

SUBSTITUTE

Ordinance No. **188960** **As Amended**

*Amend the *2035 Comprehensive Plan Map*, amend the *Official City Zoning Map* to carry out Portland's *2035 Comprehensive Plan* (Ordinance; amend Ordinance No. 188177)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. The Map Refinement Project – Recommended Draft (Exhibit A-1) amends the *2035 Comprehensive Plan* and the *Plan Map* and the *Official City Zoning Map* to align regulations and more effectively implement the *2035 Comprehensive Plan*, which was adopted in June 2016 (Ordinance No. 187832) and align it with the *Official City Zoning Map* (Ordinance No. 188177), which was adopted on December 21, 2016.
2. On June 15, 2016, the Portland City Council adopted the *2035 Comprehensive Plan* (Ordinance No. 187832) which sets the land use and development policy framework for the City of Portland.
3. On December 21, 2016, the Portland City Council adopted the Comprehensive Plan Early Implementation Zoning Map Amendments on the *Official City Zoning Map* (Ordinance No. 188177) which implement the *2035 Comprehensive Plan*.
4. On November 29, 2017, the Portland City Council passed (Ordinance No. 188695) the delay effective date of Portland's 2035 Comprehensive Plan and implementing measures to provide time for the required state review and will become effective on May 24, 2018.
5. Because of the timing of adoption of the Comprehensive Plan Early Implementation Zoning Map Amendments on the *Official City Zoning Map*, additional amendments to the *Official City Zoning Map* are necessary to align the regulations with the each other and the *2035 Comprehensive Plan*.
6. Extensive community involvement was essential for the development and adoption of the *2035 Comprehensive Plan*, and for the related implementing measures. Community involvement was also undertaken for the Comprehensive Plan Early Implementation Zoning Map Amendments on the *Official City Zoning Map*. Additional community involvement was conducted for the Map Refinement Project and is outlined in Exhibit A-1.
7. On September 18, 2017 notice of the proposed action was emailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-018-0020 and ORS 197.610.
8. On September 18, 2017 notice of the proposal and the public hearing before the Planning and Sustainability Commission was mailed to all neighborhood associations, neighborhood coalitions, and business associations in the city of Portland, as well as other interested persons, as required by PCC 33.740.
9. On September 14, 2017 notice of changes that affect the allowed use of property were mailed to owners of such affected property as required by Oregon law.
10. On October 24, 2017, the Planning and Sustainability Commission held a public hearing on the *Map Refinement Project - Proposed Draft*, and testimony was received. The Planning and Sustainability

Commission held an additional work session on November 14, 2017 to address issues raised in testimony. The Commission voted to make several amendments to the proposal, and then voted to recommend approval of the amendments to *2035 Comprehensive Plan Map* and the *Official City Zoning Map* of the *Map Refinement Project – Proposed Draft*, as amended by the Commission, to City Council for adoption.

11. On February 26, 2018 notice of the March 14, 2018 City Council hearing on the *Map Refinement Project – Recommended Draft* was mailed to those who presented testimony orally or in writing to the Planning and Sustainability Commission and provided a name and address, those who asked for notice, and other interested persons.
12. On March 14, 2018, the City Council held a public hearing and received testimony on the Map Refinement Project. On April 4 and 25, 2018, the City Council amended the Recommended Draft in response to testimony, further refining the Comprehensive Plan and Zoning maps for implementation of the Comprehensive Plan.
13. The regulatory framework for *2035 Comprehensive Plan Map* and the *Official City Zoning Map* amendments encompassed by the Map Refinement Project (Exhibit A-1) was initially developed as part of the *2035 Comprehensive Plan* update in 2016, and findings of fact were developed and adopted for the Comprehensive Plan Implementation Ordinance in that process (Exhibit B).
14. The map amendments included in the Map Refinement Project (Exhibit A-1) are in the following categories: 1) a response to a December 2016 City Council directive to explore additional Comprehensive Plan and Zoning Map changes (Exhibit O of Ordinance No. 188177); 2) reconciliation of land use and zoning maps with Bureau of Development Services land use reviews that occurred after the Comprehensive Plan and related proposals were made between January 2013 and January 2018; 3) Changes to avoid the creation of nonconforming development, as appropriate, with an emphasis on development constructed between January 2013 and January 2018; and, 4) Other technical and policy-related map changes, as appropriate (e.g., changes to facilitate affordable housing, to address City bureau coordination, overlay zone corrections, recently identified nonconforming commercial uses, additional split zones). In addition, map amendments listed in the “Council Amendments” (Exhibit A-2) are adopted by this ordinance. Council Amendments #19, #21, #36, #37, #38, #39 and #40 in Exhibit A-2 modify and supersede the changes shown in Exhibit A-1 for the affected properties. All other amendments in Exhibits A-1 and A-2 are adopted by this ordinance.

