

## ORDINANCE NO. 152903

An Ordinance amending Ordinance No. 150580 in order to clarify Policy 10.8 of the Comprehensive Plan of the City of Portland, Oregon and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Comprehensive Plan designates future changes in type, location and density of land development and redevelopment uses.
2. Policy 10.8 of the Comprehensive Plan contains criteria for services required to approve these requests to rezone property to the maximum Comprehensive Plan designations.
3. Presently, some of these service criteria are incorrectly described as water service, sanitary sewers, storm sewers and streets. These criteria reference capital improvements rather than services.
4. The following service criteria for rezonings meet Public Facilities policies of the Comprehensive Plan: water supply, sanitary sewage disposal, stormwater disposal, transportation capabilities and police and fire protection.
5. These rezoning criteria can best be used when a rezoning application includes specific understanding of the impact of development.
6. Impact can be best understood when proposed industrial or commercial uses or the maximum residential density allowed by the proposed rezoning is known.
7. The intent of Policy 10.8 is to facilitate rezonings to the maximum Comprehensive Plan designation unless development at full intensity is not possible within five years due to physical conditions (such as topography, street patterns, public services, existing lot arrangements).
8. Policy 10.8 allows this information to be provided by zoning applicants only. This information can be also supplied by City of Portland Planning staff, staff of other bureaus of the City of Portland and the public.
9. Under Policy 10.8, the Hearings Officer can only approve or deny rezonings. When development at less than full density is not possible within five years, the Hearings Officer cannot explicitly condition the density of development.
10. The intent of the Comprehensive Plan is to permit the Hearings Officer to match development with public services available. This can be done by permitting the Hearings Officer to approve rezoning applications but limit density by conditions reflecting the present or future adequacy of available services.
11. Clarification of Policy 10.8 of the Comprehensive Plan will not create new City policy inconsistent with the remainder of the Comprehensive Plan.

12. Clarification of Policy 10.8 is consistent with State-wide Planning Goals because this procedural clarification is consistent with the only applicable Goal, Land Use Planning, Goal 2. This clarification promotes "a land use planning process and policy framework as a basis for all decisions and actions related to use of land "because it clarifies criteria for services required to upzone properties to the maximum Comprehensive Plan designations.
13. On June 2, 1981 and December 1, 1981 the Planning Commission reviewed these amendments and recommended approval.
14. It is therefore in the public interest that the following amendments be approved.

NOW, THEREFORE, the Council directs:

- a. Policy 10.8 of the Comprehensive Plan of the City of Portland, including supporting documents, is hereby amended by an amendment to Ordinance No. 150580, to read as follows:

10.8 ZONING UPON PLAN ADOPTION

REZONE THOSE AREAS HAVING EXISTING ZONING CLASSIFICATIONS MORE PERMISSIVE THAN ALLOWED BY THE COMPREHENSIVE PLAN MAP TO CONFORM TO THE PLAN AS REQUIRED BY LAW. AREAS WITH EXISTING ZONING EQUIVALENT TO, OR MORE RESTRICTIVE THAN, THAT PERMITTED BY THE COMPREHENSIVE PLAN MAP SHALL REMAIN UNCHANGED UPON ADOPTION OF THE PLAN, AND WILL BE REZONED, IF APPROVED, THROUGH THE ESTABLISHED ZONING NOTIFICATION AND PUBLIC HEARING PROCESS. THE FOLLOWING CRITERIA WILL BE APPLIED TO A REZONING PROPOSAL:

A. and B. \*\*\* (no change)

- C. Three major sets of conditions must be met before upzoning may be approved. If all conditions are met, the rezoning request will be approved. The conditions are:

- (1) The proposed rezoning must be to the maximum Comprehensive Plan Map designation unless

- (a) Less intense residential densities in existing R10, R20 or FF zones are planned and platted to allow for future redivision at full densities of R5, R7 or R10 zones if so designated by the Plan, or

- (b) Proof is provided that development at full intensity is not possible within five (5) years due to physical conditions (such as topography, street patterns, public service, existing lot arrangement, etc.).

- (2) It must be found that services, adequate to support the proposed industrial or commercial use or the maximum residential density allowed by the proposed rezoning are presently available or can be reasonably made available, (consistent with the Comprehensive Plan Public Facilities Policies) by the time the proposed use qualifies for a certificate of occupancy or completion from the Bureau of Buildings. For the purposes of this requirement, services include:

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- (a) Water supply;
- (b) Sanitary sewage disposal;
- (c) Stormwater disposal;
- (d) Transportation capabilities;
- (e) Police and fire protection

Where public utilities are required to be installed or improved by the applicant, a performance contract or bond assuring their installation to specific standards is required.

- (3) Findings shall be provided by the Hearings Officer that the proposed upzoning:
  - (a) Should be approved if consistent with 1(a) and 2 above; or
  - (b) Should be approved if consistent with 1(b) and 2 above with the condition that development be specifically limited consistent with the adequacy of available service until such time as existing service deficiencies are corrected; or
  - (c) Is premature and should be denied because the land use designation on the Comprehensive Plan is related to, or dependent upon, completion of major public projects or other off-site improvements.

Section 2. The Council declares that an emergency exists because Policy 10.8 of the Comprehensive Plan should be modified to promote development conforming to the intent of the Comprehensive Plan and this Ordinance shall be in full force and effect upon passage by the Council.

Passed by the Council, FEB 25 1982

Commissioner Mildred Schwab  
February 18, 1982  
Mark Bello:sa

Attest:

  
Chief Deputy Auditor of the City of Portland

Calendar No. 496

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Title

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THURSDAY

FEB 19 1982

Filed

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By

Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	/	
LINDBERG	/	
SCHWAB	/	
STRACHAN	/	
IVANCIE	/	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

INTRODUCED BY
Commissioner Mildred Schwab

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL	
Bureau:	
Planning Bureau	
Prepared By: Mark Bello:sa	Date: Feb. 18, 1982
Budget Impact Review:	
<input type="checkbox"/> Completed	<input checked="" type="checkbox"/> Not required
Bureau Head: Terry D. Sandblast, Director	

CALENDAR	
Consent	Regular XX

NOTED BY
City Attorney KS Beaumont
City Auditor
City Engineer