historic and cultural resources are identified, protected, and rehabilitated as integral parts of an urban environment that continues to evolve.*

**Policy 4.46** ***Historic and cultural resource protection.** Within statutory, requirements for owner consent, identify, protect and encourage the use and rehabilitation of historic buildings, places, and districts that contribute to the distinctive character and history of Portland’s evolving urban environment.*

**Policy 4.50** ***Demolition.** Protect historic resources from demolition. When demolition is necessary or appropriate, provide opportunities for public comment and encourage pursuit of alternatives to demolition or other actions that mitigate for the loss.*

**5) Amend Guild’s Lake Industrial Sanctuary Plan District to limit office uses and expand the area where these limits apply**

The code changes presented here are geographically targeted to the Guild’s Lake Industrial Sanctuary Plan District. The recommended changes expand the area where both Floor Area Ratio limits for office uses and traffic mitigation strategies apply. These changes support Comprehensive Plan Industrial and Employment District policies including:

**Policy 6.36** ***Industrial land.** Provide industrial land that encourages industrial business retention, growth, and traded sector competitiveness as a West Coast trade and freight hub, a regional center of diverse manufacturing, and a widely-accessible base of family-wage jobs, particularly for under-served and under-represented people.*

**Policy 6.37** ***Industrial sanctuaries.** Protect industrial land as industrial sanctuaries identified on the Comprehensive Plan Map primarily for manufacturing and distribution uses and to encourage the growth of industrial activities in the city.*

**Policy 9.31** ***Economic development and industrial lands.** Ensure that the transportation system supports traded sector economic development plans and full utilization of prime industrial land, including brownfield redevelopment.*

**6) Address David Douglas School District capacity shortfalls as part of land divisions, planned developments, Comprehensive Plan map amendments and zoning map change applications**

These recommended text amendments directly implement the following Public Facilities policy:

**Policy 8.113** ***School district capacity.** Consider the overall enrollment capacity of a school district – as defined in an adopted school facility plan that meets the requirements of Oregon Revised Statute 195 – as a factor in land use decisions that increase capacity for residential development.*

This amendment is part of a broader response to David Douglas School District capacity shortfalls that includes; down zoning of residentially zoned properties within the DDSD boundary, assistance

in locating elementary school sites and expressed interest in shared school facilities with Portland Parks.

**7) Delete the code requirements for addressing no net loss of housing policies not included in the 2035 Comprehensive Plan**

In this instance the proposed zoning code changes are not a response to *new* goals and policies but rather the elimination of an existing Comprehensive Plan policy and it's supporting objectives (shown below)

**4.2 Maintain Housing Potential**

*Retain housing potential by requiring no net loss of land reserved for, or committed to, residential, or mixed-use. When considering requests for amendments to the Comprehensive Plan map, require that any loss of potential housing units be replaced.*

**Objectives:**

**A.** *Allow the replacement of housing potential to be accomplished by such means as: 1) rezoning (and redesignating) existing commercial, employment, or industrial land to residential; 2) rezoning (and redesignating) lower density residential land to higher density residential land; and 3) rezoning to the CM zone; or 4) building residential units on the site or in a commercial or employment zone if there is a long term guarantee that housing will remain on the site.*

**B.** *Allow for the mitigation of the loss of potential housing units with a housing pool credit system.*

Changes have been made to applicable State Statutes and Rules since the adoption of the existing Comprehensive Plan that now allow the City to consider housing potential in its commercial and mixed use zones towards meeting its regional housing share obligations. This together with documentation that the city's historic housing construction rates are exceeding its regional housing share allow the City to remove this policy and related objectives from its updated Comprehensive Plan. Zoning code changes presented in this report remove the outdated implementing text from the Zoning code.

The 2035 Comprehensive Plan continues to address housing issues, especially housing affordability, most notably in Chapter 5 Housing and the following housing policies.

