

SUBSTITUTE

ORDINANCE No.

188177 As Amended

Amend the Official City Zoning Map, Planning and Zoning Code and Transportation System Plan to carry out Portland's 2035 Comprehensive Plan; establish a new Community Involvement Program and Committee; amend related codes, the 2035 Comprehensive Plan and Plan Map to coordinate policies and programs (Ordinance; amend Code Titles 3, 17, 33 and Ordinance Nos. 165851, 177028, 187832)

The City of Portland ordains:

Section 1. The Council finds:

1. Portland's *2035 Comprehensive Plan* describes how the City will accommodate future growth and development. For the plan to fulfill this purpose, it must be carried out by sufficient and effective implementing measures.
2. Ordinance No. 150580 adopted Portland's first *Comprehensive Plan* on October 16, 1980. All three parts of the 1980 *Comprehensive Plan*, the Plan Map, the Plan Policies, and the List of Significant Projects, have been completely replaced by the 2035 *Comprehensive Plan*, which was adopted by Ordinance 187832 on June 15, 2016. The Official City Zoning Map and several parts of Title 33, Planning and Zoning, of the City Code, originally written to carry out the 1980, plan must be amended to carry out the 2035 plan.
3. The Transportation Element of the *Comprehensive Plan* was first adopted by Ordinance No. 165851 on September 23, 1992, expanded with adoption of a *Transportation System Plan* by Ordinance No. 177028 on October 30, 2002, and updated by Ordinance 187832 on June 15, 2016. The *Transportation System Plan* must be further amended to fully comport with the *2035 Comprehensive Plan* and the *Regional Transportation Plan*.
4. Extensive community involvement was essential for the development and adoption of the *2035 Comprehensive Plan*, and for the implementing measures adopted by this ordinance. The community involvement program must be adjusted and adopted as binding City policy to extend this essential function to plan implementation. Similarly, the involvement committee must be reconstituted to support broad participation during ongoing plan implementation, consistent with the policies of Chapter 2 of the *2035 Comprehensive Plan*.
5. Although not comprehensive plan implementing measures, certain provisions of Title 3, Administration, and Title 17, Public Works, would benefit from amendment to better coordinate these non-land use programs with future city and planning and zoning decisions.
6. There are a few instances where amendments to the *2035 Comprehensive Plan* are warranted, to correct minor errors and omissions, and better align policy and specific implementing measures.

### Fulfillment of Periodic Review Requirements

7. Portland's *Comprehensive Plan* is and implementing measures are being updated within the structure of a state-mandated process called "periodic review."
8. The City undertook a self-evaluation and determined updates were warranted for all three parts of the 1980 *Comprehensive Plan*: the policies, the map and the list of projects. The City Council adopted Resolution No. 36626 on August 6, 2008, which forwarded a proposed periodic review work program to the Oregon Department of Land Conservation and Development (DLCD). The Land Conservation and Development Commission (LCDC) approved the City's proposal with minor modifications on September 30, 2009.
9. Portland's work program 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
10. Under Periodic Review Task I – Community Involvement Plan a Community Involvement Committee (CIC) was established with a continuing obligation to help "ensure, meaningful, timely, and sufficient community participation in all phases of plan update." This committee is also charged with submitting a report to the City Council as each periodic review task is proposed for adoption (Task 1, Subtask C). With this ordinance the City Council accepts the required report from the CIC for Periodic Review Task V. The Periodic Review Work Program (Task 1, Subtask D) also requires beneficial policy and code amendments to carry involvement programs forward. On June 15, 2016, by Ordinance No. 187832, the City Council adopted beneficial policy changes as part of the *2035 Comprehensive Plan*. This ordinance adopts the corresponding code changes.
11. Task II – Inventory and Analysis required adoption of supporting documents that provide a sufficient factual basis for updating the 1980 *Comprehensive Plan*. The LCDC approved all of the City's Task II submittal, except for five withdrawn *Economic Opportunities Analysis* documents, by Order No. 001850 (May 23, 2014). On June 15, 2016, by Ordinance No. 187831, the City Council adopted minor updates to the inventory of vacant and underutilized residential and employment land that was approved by Order No 001850, including updated estimates of remaining growth capacity. These inventory maps of vacant and re-developable residential and employment land serve as official *2035 Comprehensive Plan* supporting documents.
12. Task II also required an analysis of employment-related needs and opportunities. The City prepared, submitted, but subsequently withdrew this analysis from LCDC's review of Task II. In its order approving all other components of the Task II submission, the

Oregon Land Conservation and Development Commission amended Task III of the City's periodic work program to require resubmittal of this analysis (Task III, Subtask D). On June 15, 2016, by Ordinance No. 187831, the City Council adopted five official *2035 Comprehensive Plan* supporting documents, which in total comprise a revised *Economic Opportunities Analysis*, to fulfill periodic review Task III, Subtask D.

