

IMPACT STATEMENT

Legislation 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).

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 city titles to provide greater consistency with recently adopted regulations and to correct code references.
- 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 better integrates those new codes with other parts of the City Code.
- The Code Reconciliation Project amends Title 32, Signs and Related Regulations, Title 18, Noise Control, and Title 11, Trees. Public hearings were conducted by Planning and Sustainability Commission (Titles 32, 11); Urban Forestry Commission (Title 11); and Noise Review Board (Title 18).
- Most of the amendments are technical – for example references in these titles to existing Commercial zones are replaced with the most equivalent new Commercial/Mixed Use zone (C/MU). The changes also incorporate the new Campus Institutional (CI) 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 amendments are largely technical and have not generated significant community involvement, except for 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 11, Trees; Title 18, Noise; and Title 32, Signs. These codes apply across the city and the impacts and benefits in changes to regulations will be shared across the community by property owners, neighbors, and businesspeople.

- The Bureau of Planning and Sustainability presented the proposal for Title 11 amendments at public hearings with Planning and Sustainability Commission and Urban Forestry Commission. During prior public testimony, concerns were expressed both for and against the changes in to Title 11, as well as to the impact on development and environmental issues. After hearing testimony, both commissions supported the staff recommendation to delete Title 11 references to the CS and CM zones.
- The proposal for amendments to Title 18 were presented to the Noise Review Board, which heard public comment.
- The proposed amendments to Title 32 were presented to the Planning and Sustainability Commission.

100% Renewable Goal:

- Not applicable.

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

**This document was substituted
with a revised version.**

See final document:

188959

Ordinance No.

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

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.
- b. The commentary and discussion in Exhibit A *Code Reconciliation Project - Recommended Draft*, dated February 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:

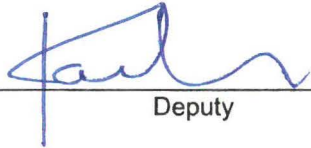
Mayor Ted Wheeler
Prepared by: Barry Manning
Date Prepared: February 26, 2018

Mary Hull Caballero
Auditor of the City of Portland
By
Deputy

This document was substituted with a revised version.
See final document: 188959

Agenda No.
ORDINANCE NO.
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 align="center">INTRODUCED BY Commissioner/Auditor: Ted Wheeler</p>	<p>CLERK USE: DATE FILED <u>MAR 13 2018</u></p>
<p align="center">COMMISSIONER APPROVAL</p>	<p align="center">Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  Deputy</p> <p>ACTION TAKEN:</p> <p>MAR 21 2018 CONTINUED TO APR 11 2018 3:30 PM</p> <p>APR 11 2018 CONTINUED TO APR 25 2018 2:00 PM Time Certain</p> <p>APR 25 2018 <i>Substituted.</i></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 align="center">BUREAU APPROVAL</p>	
<p>Bureau: Planning and Sustainability Bureau Head: Susan Anderson <i>Susan Anderson</i></p>	
<p>Prepared by: Barry Manning Date Prepared: February 28, 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 checked="" type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances <i>AK</i></p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>AK</i></p>	
<p>Council Meeting Date March 21, 2018</p>	

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

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	