**Policy 5.3**      **Housing Potential** *Evaluate plans and investments for their impact on housing capacity, particularly the impact on the supply of housing units that can serve low- and moderate-income households, and identify opportunities to meet the future demand.*

**Policy 5.12**    **Impact analysis.** *Evaluate plans and investments, significant new infrastructure, and significant new development to identify potential disparate impacts on housing choice, access, and affordability for protected classes and low-income households.*

*Identify and implement strategies to mitigate the anticipated impacts.*

**8. Update the Major Public Trail stars on the zoning map to correspond to the trail alignment adopted in the 2035 Comprehensive Plan.**

New Major Public Trail alignments have been identified in the 2035 Comprehensive Plan (see figure 8-2 page 65) necessitating the need to amend the zoning map designation that corresponds to these trail alignments. These changes directly implement the following 2035 Comprehensive Plan Goal and Policies.

***Goal 8.H: Parks, natural areas, and recreation***

*All Portlanders have safe, convenient, and equitable access to high-quality parks, natural areas, trails, and recreational opportunities in their daily lives, which contribute to their health and well-being. The City manages its natural areas and urban forest to protect unique urban habitats and offer Portlanders an opportunity to connect with nature.*

***Policy 8.53***     ***Public trails.*** *Establish, improve, and maintain a citywide system of public trails that provide transportation and/or recreation options and are a component of larger network of facilities for bicyclists, pedestrians, and recreational users.*

***Policy 8.54***     ***Trail system connectivity.*** *Plan, improve, and maintain the citywide trail system so that it connects and improves access to Portland’s neighborhoods, commercial areas, employment centers, schools, parks, natural areas, recreational facilities, regional destinations, the regional trail the regional trail system, and other key places that Portlanders access in their daily lives.*

***Policy 8.57***     ***Public access requirements.*** *Require public access and improvement of public trails along the future public trail alignments shown in Figure 8-2 Future Public Trail Alignments. Major Public Trails include regional trails and other significant trail connections that provide for the movement of pedestrians, cyclists, and other users for recreational and transportation purposes*

***Policy 8.96***     ***Recreational trails.*** *Establish, improve, and maintain a complete and connected system of public recreational trails, consistent with Portland Parks & Recreation’s trail strategy.*

# Section III: Public and stakeholder involvement

The zoning code and zoning map amendments described in this report pertain to a variety of subject areas connected in their shared attribute of amending the zoning code or map so that they support and comply with the 2035 Comprehensive Plan. These policies were developed through an extensive public outreach effort over a number of years.

## Portland Plan

The result of more than two years of research, dozens of public workshops and fairs, hundreds of meetings with individual community groups and over 20,000 comments from residents, businesses and nonprofit community organizations, the Portland Plan's three integrated strategies and framework for advancing equity were designed to help realize the vision of prosperous, educated, healthy and equitable city.

## Comprehensive Plan Update

In July of 2015 the Portland Planning and Sustainability Commission (PSC) Recommended a New Comprehensive Plan to City Council. This is the most significant update of the Comprehensive Plan since the original plan was adopted in 1980. The PSC made its recommendation after considering a 2014 staff proposal as well as more than 4,000 public comments over the course of a year. The original staff recommendation was based on an earlier 2013 working draft, produced in collaboration with eight advisory committees in 2012 and 2013.

After receiving the PSC recommendation, City Council held five public hearings. City Council members received more than 2,500 comments via email, letters, verbal testimony and an online Map App. In February 2016, Council members each submitted potential amendments in response to public comment and an additional series of public meetings were held to craft final Comprehensive Plan policy language. On June 15, 2016 City Council voted to adopt the 2035 Comprehensive Plan.