NOW, THEREFORE, the Council directs:

- a. The land use designations depicted in Exhibit B of Ordinance No. 188177 “Comprehensive Plan Map” are amended by the changes depicted on the map “Recommended Changes Only on the Comprehensive Plan Map” in Exhibit A-1, as modified by the changes described in Exhibit A-2 of this ordinance.
- b. The *Official City Zoning Map* as amended by the changes depicted within Exhibit B of Ordinance No. 188177 are further amended by changes depicted on the following maps “Recommended Changes Only on the Zoning Map” and “Recommended Overlay and Other Changes.” within Exhibit A-1, as modified by map amendments listed in the “Council Amendments” within Exhibit A-2 of this ordinance.
- c. The Further Findings of Fact adopted for Ordinance No. 188177 are included as Exhibit B to this ordinance and are adopted as findings of fact for this ordinance.

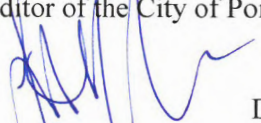
- d. The “Findings on Portland’s Comprehensive Plan, Goals and Policies” included as Exhibit C to this ordinance are adopted as findings of fact for this ordinance. To the extent that findings in Exhibit B and C to this ordinance conflict or are inconsistent, the findings in Exhibit C supersede those in Exhibit B.
- e. Pages 3 to 101 of Exhibit A-1 of this ordinance provide legislative history for the amendments described in directives a and b of this ordinance.

Section 2. If any section, subsection, sentence, clause, phrase, diagram, designation, or drawing contained in this Ordinance, or the plan, map or code it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the plan, map, or code and each section, subsection, sentence, clause, phrase, diagram, designation, and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams, designations, or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Section 3. The Council declares that an emergency exists because amendments to city code that go into effect May 24, 2018 are also linked to the Plan Map and the *Official City Zoning Map*, and a delay in the effective date would interrupt the ability to effectively process land use and development proposals and permits; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: MAY 24 2018

Mayor Ted Wheeler
Prepared by: Marty Stockton
Date Prepared: April 17, 2018

Mary Hull Caballero
Auditor of the City of Portland
By  Deputy

Agenda No.
ORDINANCE NO.
 Title

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| INTRODUCED BY Commissioner/Auditor: Ted Wheeler | CLERK USE: DATE FILED <u>APR 24 2018</u> |
| COMMISSIONER APPROVAL Mayor—Finance and Administration - Wheeler <i>kc</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly | Mary Hull Caballero Auditor of the City of Portland By: <i>[Signature]</i> Deputy |
| BUREAU APPROVAL Bureau: Planning and Sustainability Bureau Head: Susan Anderson <i>Jill Kolek</i> Prepared by: Marty Stockton Date Prepared: April 23, 2018 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 type="checkbox"/> No <input checked="" type="checkbox"/> City Auditor Office Approval: required for Code Ordinances City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>LR</i> | ACTION TAKEN: <i>Substitute As Amended</i> MAY 02 2018 CONTINUED TO MAY 24 2018 2 P.M. |
| Council Meeting Date April 25, 2018 | |

| AGENDA | FOUR-FIFTHS AGENDA | COMMISSIONERS VOTED AS FOLLOWS: | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| TIME CERTAIN <input checked="" type="checkbox"/> Start time: 2:00 pm Total amount of time needed: _____ (for presentation, testimony and discussion) | | YEAS | NAYS |
| CONSENT <input type="checkbox"/> REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion) | 1. Fritz 2. Fish 3. Saltzman 4. Eudaly Wheeler | 1. Fritz 2. Fish 3. Saltzman 4. Eudaly Wheeler | <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> |