

Exhibit C - Amendment to Title 1, General Provisions

Commentary and explanation for the amendment

Section 1.01.037 allows the Planning and Sustainability Director in limited circumstances to correct the Comprehensive Plan Map and/or Zoning Map, through a clear and objective, non-discretionary process. Decisions to correct the zoning map that require exercising discretion may be processed through Section 33.855.070 using a Type II land use review process or change the map through Section 33.855.060 using a Type III procedure.

This amendment clarifies what types of corrections to the Constrained Sites ('z') overly zone are considered non-discretionary. The 'z' overlay was applied with the adoption of the Residential Infill Project, part 1 (Ord. No. 190093) and part 2 (Ord. No. 190851) to the entirety of properties in the R2.5 through R20 zones where any portion of the property contained any of the applicable constraints. See Chapter 33.418 for list of constraints. When the configuration of the property has been altered (for example through a property line adjustment, lot confirmation, land division, replat, or right of way condemnation) and the constraint is no longer located on the subject property, this amendment clarifies that the 'z' overlay can be removed from that property. Conversely, when the reconfiguration results in a constraint being located on the reconfigured property (for example through a property line adjustment, lot consolidation, land division, replat, or right of way vacation), the 'z' overlay can be corrected to extend to the remainder of the reconfigured property.

While this type of correction is consistent with the legislative intent, this added regulation removes the need to research that legislative intent when map corrections have been requested.

This section cannot be used to evaluate changes to the 'z' overlay as the result of changes in the nature or extent of the constraint. For example, when boundaries of the environmental zone have changed, or when changes have occurred that have modified the flood plain. These are more appropriately evaluated through the discretionary processes noted above.



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Code Amendment

1.01.037 Planning Director Authority to Correct Portland Comprehensive Plan and Zoning Code Maps.

Subject to the approval of the City Attorney, the Director of the Bureau of Planning and Sustainability shall have the authority to correct the Comprehensive Plan Map and Portland Zoning maps, including the City's Official Zoning Map:

- A. When a map line does not match the legal description or map referenced in the ordinance or approved land use decision that applied the designation; or
- B. When there is a discrepancy between maps and there is clear legislative intent for where the line should be located; or
- C. When the Open Space zone has been applied to property in private ownership that is not in an open space use, or is not receiving special tax considerations because of its status as open space.
- D. When the Constrained Sites overlay zone has been applied to property and no portion of the property has any of the constraints listed in Section 33.418.030.

Comprehensive Plan and Zoning map corrections initiated under this Section must be clear and objective. Discretionary map corrections must be processed under the procedures set forth in Sections 33.810.080 and 33.855.070.