## Periodic Review and Task 5 Comp Plan Implementation Projects

The projects listed below began in early 2014 and will become effective with State acknowledgement of Portland's 2035 Comprehensive Plan anticipated in 2018. These projects are necessary to either address a state mandate or implement a key component of the new Plan. Each of these Task 5 Implementation projects undertook its own specific public outreach efforts and appeared in front of the Planning and Sustainability Commission following public notice. Following public hearings the Planning and Sustainability Commission forwarded recommended changes to the City Council for their consideration and action. The City Council is tentatively scheduled to hold public hearings and render decisions on these PSC recommendations in the fall of 2016.

- Mixed Use Zones Project
- Residential and Open Space Zoning Map Update
- Community Involvement Program
- Campus Institutional Zoning Project
- Employment Zoning Project

- Transportation System Plan (TSP)

### **Miscellaneous Zoning Amendments**

The eight areas of code and map amendments included in this package (see pg.4) were identified during the course of the 2035 Comprehensive Plan process and selected because they address conflicts between the updated Comprehensive Plan and the existing Zoning Code or Map that are not otherwise addressed through the Task 5 projects listed above.

These recommended text and map changes were presented initially as an in-house draft to other city bureaus including the Bureau of Development Services, the Bureau of Parks and Recreation, and the Bureau of Environmental Services. Following review and comment from these agencies a proposed code amendment package was published as a Discussion Draft and presented on the Bureau's Website including an interactive "Map App" that graphically presented the proposed major public trail alignments.

Targeted outreach efforts were undertaken in conjunction with this publication to reach those groups identified as most effected by the proposed amendments. For example, changes to specific geographic locations such as the Guilds Lake Plan District prompted specific notification to the applicable neighborhood and business associations. Broader amendments to the code, such as the inclusion of school districts as "service providers" for the purpose of development review or deletion of the "No Net Loss" policies include notification to the BPS legislative and periodic review notification lists. Letters were also sent to individual property owners whose property was identified: for a new public trail alignment segment

BPS has maintained a project website throughout the duration of this project including draft copies of the report and an interactive "Map App" that portrays the major public trails alignment. Measure 56 and legislative notice(s) were sent according to applicable rules prior to the Planning and Sustainability Commission's Public Hearing and workshop on these recommended amendments that occurred on July 26th and August 23rd.

### **Planning Commission Action**

The Planning and Sustainability Commission (PSC) held a public hearing to review the Miscellaneous Zoning Project on July 26, 2016. The PSC voted unanimously to accept 6 of 8 proposed amendments as presented by staff while requesting additional information and deliberation regarding two topics: Item 3-Zoning Code Section 33.120 RH Zone 4:1 FAR map series, particularly as it was applied within the Alphabet District Historic District in NW Portland; and Item 8-the identification of the Major Public Trail Alignment on the Zoning Map.

A subsequent August 23, 2016 work session culminated in a vote to recommend approval of the proposed draft document subject to a number of revisions identified through public comment or PSC deliberations. For the RH Zone 4:1 FAR map series, the PSC recommends reducing the area within the Alphabet District to be more consistent with historic resources preservation policies. The PSC also made several changes to the trails map in response to feedback from 40-Mile Loop Trail advocates. The draft code changes referenced in this report and presented in the consolidated Zoning Code are those recommended by PSC to City Council.



# Section IV: Recommended Zoning Code Text Amendments with Commentary

Zoning Code text amendments recommended by the Planning and Sustainability Commission have been incorporated into a consolidated document titled, Early Implementation of the 2035 Comprehensive Plan: Zoning Code Amendments Recommended Draft—August 2016.

