

**IMPACT STATEMENT**

**Legislation title:** Delay effective date of Portland's *2035 Comprehensive Plan* and implementing measures. (Ordinance; amend Ordinance Nos. 188177 and 187832)

**Contact name:** Eric Engstrom

**Contact phone:** (503) 823-3329

**Presenter name:** Eric Engstrom, Principal Planner, BPS

**Purpose of proposed legislation and background information:**

The January 1, 2018 effective dates of the ordinances that adopted Portland's *2035 Comprehensive Plan* and the zoning and code changes needed to carry out the plan would be changed by this ordinance. The new effective dates would be May 23, 2018. These changes are necessary to allow state more time to review and approve the plan and implementing measures.

**Financial and budgetary impacts:**

State land use law requires extra procedures for plans and regulations that go into effect before they acknowledged to comply with Oregon's Statewide Planning Goals. This ordinance would avoid the cost of these procedures by delaying effective dates.

**Community impacts and community involvement:**

Persons most affected are those who have development opportunities under the new plan and code that are not provided under the existing plan and code.

**100% Renewable Goal:**

Not applicable.

**Budgetary Impact Worksheet****Does this action change appropriations?**

☐ **YES:** Please complete the information below.

☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

This document was substituted  
with a revised version.

See final document:

188695

## ORDINANCE No.

Delay effective date of Portland's *2035 Comprehensive Plan* and implementing measures from January 1, 2018 to May 23, 2018 to allow more time for State review and approval (Ordinance; amend Ordinance Nos. 188177 and 187832)

The City of Portland ordains:

Section 1. The Portland City Council finds:

1. On June 15, 2016 City Council adopted a new *2035 Comprehensive Plan* (Ordinance No. 188177).
2. On December 21, 2016 City Council adopted a variety of measures necessary to carry out the plan, including zoning map and code amendments. (Ordinance No. 187832).
3. Portland's *2035 Comprehensive Plan* and implementing measures were adopted within the structure of a state-mandated process called "periodic review", which means that the state must review and approve (or "acknowledge") the plan by action of either the Oregon Department of Land Conservation and Development (DLCD) or the Land Conservation and Development Commission (LCDC).
4. To allow time for state review and approval, and to avoid complications and uncertainties in the City's development review system, both ordinances contained delayed effective dates of January 1, 2018.
5. Portland's periodic review work program was approved with minor modifications on September 30, 2009 by Order 001773. It is organized into the following five tasks.
  - Task I, Community Involvement Plan
  - Task II, Inventory and Analysis
  - Task III, Consideration of Alternatives
  - Task IV, Policy Choices
  - Task V, Implementation
6. When a periodic review task is completed and adopted by City ordinance it is submitted to the DLCD for review and approval. That process provides an opportunity for any participant in the local proceedings to file an objection. After considering objections, either DLCD or LCDC will issue a decision, in the form of an order.

7. After expiration of a 21-day opportunity to appeal an approval order, the periodic review task subject to the order becomes "acknowledged" within the meaning of Oregon Revised Statutes (ORS), Chapter 197.
8. ORS 197.175 requires that land use decisions and limited land use decisions made under an effective but unacknowledged plan or implementing measure make finding of compliance with the Statewide Planning Goals. Acknowledgement provides relief from this findings requirement.
9. Tasks I, II, and III contained the factual base and procedural documentation necessary to support approval of Tasks IV and V. They were incrementally approved on August 5, 2010 (Order 00172), January 5, 2011 (Order 001798), May 29, 2013 (Order 001837), May 23, 2014 (Order 001850), and April 27, 2017 (Order 001882). These tasks are now acknowledged.
10. Task IV was submitted to the state for review on April 28, 2017. Task V was submitted on August 27, 2017. Formal objections to both Task IV and V have been filed with the DLCD. The DLCD is expected complete its review of these objections before January 1, 2018, but an appeal of that decision is likely. Appeals of the DLCD decision will be heard by the LCDC.
11. The LCDC is a statewide commission, and meets quarterly. The LCDC will likely consider appeals of the anticipated DLCD decision during their March 15, 2018 meeting. It takes several weeks for the Oregon Department of Justice to prepare and serve an order memorializing the LCDC's decision. The earliest expected acknowledgement date for Tasks IV and V would therefore in May of 2018.
12. The City Council wishes to avoid complicating the City's development review system by having land use plans and regulations coming into effect before they are acknowledged.

NOW THEREFORE, the Council directs:

- a. The components of Ordinance Nos. 188177 and 187832 with effective dates of January 1, 2018 are amended to become effective on May 23, 2018.

Passed by the Council:

Mayor Wheeler

Prepared by: Al Burns

Date Prepared: October 20, 2017

**Mary Hull Caballero**

Auditor of the City of Portland

By

Deputy

~~1228~~

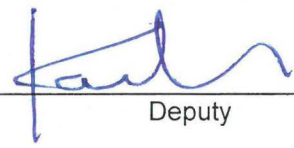
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See final document:  
188695

Agenda No.

**ORDINANCE NO.**  
Title

Delay effective date of Portland's 2035 Comprehensive Plan and implementing measures.  
(Ordinance; amend Ordinance Nos. 188177 and 187832) *from January 1, 2018 to May 23, 2018.*  
*to allow more time for State review and approval*

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Wheeler</b>	CLERK USE: DATE FILED <u>NOV 06 2017</u>
<b>COMMISSIONER APPROVAL</b>	Mary Hull Caballero Auditor of the City of Portland
Mayor—Finance & Administration - Wheeler <i>ke</i>	By: <u></u> Deputy
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Eudaly	
<b>BUREAU APPROVAL</b>	<b>ACTION TAKEN:</b>
Bureau: BPS	NOV 15 2017 <i>Rescheduled to</i> NOV 29 2017 <b>9:30 A.M.</b>
Bureau Head: Susan Anderson	NOV 29 2017 <i>Rescheduled to</i> NOV 29 2017 <b>4:00</b> <i>Time Certain</i>
Prepared by: Al Burns	
Date Prepared: 10/20/2017	
Impact Statement	
Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document	
If "Yes" requires City Policy paragraph stated in document.	
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
<b>City Auditor Office Approval:</b> required for Code Ordinances	
<b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter <i>Rees</i>	
Council Meeting Date <b>November 15, 2017</b>	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input checked="" type="checkbox"/> <i>Pulled</i>
<b>REGULAR</b> <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz		
2. Fish	2. Fish		
3. Saltzman	3. Saltzman		
4. Eudaly	4. Eudaly		
Wheeler	Wheeler		