13. Task III – Consideration of Alternatives required a consequence analysis of alternative placements of housing and job growth (Task III, Subtasks A, B and C). On June 15, 2016, by Ordinance No. 187831, the City Council adopted a *Growth Scenario Report* as an official *2035 Comprehensive Plan* supporting document to fulfill this periodic review obligation.
14. Task IV – Policy Choices required a new public facilities plan to meet service requirements of both existing development and twenty-years of new development allowed by the *2035 Comprehensive Plan* map (Task IV, Subtask D). On June 15, 2016, by Ordinance No. 187831, the City Council adopted a *Citywide Systems Plan* that contains complete public facilities plan elements for water, sewer, and stormwater services as an official *2035 Comprehensive Plan* supporting document.
15. The acknowledged documents, reports and maps approved by LCDC Order No. 001850, along with the additional documents reports and maps adopted by City Council on June 15, 2016, by Ordinance No. 187831, constitute an adequate factual base for all components of Portland's new comprehensive plan.
16. To fulfill Task IV periodic review obligations on June 15, 2016, the City Council, by Ordinance No. 187832, adopted the following:
  - a. The *2035 Comprehensive Plan* document containing a vision statement, guiding principles, and goals and policies. In particular, this plan included
    - Housing goals and policies in Chapter 5, (Task IV, Subtask C), and
    - Economic development goals and policies in Chapter 6 (Task IV, Subtask B);
  - b. A *Comprehensive Plan Map* (Task IV, Subtask A);
  - c. Public facilities goals and policies in Chapter 8 (part of Task IV, Subtask D); and
  - d. A *List of Significant Projects* (part of Task IV, Subtask D and E).
17. Adoption of Ordinance No. 187832 also fulfilled periodic review Task IV, Subtask E by amending the *Transportation System Plan* and adopting:
  - a. New transportation goals and policies for the *Comprehensive Plan* in Chapters 3, 8 and 9;
  - b. A new list of significant transportation projects; and
  - c. A corresponding financial plan.

#### What Task V of Periodic Review Requires

18. Task V requires the adoption of "sufficiently robust implementing measures" for the *2035 Comprehensive Plan*. The work program includes a list of advisory measures that Task V "might include," but determination of the exact measures is left to

recommendation of the Planning and Sustainability Commission and the final decision of the Portland City Council.

#### Task V Periodic Review Task Requirements Adopted by this Ordinance

19. By this ordinance the Portland City Council adopts the following implementing measures for the *2035 Comprehensive Plan*, to fulfill periodic review Task V obligations:
- a. An amended *Official City Zoning Map*, Exhibit D; and
  - b. An amended City Zoning Code, Exhibit E

#### Task I Periodic Review Task Requirements Accepted and Adopted by this Ordinance

20. By this ordinance the Portland City Council:
- a. Accepts the Task V CIC evaluation (Task 1, Subtask C), Exhibit I; and
  - b. Adopts Exhibit H (excluding Title 3 amendments) as binding City policy, and as an updated Community Involvement Program, (Task 1, Subtask D).

#### Task IV Periodic Review Task Requirements Amended by this Ordinance

21. By this ordinance the Portland City Council amends Ordinance No. 187832 to:
- a. Make minor changes and corrections to certain policies of the *2035 Comprehensive Plan*;
  - b. Add Major Public Trails to the Comprehensive Plan Map and corresponding policy map; and
  - c. Further update the *Transportation System Plan* (excluding Title 17 amendments).

#### Other Provisions Adopted by this Ordinance

22. This ordinance also amends Title 3 and Title 17 of the Portland City Code. The Title 3, Administration, amendments reestablish a CIC as a permanent City advisory committee amongst a list of other City committees. The Title 17, Public Works, amendments clarify the authorities of the Portland Bureau of Transportation. These amendments are not required by periodic review nor are they “land use decisions” or “limited land use decisions” within the meaning ORS 197, or “permits” within the meaning of ORS 227. The Title 3 and 17 amendments demonstrate that the city is coordinating its land use program with non-land use programs, but will not be submitted to DLCD for approval as completed periodic review work.