Text changes recommended to implement the Miscellaneous Zoning Amendments described in this report can be found as follows:

<b>33.110 Single Dwelling Zones</b> .....	<b>page 5</b>
33.110.100 Primary Uses	
Table 110-1 Single Dwelling Zone Primary Uses	
33.110.212 When Primary Structures are allowed.	
<b>33.120 Multi-Dwelling Zones</b> .....	<b>page 11</b>
33.120.100 Primary Uses	
Table 120-1 Multi-Dwelling Zone Primary Uses	
Map Series 120-1 through 120-20	
<b>33.445 Historic Resource Overlay Zone</b> .....	<b>page 347</b>
33.445.610 Historic Preservation Incentives	
<b>33.531 Guild’s Lake Industrial Sanctuary Plan District</b> .....	<b>page 372</b>
33.531.140 Additional Regulations in Subdistrict B.	
Map 531-2	
<b>33.655 School District Enrollment Capacity</b> .....	<b>page 429</b>
<b>33.660 Review of Land Divisions in Open Space and Residential Zones</b> .....	<b>page 427</b>
33.660.120 Approval Criteria	
<b>33.662 Review of Land Divisions in Commercial, Employment and Industrial Zone</b> .....	<b>page 427</b>
33.662.120 Approval Criteria	
<b>33.730 Quasi-Judicial Procedures</b> .....	<b>page 433</b>
33.730.060 Application Requirements	
<b>33.810 Comprehensive Plan Map Amendments</b> .....	<b>page 441</b>
33.810.050 Approval Criteria	
<b>33.854 Planned Development Review</b> .....	<b>page 473</b>
33.665.340 Proposals Without a Land Division	
<b>33.855 Zoning Map Amendments</b> .....	<b>page 499</b>

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# Section V: Recommended Zoning Map Amendments with Commentary

*The Major Public Trails referred to in this amendment were formerly referred to as Public Recreational Trails. The 2035 Comprehensive Plan and Central City 2035 Plan (February 2016 Discussion Draft) proposed renaming these trails to better acknowledge their scale and role in providing both recreational and transportation options.*

## Summary

The City of Portland supports the development of public trails to provide public access for recreation or transportation purposes, like walking and bicycling. Trails are often located along rivers, through natural areas, or along rail or highway rights-of-way, with connections to and through neighborhoods and are a component of larger network of facilities for bicyclists, pedestrians, and recreational users. The trail system also assists in providing other public services, including emergency vehicle and public safety access, flood protection and control, and shoreline anchoring. The development of public trails is supported by a variety of Comprehensive Plan goals and policies. See page 10. of this report.

Since 1995, the City of Portland has used Major Public Trail regulations, implemented through the City's Zoning Code Chapter 33.272 and Zoning Map designations to increase recreational opportunities and access to the City's rivers, natural areas, and open spaces; support active modes of transportation; and connect the city's regional trail system.

This amendment proposes changes to the Major Public Trail designations depicted on the City's Official Zoning Maps to implement Comprehensive Plan Policy 8.54 and accompanying Figure 8-2 (see page 18), and to support broader trails policies. These designations are intended to show built and unbuilt public trail alignments where the City intends to apply Zoning Code regulations established in 33.272. The Major Public Trail network does not include the entire trail system nor the full pedestrian and bicycle system. The Major Public Trail designations do not diminish the role or importance of other bicycle and pedestrian connections nor do they direct City investment. Rather, they are intended to define the geographic scope of a zoning-based implementation tool. A more detailed summary of the recommended changes is included in Table 1. The proposal includes changes to:

1. **Add missing and newly adopted regional trail alignments:** Regional trails not included in the currently adopted trail designations were added, consistent with adopted trail plans.
2. **Remove outdated designations:** Existing, but outdated Public Recreational Trail alignments that are now inconsistent with more recently adopted regional trail plans have been recommended for deletion.
3. **Modify existing designations:** The proposal includes modifications to currently adopted alignments in certain locations to:

- Update alignments in cases where the existing trail designations does not align with more recently adopted plans for regional trails
  - Select a single preferred Major Public Trail alignment in cases where duplicative alignments were previously adopted (e.g. the current alignments show duplicative trails on both sides of a stream or other narrow waterway)
  - Select a single preferred Major Public Trail alignment in cases where existing alignments followed the centerlines of waterways, to ensure connectivity and avoid piecemeal implementation on both sides of the waterway.
4. **Add select significant connections in Southwest Portland:** The proposal adds the Major Public Trail designation to significant trail connections in Southwest Portland which were not previously designated as Major Public Trails. While these connections are not part of the regional trail system, they are part of the Southwest Urban Trail system. This change is intended to acknowledge the importance of these multi-modal connections in an area where trails play a more substantial role in meeting pedestrian and bicycle connectivity needs.

