



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

September 19, 2008



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Portland Plan Amendment
DLCD File Number 005-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 6, 2008

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

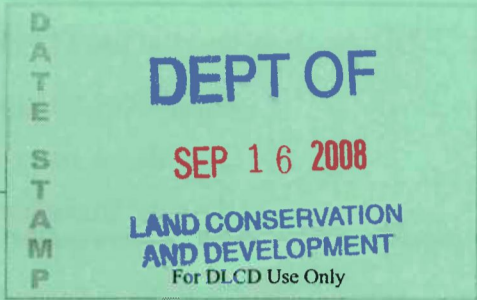
Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Thomas Hogue, DLCD Policy Analyst
Kathleen Stokes, City of Portland

<paa> ya

LU06-118204 CP2C DZ

PROF 2 Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: City of Portland Local file number: LU06-118204 CP2C
Date of Adoption: 9-10-08 Date Mailed: 9-15-08
Date original Notice of Proposed Amendment was mailed to DLCD: May 27, 2008

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Change Comprehensive Plan Map and Zoning Map designations for 17,383 sq. ft. parcel, in order to allow greater flexibility for future redevelopment. No development is proposed at this time, but property owner states that he envisions mixed-use, with residential and retail or office uses.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

same, with condition that restricts allowed square feet of floor area for the various types of uses, in order to limit AM peak hour vehicle trips.

Plan Map Changed from: Industrial Sanctuary to: Central Employment
Zone Map Changed from: IG1 to: EXd

Location: 810 N. Fremont Street Acres Involved: 0.399 or 17,383 sq. ft.

Specify Density: Previous: 0 New: 3:1 FAR (but limited, by condition of approval to 45,000 sq. ft or 70 AM peak hr trips)

Applicable Statewide Planning Goals: 7, 2, 6, 9, 10, 11, 12, 13, 14

Was an Exception Adopted? YES NO

DLCD File No.: 005-08 (16919)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

- Forty-five (45) days prior to first evidentiary hearing? ^(1st hearing was 7-15) Yes No
If no, do the statewide planning goals apply? Yes No
If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

METRO, City of Portland

Local Contact: Kathleen Stokes Phone: (503) 923-7843 Extension: NA
Address: 1900 SW 4th Av, Ste 5,000 City: Portland, OR
Zip Code + 4: 97201 - 5379 Email Address: kstokes@ci.portland.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE No. 182192

*Amend the Comprehensive Plan Map designations and change zoning at 810 N. Fremont Street at the request of Mississippi Partners LLC (Ordinance; LU 06-118204 CP ZC)

The City of Portland ordains:

Section 1. Council finds:

1. The Applicant seeks, in the vicinity of 810 N. Fremont Street, the following:
 - a. a Comprehensive Plan Map Amendment from Industrial Sanctuary to Central Employment for property identified as State ID No. 1N1E27BA 03700 and described in Exhibit A to this Ordinance (the "Property"); and
 - b. a Zoning Map Amendment from IG1 (General Industrial) to EXd (Central Employment with a Design Overlay) for the Property.
2. An application complying with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland seeking amendment of the Comprehensive Plan Map and Zoning Map has been received with the proper fee for filing paid.
3. The Hearings Officer held a duly noticed public hearing on July 15, 2008, and a Recommendation was issued on July 24, 2008 (BDS File No. LU 06-118204 CP ZC). The Hearings Officer recommended approval of the requested Comprehensive Map Amendment and Zoning Map Amendment with conditions.
4. Based on the findings contained in the Recommendation of the Hearings Officer, the requested Comprehensive Plan Map Amendment and Zoning Map Amendment, are found to be in conformance with the Comprehensive Plan and relevant Title 33 approval criteria.

NOW THEREFORE, the Council directs:

- a. City Council adopts the facts, findings, conclusions and recommendations of the Hearings Officer in BDS File No. LU 06-118204 CP ZC.
- b. The Comprehensive Plan Map Amendment and Zoning Map Amendment for the Property, as described in Exhibit A, are approved as follows:
 1. a Comprehensive Plan Map Amendment from Industrial Sanctuary to Central Employment for the Property; and
 2. a Zoning Map Amendment from IG1 (General Industrial) to EXd (Central Employment with a Design Overlay) for the Property.

