

## IMPACT STATEMENT

**Legislation title:** \*Waive application of Title 33 Buffer Overlay Zone requirement to 2025 SE 82<sup>nd</sup> Avenue to facilitate the relocation and alignment of an existing driveway in conjunction with construction of the SE 80<sup>th</sup> Avenue and Mill Street Local Improvement District (Ordinance; waive application of Code section 33.410.040 C; C-10060)

**Contact name:** Matt Wickstrom, Senior City Planner

**Contact phone:** 503-823-6825

**Presenter name:** Matt Wickstrom

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

The purpose of the proposed ordinance is to waive the Buffer Overlay Zone requirements as they currently apply to the Slavic Church Emmanuel site at 2025 SE 82<sup>nd</sup> Avenue so that a driveway may be relocated as part of the SE 80<sup>th</sup> Avenue and Mill Street Local Improvement District (LID). The proposed ordinance also includes responsibilities and requirements associated with the relocation of the driveway. Due to the adjacency of the LID to Bridger Elementary School and the importance of completing construction to the extent possible in advance of the 2019-20 school year, the proposed ordinance includes an emergency clause so that it can take effect immediately.

**Financial and budgetary impacts:**

The proposed ordinance does not result in a permanent legislative action; instead it remedies a Portland Zoning Code prohibition on driveways serving non-residential uses in the Buffer Overlay Zone so that the driveway can be moved as part of the SE 80<sup>th</sup> Avenue and Mill Street Local Improvement District. The waiver of the Buffer Overlay Zone prohibition does not pose short or long-term financial or budgetary impacts. The proposed ordinance does not authorize spending on a new or existing project. Current or future staffing levels will not be impacted.

**Community impacts and community involvement:**

The formation of the SE 80<sup>th</sup> Avenue and Mill Street Local Improvement District (LID) involved significant outreach and involvement of the impacted property owners. This outreach is documented in Resolution No. 37337 which initiated the LID and Ordinance No. 188786 which completed formation of the LID. Furthermore, parents, neighbors and school district officials have advocated for improvements to SE 80<sup>th</sup> Avenue for years due to its proximity to Bridger Elementary School and propensity to pool stormwater, poor infiltration and lack of sidewalks and other improvements.

**100% Renewable Goal:**

The proposed ordinance to waive a certain provision of the Portland Zoning Code and to outline responsibilities and requirements related to the moving of a driveway is not associated with the City's 100% renewable goal.

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

- ☐ **YES:** Please complete the information below.  
☒ **NO:** Skip this section

<b>Fund</b>	<b>Fund Center</b>	<b>Commitment Item</b>	<b>Functional Area</b>	<b>Funded Program</b>	<b>Grant</b>	<b>Sponsored Program</b>	<b>Amount</b>



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Office of the Director**  
FROM CONCEPT TO CONSTRUCTION

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May 29, 2019

To: Mayor Ted Wheeler  
Commissioner Chloe Eudaly  
Commissioner Nick Fish  
Commissioner Amanda Fritz  
Commissioner Jo Ann Hardesty

From: Rebecca Esau, Director *RE*  
Bureau of Development Services

RE: Ordinance to waive Portland Zoning Code Buffer Overlay Zone requirement

The Bureau of Development Services has worked with the Portland Bureau of Transportation regarding a Portland Zoning Code issue that arose as part of the SE 80<sup>th</sup> Avenue and Mill Street Local Improvement District.

Background:

The SE 80<sup>th</sup> Avenue and Mill Street Local Improvement District (LID) was created through Ordinance No. 188786 in January 2018. The LID includes right-of-way improvements on SE 80<sup>th</sup> Avenue from SE Grant Street to SE Market Street and SE Mill Street from SE 80<sup>th</sup> Avenue to SE 82<sup>nd</sup> Avenue. The project also includes sanitary sewer improvements. The LID is sorely needed as it improves the right-of-way leading to and adjacent to Bridger Elementary. This portion of unimproved roadway currently has very poor drainage and often fills with stormwater following rain events. The project involves the relocation of a driveway serving Slavic Church Emmanuel. The driveway is located within the Buffer Overlay Zone of the Portland Zoning Code (PZC). Driveways serving non-residential uses in the Buffer Overlay Zone are prohibited.

Ordinance Summary:

The proposed ordinance will waive the provision of PZC 33.410.040.C to allow the driveway to be relocated on the Slavic Church Emmanuel site within the Buffer Overlay Zone. The ordinance also establishes responsibilities and requirements associated with the relocated driveway. It is proposed with an emergency clause in order to underscore the importance of completing the construction of the LID prior to the start of the 2019-20 school year.