The Major Public Trails designations depict both built and unbuilt trail segments for a number of reasons: a) including complete trail alignments provides context for parcel level decisions on trail locations; b) in some cases the City may have already been granted an easement but the trail has not been built OR the trail has been built without an underlying easement or not to City standards; and c) including full trail alignments limits the need to update the designations as trails are built over time.

Since 1995, the City of Portland has used Major Public Trail regulations, implemented through the City's Zoning Code Chapter 33.272 and Zoning Map designations to increase recreational opportunities and access to the City's rivers and natural areas, support active modes of transportation, and connect the City's regional trail system. The major public trail system also assists in providing other public services, including emergency vehicle and public safety access, flood protection and control, and shoreline anchoring.

### **Zoning Code Major Public Trail Requirements**

This section provides an overview of the requirements included in Chapter 33.272 Major Public Trails for context when considering this proposal. No changes are recommended.

*Note: This summary reflects changes proposed in the Central City 2035 Proposed Draft.*

### **Nexus and proportionality requirement**

The Major Public Trail regulations apply to all properties that have the Major Public Trail symbol designation shown on the Official Zoning Maps. The regulations apply when a proposed development will increase the use of the trail system or will contribute to the need for additional trail facilities and application of the regulations is determined to be roughly proportional to the impacts of the proposed development. A determination that the regulations of Chapter 33.272 do not apply does not preclude acquisition and construction of a public trail through other legal means.

Additional Zoning Code regulations may apply for sites in the Columbia South Shore Plan District and the South Waterfront Subdistrict of the Central City Plan District.

**Easement requirements**

Applicants for a land use review or for building permits on lands designated with a Major Public Trail symbol are required to grant an easement for the trail. Such dedications are typically recorded as part of a land use review and finalized prior to issuance of final permit approval. In some cases, the land may be donated to the City if certain requirements are met.

**Construction requirements**

In single dwelling zones, construction of the designated Major Public Trail is only required for Land Divisions and Planned Developments. Construction of the trail is not required as part of development on an existing single-dwelling lot. In all other zones, construction of a designated Major Public Trail is required when there is new development; when exterior alterations to existing development are 35 percent or greater of the assessed improvement value of the total improvements on the site; or when there is a Land Division or Planned Development.

**Trails in or adjacent to public rights-of-way**

Trails shown adjacent to public rights-of-way may be constructed in the public right-of-way, subject to approval from the Bureau of Transportation. Trails shown in the right-of-way are planned for construction by the City of Portland within the public right-of-way.