3. The Comprehensive Plan Map and Zoning Map amendments are subject to the conditions below. Any violation of these conditions shall be subject to the enforcement procedures in the City Code, but will not void the Comprehensive Plan Map and Zoning Map amendments:

A. Development is limited to land use and trip rate allocations per Table 1 below. Total trips shall not exceed 70 a.m. peak hour trips. The applicant shall be responsible for providing an accounting of all square footages for each proposed use, as well as existing uses, and the conversion to trips for each building permit application, as noted in Condition B.

Table 1 - Land Use and Trip Rate Allocations ¹		
Maximum 70 trips		
Land Use ²	Building Square Footage (GLA) / Other	Trip Rate ³
Office	1000 square feet	1.49 trips
Retail Sales and Service	1000 square feet	21.94 trips
Household Living	1 dwelling unit	0.51 trips
Vehicle Repair	1000 square feet	2.94 trips
Industrial Categories	1000 square feet	0.73 trips
Community Service	1000 square feet	1.06 trips
Day Care	1000 square feet	12.79 trips

¹The building square footage or dwelling units shall be converted to trips and compared to the maximum established. The established trip rates for these land use categories shall not be altered.

²Per Zoning Code chapter 33.920, Description of Use Categories

³All trip rates in this table are based on the highest ITE Trip Generation, 7th Edition rates for uses in each category.

- B. In addition to documenting compliance with applicable Zoning Code requirements, all building permit applications submitted for new development/redevelopment shall include:
1. A description of the proposed development, with floor area or dwelling unit calculations by land use category;
 2. The resulting new trips generated by the proposed development, using Table 1 - Land Use and Trip Rate Allocations from Condition A;
 3. The calculated number of trips generated by any existing development, using Table 1 - Land Use and Trip Rate Allocations from Condition A;
 4. Confirmation that the proposed use trips plus existing use trips fall within the trip thresholds in Table 1 - Land Use and Trip Rate Allocations from Condition A.
- C. Future redevelopment plans that include residential units must meet the following requirements: Plans for all units must include security features that comply with

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items 1 through 6 of the Residential Security Recommendations of the Portland Police Bureau. In addition, exterior lights that comply with the lighting standards of the Crime Prevention Division of the Portland Police Bureau must be provided. Development plans must be certified by the Crime Prevention Division of the Portland Police Bureau as complying with these provisions.

Section 2. The Council declares an emergency exists because there should be no delay in the beneficial use of the above-described properties; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council: SEP 10 2008
Introduced by City Auditor Gary Blackmer
Gregory J. Frank/cb
August 26, 2008