#### Further Findings of Fact

23. The implementing measures adopted by this ordinance must comply with all applicable provisions of Oregon land use law, the *2035 Comprehensive Plan*, the regional *Urban*

*Growth Management Functional Plan*, the *Regional Transportation Plan*, and Title 33 of the *Municipal Code of the City of Portland Oregon*. These requirements have been met as explained in the reports contained in Exhibits I through N and in the findings contained in Exhibit A; these exhibits are attached and made a part of this ordinance by this reference.

### Conclusion

24. For the reasons stated in the findings above, the facts and reasons contained within the Exhibit Reports J through N, and the further findings in Exhibit A, this ordinance fulfills requirements of Task I (Subtasks C and D), and Task V of the City's state-mandated periodic review order.

NOW, THEREFORE, the Council directs:

- a. The Further Findings of Fact in Exhibit A are adopted.
- b. The facts and reasons contained in Exhibits J through N are adopted.
- c. The report and evaluation of the CIC in Exhibit I is accepted to fulfill Task 1 (Subtask C) of DLCDC's periodic review work order.
- d. Ordinance No. 187832 is amended as follows:
  - (1) Exhibit C of Ordinance No. 187832 is amended to depict "Major Public Trails" on the Comprehensive Plan Map as shown in Exhibit B, "Comprehensive Plan Map, (December 5, 2016)" of this ordinance. The "City Boundary," "Urban Service Boundary," "Greenway Boundary," "Centers," the land use designations, and all other map features are for reference only and are not affected by the amendment.
  - (2) Exhibit B of Ordinance No. 187832 is amended to re-depict "Major Public Trails" on Figure 8-2 on page GP8-29 of the *2035 Comprehensive Plan* as shown in D – 9 "Major Public Trails (December 5, 2016)" of this ordinance. The "City Boundary," "Urban Service Boundary," "Greenway Boundary," "Centers," the land use designations, and all other map features are for reference only and are not affected by the amendment.
  - (3) Exhibit B of Ordinance No. 187832 is further amended to make minor changes and corrections to certain policies of the *2035 Comprehensive Plan* as described in Exhibit C of this ordinance.
- e. Ordinance Nos. 165851, 177028 and 187832 are amended to revise Chapters 1, 2, 4, 6, 8, 11, 12 and 15 of the *Transportation System Plan* as described in Exhibit F to fulfill Task IV, Subtask E, of the DLCDC's Periodic Review Work Order 001850. This includes amendments to transportation policy objectives the *Transportation System Plan*, which supplement transportation policies in Chapters 2, 8 and 9 of the *2035 Comprehensive Plan*. Exhibit G serves only to portray these amended objectives as they will appear in the completed

*Transportation System Plan*, in the context of other policies and objectives which are not being amended.

- f. The *Official City Zoning Map* is amended as depicted in Exhibits D-1 through D-9 to fulfill Task V of DLCDC's Periodic Review Work Order 001850. In particular:

(1) Exhibit D-1, "Zoning Map Changes (December 5, 2016), Citywide" amends the base zones. The "City Boundary," and "Urban Service Boundary" and all other features depicted on the map are for reference only, and are not affected by the amendment.

(2) Exhibit D-2, "Overlay Zone Changes (December 5, 2016), Prime Industrial (I) overlay," adds an "I" overlay. The "City Boundary," and "Urban Service Boundary" and all other features depicted on the map are for reference only, and are not affected by the amendment.

(3) Exhibit D-3, "Overlay Zone Changes (December 5, 2016), Centers Main Street (m) overlay zone," adds a revised and updated "m" overlay. In instances where a "m" overlay is removed by Exhibit D-7 and added in the same place by Exhibit D-3, the addition by Exhibit D-3 controls. The "City Boundary," and "Urban Service Boundary" and all other features depicted on the map are for reference only, and are not affected by the amendment.

(4) Exhibit D-4, "Overlay Zone Changes (December 5, 2016), Buffer (b) overlay zone," removes the "b" overlay. The "City Boundary," and "Urban Service Boundary" and all other features depicted on the map are for reference only, and are not affected by the amendment.

(5) Exhibit D-5, "Overlay Zone Changes (December 5, 2016), Design (d) overlay zone," adds the "d" overlay to some parts of the city and removes it from others. The "Existing Design (d) overlay," "City Boundary," and "Urban Service Boundary" and all other features depicted on the map are for reference only, and are not affected by the amendment.