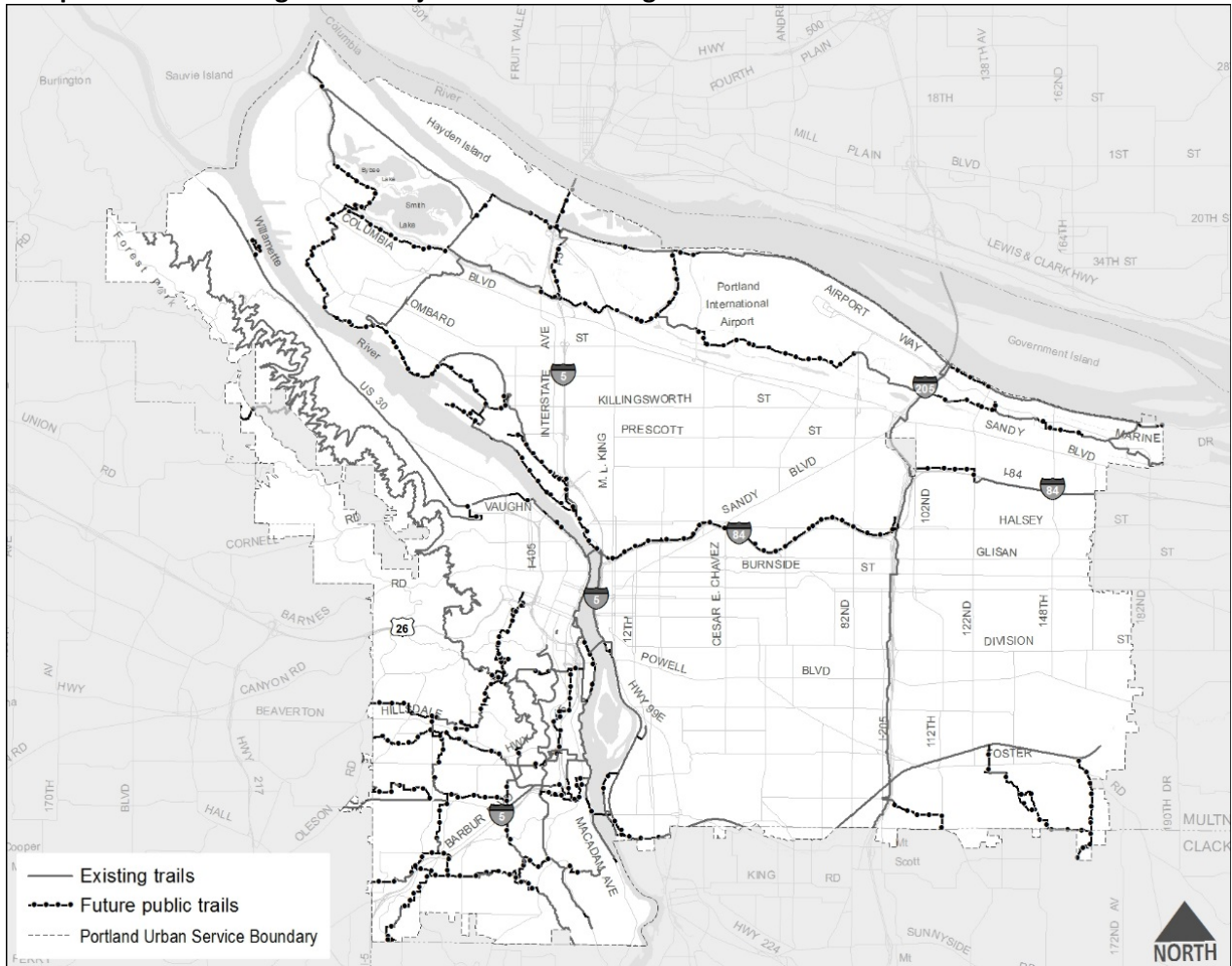
**Trail standards**

A Major Public Trail must comply with the standards of Portland Parks and Recreation or the Bureau of Transportation (when located in a public right-of-way).

**Trail Maintenance**

Section 33.272 Public Recreational Trails of the Zoning Code lays out conditions for City acceptance of maintenance responsibilities for Major Public Trails, namely that the trail lie within a negotiated easement or right-of-way granted to the City, that it be constructed to City standards and physically continuous, and that the applicant request City maintenance. The applicant retains maintenance and liability responsibilities, and must maintain the trail to a level at least equal to that of trails maintained by the City, unless these responsibilities are accepted by the City.