GARY BLACKMER
Auditor of the City of Portland
By *Susan Parsons*
Deputy

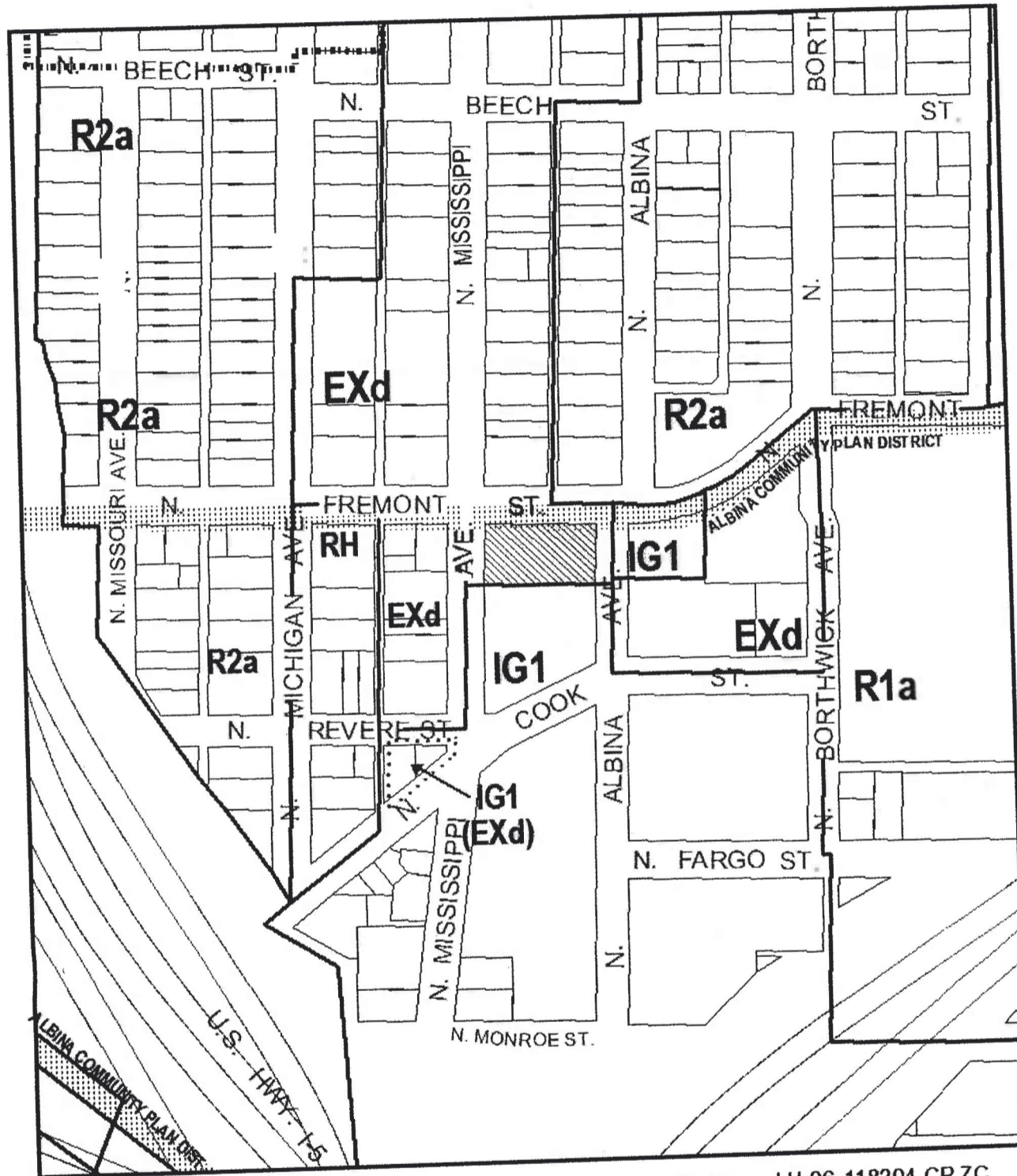
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EXHIBIT A

Lots 1, 2, 3, and 4, Block 1, COOK'S ADDITION TO ALBINA, in the City of Portland, County of Multnomah, State of Oregon.

EXCEPTING THEREFROM that portion of Lots 3 and 4, described as follows:

Beginning at the Southwest corner of Lot 3; thence North along the West boundary of said lot 0.62 feet; thence East in a straight line to a point on the East boundary of Lot 4 lying 0.67 feet North of the Southeast corner of said lot; thence South along the East boundary of Lot 4 to the Southeast corner thereof; thence West along the South boundaries of Lots 3 and 4 to the point of beginning.



ZONING PROPOSED



This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT

 Site

File No. LU 06-118204 CP,ZC
1/4 Section 2729
Scale 1 inch = 200 feet
State_Id 1N1E27BA 3700
Exhibit B (May 20,2008)



P 524

CITY OF PORTLAND, OREGON

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Bureau of Development Services
1900 SW Fourth Avenue, Suite 5000
Portland, Oregon 97201

ADDRESS SERVICE REQUESTED



Hasler

016H16502230

\$00.590

09/15/2008

Mailed From 97204
US POSTAGE

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

973012540 C007