(6) Exhibit D-6, "Overlay Zone Changes (December 5, 2016), Alternative Design Density (a) overlay zone," adds the "a" overlay to some parts of the City and removes it from others. The "Existing Alternative Design Density 'a' overlay," "City Boundary," and "Urban Service Boundary" and all other features depicted on the map are for reference only, and are not affected by the amendment.

(7) Exhibit D-7, "Overlay Zone Changes (December 5, 2016), Main Street Corridor (m) and Main Street Node (j) overlay zones," removes the "j" overlay and "m" overlays. The "City Boundary," and "Urban Service Boundary" and all other features depicted on the map are for reference only, and are not affected by the amendment.

(8) Exhibit D-8, "Plan District Changes (December 5, 2016), Plan Districts and Subdistricts" adds new plan districts and amends existing plan district and subdistrict boundaries. The "Existing Subdistrict B/Guild's lake PD," "City Boundary," and "Urban Service Boundary" and all other features depicted on the map are for reference only, and are not affected by the amendment.

(9) Exhibit D-9, “Major Public Trails (December 5, 2016)” adds “Major Public Trails” to the zoning map. The “City Boundary,” and “Urban Service Boundary” and all other features depicted on the map are for reference only, and are not affected by the amendment.

- g. Title 33, Planning and Zoning, of the City Code is amended as shown in Exhibit E to fulfill Task V of DLCDC’s Periodic Review Work Order 001850.
- h. The Community Involvement Program contained in Exhibit H is adopted as binding City policy, to fulfill Task 1, Subtask D, of DLCDC’s Periodic Review Work Order 001850.
- i. Title 3, Administration, of the City Code is amended as shown in Exhibit H.
- j. Title 17, Public Improvements, of the City Code is amended as shown in Exhibit F.
- k. The Bureau of Planning and Sustainability is directed to complete a study of the “f” overlay zone and bring recommendations for further Council consideration by December 31, 2018. The purpose of this study is to determine if the overlay is still necessary, and if it should be retained, modified, or removed.
- l. The Bureau of Planning and Sustainability is directed to evaluate the Comprehensive Plan designation and zoning of the sites identified in Exhibit O “Further Refinement Directive”, and bring appropriate recommendations back to Council for further consideration by July 1, 2018.
- m. The Bureau of Transportation is directed to take the further actions regarding Transportation and Parking demand management, as described in Exhibit P “Transportation and Parking Demand Management Directive”
- n. The Bureau of Planning and Sustainability shall submit Exhibits B, C, D, E, F (excluding the Title 17 amendments), G, H (excluding the Title 3 amendments) and I to the Oregon Department of Land Conservation and Development for approval.

Section 2. The directives in this ordinance shall become effective as follows: directives a, b, c, k, l, m, and n become effective 30 days after Council adoption of this ordinance and directives d, e, f, g, h, i and j become effective on January 1, 2018.

### Section 3. Severability

If any section, subsection, sentence, clause, phrase, diagram or drawing contained in this ordinance, or the map, report, inventory, analysis, or document 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 map, report, inventory, analysis, or document each section, subsection, sentence, clause, phrase, diagram and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases,

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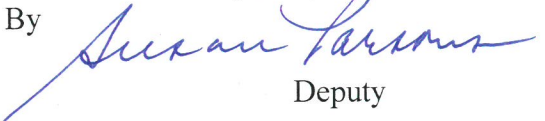
diagrams or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Passed by the Council: DEC 21 2016

Mayor Charlie Hales  
Prepared by: Eric Engstrom, Al Burns  
Date Prepared: December 5, 2016

Auditor of the City of Portland

By

A handwritten signature in blue ink, appearing to read "Susan Parsons", written over the printed name "Susan Parsons".