**Comprehensive Plan Figure 8-2 Major Public Trail designations**



**Table 1. Summary of Changes**

Trail	Type of Change Recommended	Approximate Trail Construction Status (built /unbuilt)	Private Property Implications	Supporting Plan or Document
Columbia Slough Trail	Modify existing designations	Built: 30 – 40% Unbuilt: 60-70%	Recommended modifications affect a number of property owners. However, PP&R has already acquired easements for some recommended segments. Several prominent portions are unbuilt and on private property, for example between the landfill site and Peninsula Crossing Trail and along Broadmoor golf course.	Columbia South Shore slough trail segments from 1993 Columbia South Shore Slough Trail Master Plan
Cross Columbia South Shore trails (2)	Remove outdated designations		Designation removal affects a few private properties	
Cross levy trail near NE 33rd	Modify existing designations	Unbuilt: Most (>90%)	Changes are located on Port of Portland and private property, but PP&R has acquired easements for some segments	
Delta Park connection	Add missing/new regional trail alignments; Modify existing designations	Unbuilt: Most (>90%)	No impacts to private property – all additions are located on public property	
Esplanade (Greenway Trail to Steel Bridge)	Modify existing designations	Built: Most (>90%)	No impacts to private property	1987 Willamette Greenway Plan
Forest Park Trails	Add missing/new regional trail alignments	Built: 98% Unbuilt: 2%	Impacts one private property	

Trail	Type of Change Recommended	Approximate Trail Construction Status (built /unbuilt)	Private Property Implications	Supporting Plan or Document
I-205 Trail	Modify existing designations	Built: 100%	Adds designation to currently built alignment. Impacts a few private properties in Maywood Park	
I-84 Path	Add missing/new regional trail alignments	Built: 60% Unbuilt: 40%	Impacts five private properties on NE Fremont at 102nd	
Marine Drive Trail	Modify existing designations	Built: Most (%?)	Recommended modifications affect a few private properties, but many of them have already provided an easement to PP&R.	
Mt. Scott/Scouter Mtn. Trail	Add missing/new regional trail alignments	Built: 30% Unbuilt: 70%	Affects about 10 private properties	Metro 2013 Mount Scot/Scouters Mountain Trail Loop Master Plan
North Portland Greenway (both sides of the river)	Modify existing designations	Unbuilt: Most (%?)	Impacts some private properties – designation is added on some and deleted on others	1987 Willamette Greenway Plan; 2010 River Plan / North Reach, and 2013 North Portland Greenway Trail Alignment Plan
Peninsula Crossing	Add missing/new regional trail alignments; Modify existing designations	Built: 100%	None – all additions are located on public property	
Riverfront Trail Central City	Modify existing designations	Built: 90% Unbuilt: 10%	No new private properties affected	1987 Willamette Greenway Plan
SE 162nd Springwater Connector	Add missing/new regional trail	100% unbuilt	No impacts; entirely in public right-of-way	



Trail	Type of Change Recommended	Approximate Trail Construction Status (built /unbuilt)	Private Property Implications	Supporting Plan or Document
	alignments			
Springwater Corridor	Modify existing designations	Built: 100%	mostly public property; removes the trail designation from several private properties between SE 45th and SE 23rd where the trail designation follows Johnson Creek, and realigns the stars on several CEID riverfront properties but no new private properties added	1987 Willamette Greenway Plan for the segments along the Willamette River
SW Trails	Add missing/new regional trail alignments; Modify existing designations	Unbuilt: Most (%)	Most new alignments are located on public property; Some are located on private properties (in some cases the trail is already built on the private property)	2007 Red Electric Trail Planning
Westside Greenway Trail south of downtown	Modify existing designations	Built: 90% Unbuilt: 10%	A few private properties are added but the trail is already built on these properties and easements have been acquired	1987 Willamette Greenway Plan
Wildwood Trail	Add missing/new regional trail alignments	Built: 100%	No impacts to private property	1995 Forest Park Natural Resource Management Plan

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# Appendices: Major Trail Alignments

An electronic map of the Major Public Trail alignments can be found at <https://www.portlandoregon.gov/bps/article/574126> and is available on the [online map app](#) at <https://www.portlandmaps.com/bps/mapapp/>

