

## SUBSTITUTE

### Ordinance No. 188959

\* Amend Tree, Noise and Sign regulations to effectively implement Portland City Code through the Code Reconciliation Project (Ordinance; amend Title 11, Title 18 and Title 32)

The City of Portland Ordains:

Section 1. The Council finds:

#### General Findings

1. The Code Reconciliation Project amends several City titles 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. Additional amendments to City Titles are necessary to align the regulations and the 2035 Comprehensive Plan.
5. Extensive community involvement was essential for the development and adoption of the *2035 Comprehensive Plan* and the related implementing measures. Additional community involvement was conducted for the Code Reconciliation Project.
6. On September 18, 2017 notice of the proposal and the public hearings before the Planning and Sustainability Commission, the Urban Forestry Commission, and the Noise Review Board 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.
7. 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, Title 32, and Title 11 of the *Code Reconciliation Project - Proposed Draft*, as amended by the Commission, to City Council for adoption.
8. On November 8, 2017 the Portland Noise Review Board held a public hearing on the proposed amendments to Title 18 contained in the *Code Reconciliation Project - Proposed Draft*. The Board took public comment and offered feedback to staff on the proposal.

9. On November 16, 2017 the Portland Urban Forestry Commission held a public hearing on the proposed amendments to Title 11 contained in the *Code Reconciliation Project - Proposed Draft*. The Commission voted to recommend approval of amendments to Title 11 contained in the *Code Reconciliation Project - Proposed Draft* to City Council for adoption.
10. 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.
11. On March 21, 2018 Portland City Council held a public hearing and received testimony on the Code Reconciliation Project – Recommended Draft. The Council further amended the Recommended Draft in response to testimony and to further refine and reconcile the code for implementation.

NOW, THEREFORE, the Council directs:

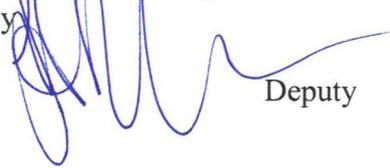
- a. Title 11, Title 18, and Title 32 of the City Code are hereby amended as described in Exhibit A *Code Reconciliation Project - Recommended Draft, As-Amended*, dated April 2018.
- b. The commentary and discussion in Exhibit A *Code Reconciliation Project - Recommended Draft, As-Amended*, dated April 2018, are adopted as further findings and legislative intent.

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 for consistent implementation, and a delay in the effective date would interrupt the ability to effectively administer city code; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

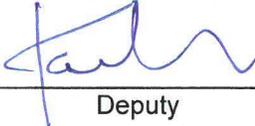
Passed by the Council: MAY 24 2018

Mayor Ted Wheeler  
Prepared by: Barry Manning  
Date Prepared: April 19, 2018

Mary Hull Caballero  
Auditor of the City of Portland  
By  Deputy

Title

\* Amend Tree, Noise and Sign regulations to effectively implement Portland City Code through the Code Reconciliation Project (Ordinance; Amend Title 11, Title 18 and Title 32)

<p style="text-align: center;"><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Ted Wheeler</b></p>	<p>CLERK USE: DATE FILED <u>APR 23 2018</u></p>
<p style="text-align: center;"><b>COMMISSIONER APPROVAL</b></p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  Deputy</p> <p><b>ACTION TAKEN:</b> APR 25 2018 <i>Substitute accepted.</i> APR 25 2018 <i>Julia Thompson</i> <b>CONTINUED TO</b> MAY 24 2018 <b>2 P.M.</b></p>
<p>Mayor—Finance and Administration - Wheeler <i>KC</i></p>	
<p>Position 1/Utilities - Fritz</p>	
<p>Position 2/Works - Fish</p>	
<p>Position 3/Affairs - Saltzman</p>	
<p>Position 4/Safety - Eudaly</p>	
<p style="text-align: center;"><b>BUREAU APPROVAL</b></p>	
<p>Bureau: Planning and Sustainability Bureau Head: Susan Anderson <i>Julia Thompson</i></p>	
<p>Prepared by: Barry Manning Date Prepared: April 23, 2018</p>	
<p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<p><b>City Auditor Office Approval:</b> required for Code Ordinances</p>	
<p><b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter <i>LEP</i></p>	
<p>Council Meeting Date April 25, 2018</p>	

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

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish <i>→</i>	✓	
3. Saltzman	✓	
4. Eudaly	✓	
Wheeler	✓	