Deputy



**LIST OF ORDINANCE EXHIBITS**

- EXHIBIT A** – Document “Further Findings of Fact” (December 5, 2016)
- EXHIBIT B** – Map “Comprehensive Plan Map, Comprehensive Plan Update” (December 5, 2016)
- EXHIBIT C** – Document “Comprehensive Plan Amendments” (December 5, 2016)
- EXHIBIT D-1** – Map “Zoning Map Changes, Citywide” (December 5, 2016)
- EXHIBIT D-2** – Map “Overlay Zone Changes, Prime Industrial (l) overlay” (December 5, 2016)
- EXHIBIT D-3** – Map “Overlay Zone Changes, Centers Main Street (m) overlay zone” (December 5, 2016)
- EXHIBIT D-4** – Map “Overlay Zone Changes, Buffer (b) overlay zone” (December 5, 2016)
- EXHIBIT D-5** – Map “Overlay Zone Changes, Design (d) overlay zone” (December 5, 2016)
- EXHIBIT D-6** – Map “Overlay Zone Changes, Alternative Design Density (a) overlay zone” (December 5, 2016)
- EXHIBIT D-7**– Map “Overlay Zone Changes, Main Street Corridor (m) and Main Street Node (j) overlay zones” (December 5, 2016)
- EXHIBIT D-8**– Map “Plan District Changes, Plan Districts and Subdistricts” (December 5, 2016)
- EXHIBIT D-9**– Map “Major Public Trails” (December 5, 2016)
- EXHIBIT E** – Document “2035 Comprehensive Plan Early Implementation, Zoning Code Amendments, As-Amended Draft” (December 5, 2016)
- EXHIBIT F** – Document “Amendments to the Transportation System Plan, Initial Steps to Implement the 2035 Comprehensive Plan, As-Amended Draft” (December 5, 2016)
- EXHIBIT G** – Document “Appendix A, Reference Section: Transportation Policies, Compiled Goals, Policies and Objectives” (December 5, 2016)
- EXHIBIT H** – Document “Community Involvement Program, Early Implementation of the 2035 Comprehensive Plan As-Amended Draft” (December 5, 2016)
- EXHIBIT I** – Document “Evaluation of Community Engagement in Task 5 (Early Implementation Projects) of the Comprehensive Plan Update Process” (May 12, 2106)

**EXHIBIT J** – Document “Mixed Use Zones Project, Early Implementation of the 2035 Comprehensive Plan, Recommended Draft” (August 2016)

**EXHIBIT K** – Document “Residential and Open Space Zoning Map, Early Implementation of the 2035 Comprehensive Plan, Recommended Draft” (August 2016)

**EXHIBIT L** – Document “Employment Zoning Project, Early Implementation of the 2035 Comprehensive Plan, Recommended Draft” (August 2016)

**EXHIBIT M** – Document “Campus Institutional Zoning Project, Early Implementation of the 2035 Comprehensive Plan, Recommended Draft” (August 2016)

**EXHIBIT N** – Document “Miscellaneous Zoning Amendments, Early Implementation of the 2035 Comprehensive Plan, Recommended Draft” (August 2016)

**EXHIBIT O** – Document “Further Refinement Directive”

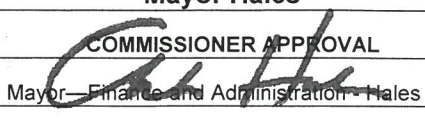

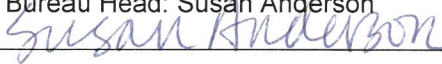
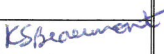
**EXHIBIT P** – Document “Transportation and Parking Demand Management Directive”

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Agenda No.  
Substitute **ORDINANCE NO.**  
Title

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**188177** As Amended

Amend the Official City Zoning Map, Planning and Zoning Code and Transportation System Plan to carry out Portland's 2035 Comprehensive Plan; establish a new Community Involvement Program and Committee; amend related codes, the 2035 Comprehensive Plan and Plan Map to coordinate policies and programs (Ordinance introduced by Mayor Hales; amend Code Titles 3, 17, 33 and Ordinance Nos. 165851, 177028, 187832)

INTRODUCED BY Commissioner/Auditor: <b>Mayor Hales</b>	CLERK USE: DATE FILED <u>DEC 07 2016</u>
<b>COMMISSIONER APPROVAL</b>  Mayor - Finance and Administration - Hales	Mary Hull Caballero Auditor of the City of Portland  By:  Deputy
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Novick	<b>ACTION TAKEN:</b>  DEC 14 2016 <b>SUBSTITUTE PASSED TO SECOND READING</b> As Amended DEC 21 2016 2 P.M. <i>Time Certain.</i>
<b>BUREAU APPROVAL</b>	
Bureau: Planning and Sustainability Bureau Head: Susan Anderson 	
Prepared by: Eric Engstrom Date Prepared: December 5, 2016	
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	
Council Meeting Date <b>December 14, 2016</b>	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input checked="" type="checkbox"/> <b>Start time: 2:00 PM</b>  <b>Total amount of time needed: 1 hour</b> (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>  <b>REGULAR</b> <input type="checkbox"/>  <b>Total amount of time needed: _____</b> (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Novick	✓	
Hales	✓	