

IMPACT STATEMENT

Legislation title: * Amend Zoning regulations to implement the 2035 Comprehensive Plan through the Code Reconciliation Project (Ordinance; Amend Title 33).

Contact name: Barry Manning

Contact phone: 503-823-7965

Presenter name: Barry Manning

Purpose of proposed legislation and background information:

- The Code Reconciliation Project amends the zoning code and other city titles to provide greater consistency with adopted regulations and to correct code references. The project is necessary for proper implementation of the recently adopted 2035 Comprehensive Plan, which takes effect in May.
- The 2035 Comprehensive Plan Early Implementation Zoning Code Amendments was adopted by City Council in 2016 and included major changes to the Zoning Code. During the same week Council also adopted Inclusionary Housing. Both projects made changes that affect the zoning code and other city titles that reference zoning. This ordinance reconciles these two actions, and better integrates those new codes with other parts of the City Code.
- The Code Reconciliation Project amends Title 33, Planning and Zoning, and other city titles. Public hearings on Title 33 were conducted by Planning and Sustainability Commission.
- Many of the amendments are technical – for example references in code to existing Commercial zones are replaced with the most equivalent new Commercial/Mixed Use zones (C/MU). The changes also incorporate the new Campus Institutional (CI) zones, and align regulations with Employment and Industrial (E & I) zones. Some changes have policy implications or change development allowances because the new C/MU zones are not direct replacements for the current zones.

Financial and budgetary impacts:

- The amendments to city code are not expected to have a significant impact on city finances or budgetary matters. The amendments are largely technical and will improve code clarity.

Community impacts and community involvement:

- The 2035 Comprehensive Plan included substantial public involvement. The Code Reconciliation Project builds on that process and is largely technical, and hence has not generated significant community involvement, except on specific issues. Community members have been selectively engaged on these issues as described below.

- The legislation changes aspects of development code, including changes to Title 33, Zoning. These codes apply across the city and the impacts and benefits in changes to development regulations will be shared across the community by property owners, neighbors, and businesspeople.
- During prior public testimony, concerns were expressed about changes in the Buffer overlay zone, primarily from neighbors abutting areas where the overlay is applied. The Buffer overlay is proposed for removal and replacement with base zone standards in Employment and Industrial zones. The Planning and Sustainability Commission (PSC) agreed with staff recommendations regarding changes to the Buffer overlay zone and new standards.
- During prior public testimony, concerns were expressed about the impact of Self-Service Storage facilities in pedestrian and transit oriented areas. The PSC asked staff to explore ways to respond to testimony about Self-Service Storage uses, and limit the negative impacts of such uses on pedestrian and transit oriented areas. Staff developed a proposal that was supported by the PSC and is included in their recommendations.

100% Renewable Goal:

- The adopting ordinance authorizes the Bureau of Planning and Sustainability to develop and administer rules and guidelines for energy efficient buildings that will be used in review of Planned Developments in Commercial/Mixed Use zones.

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

Ordinance No.

* Amend Zoning regulations to implement the 2035 Comprehensive Plan through the Code Reconciliation Project (Ordinance; amend Title 33)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. The Code Reconciliation Project – Recommended Draft (Exhibit A) amends Title 33 to align regulations and more effectively implement the Portland 2035 Comprehensive Plan, which was adopted in December 2016 (Ordinance #187832) and align it with the Inclusionary Housing Zoning Code Project (Ordinance # 188162), which was adopted on December 21, 2016.
2. On June 15, 2016 the Portland City Council adopted the 2035 Comprehensive Plan (Ordinance #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 2035 Comprehensive Plan Early Implementation Zoning Code Amendments (Ordinance #188177) which implement the 2035 Comprehensive Plan and will become effective May 23, 2018.
4. On December 21, 2016, the Portland City Council adopted the Inclusionary Housing Zoning Code Project (Ordinance #188162) which requires residential projects with more than 20 units to provide a portion of the new units as affordable housing, and became effective February 1, 2018.
5. On November 29, 2017, the Portland City Council passed Ordinance #188695, delaying the effective date of the 2035 Comprehensive Plan and implementation measures until May 24, 2018 at 1:00 p.m.
6. Because of the timing of adoption of the Comprehensive Plan Early Implementation Zoning Code Amendments and the Inclusionary Housing Zoning Code Project, additional amendments to Title 33 are necessary to align the regulations with each other and the 2035 Comprehensive Plan.
7. 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 Inclusionary Housing Zoning Code Project. Additional community involvement was conducted for the Code Reconciliation Project, and is outlined in Exhibit A.

8. 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.
9. On September 18, 2017 notice of the proposal and the public hearings 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.
10. On September 19, 2017 notice of changes that affect the allowed use of property were mailed to owners of such affected property as required by Oregon law.
11. On October 24, 2017 the Planning and Sustainability Commission held a public hearing on the *Code Reconciliation Project - Proposed Draft*, and testimony was received. The Planning and Sustainability Commission held additional work sessions on November 14, 2017, December 12, 2017, and January 9, 2018 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 Title 33 of the *Code Reconciliation Project – Proposed Draft*, as amended by the Commission, to City Council for adoption.
12. The Bureau of Planning and Sustainability is responsible for development and administration of rules for energy efficient buildings for projects that seek to use Planned Development Bonuses in Commercial/Mixed Use zones allowed by Title 33. The Bureau has initiated a process of administrative rule making for Energy Efficient Building requirements that includes stakeholder involvement, and a public hearing process.
13. On February 20, 2018 notice of the March 21, 2018 City Council hearing on the Code Reconciliation 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, and those who asked for notice.
14. On February 20, 2018 notice of changes recommended by the Planning and Sustainability Commission that further affect the allowed use of property were mailed to owners of such affected property as required by Oregon law.
15. The regulatory framework for Title 33 amendments encompassed by the Code Reconciliation Project (Exhibit A) 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).
16. The amendments included in the Code Reconciliation Project (Exhibit A) are largely technical changes to better align codes and in many cases do not substantively affect development allowances.
17. The findings of fact for the 2035 Comprehensive Plan Implementation Ordinance, included as Exhibit B, serve as the fundamental findings of fact for the Code Reconciliation Project, except where specifically superseded by the additional findings contained in Exhibit C.

NOW, THEREFORE, the Council directs:

- a. Title 33, the Zoning Code is hereby amended as described in Exhibit A.
- b. The commentary and discussion in Exhibit A *Code Reconciliation Project - Recommended Draft*, dated February 2018, are adopted as findings and legislative intent.
- c. The findings of fact for the 2035 Comprehensive Plan Implementation Ordinance, included as Exhibit B, except where specifically superseded by the additional findings contained in Exhibit C are adopted as findings and legislative intent.
- d. Findings in Exhibit C are adopted as further findings and legislative intent.
- e. The Director of the Bureau of Planning and Sustainability shall develop, administer and periodically amend rules for Energy Efficient Buildings as called for in PCC 33.270.200, Additional Requirements for Planned Development in the Commercial/Mixed Use Zones.

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 the amendments to city code are critical to implementation of the 2035 Comprehensive Plan, 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:

Mayor Ted Wheeler
Prepared by: Barry Manning
Date Prepared: February 26, 2018

Mary Hull Caballero
Auditor of the City of Portland
By

Deputy

~~286~~ ~~350~~ ~~398~~

This document was substituted
with a revised version.

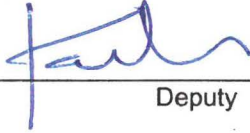
See final document:

188958

Agenda No.
ORDINANCE NO.

Title

* Amend Zoning regulations to implement the 2035 Comprehensive Plan through the Code Reconciliation Project (Ordinance; Amend Title 33).

INTRODUCED BY Commissioner/Auditor: Ted Wheeler	CLERK USE: DATE FILED <u>MAR 13 2018</u>
COMMISSIONER APPROVAL	Mary Hull Caballero Auditor of the City of Portland
Mayor—Finance and Administration - Wheeler <i>166</i>	By:  Deputy
Position 1/Utilities - Fritz	ACTION TAKEN:
Position 2/Works - Fish	MAR 21 2018 CONTINUED TO APR 11 2018 3:30 TC
Position 3/Affairs - Saltzman	APR 11 2018 CONTINUED TO APR 25 2018 2 P.M
Position 4/Safety - Eudaly	APR 25 2018 substituted. <i>Time Certain</i>
BUREAU APPROVAL	
Bureau: Planning and Sustainability Bureau Head: Susan Anderson <i>Susan Anderson</i>	
Prepared by: Barry Manning Date Prepared: February	
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>JMK</i>	
Council Meeting Date <u>3/21/18</u>	

AGENDA
TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>3:00 pm</u> <i>1426p</i>
Total amount of time needed: <u>2 hours</u> (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <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		