



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

12/22/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Portland Plan Amendment
DLCD File Number 007-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, January 06, 2012

This amendment was submitted to DLCD for review prior to adoption 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 Acknowledgment or 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 above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Kathleen Stokes, City of Portland
Angela Lazarean, DLCD Urban Planner
Anne Debbaut, DLCD Regional Representative

Angela Lazarean, DLCD Urban Planner

<paa> YA



FORM

2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days** after the **Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

<input type="checkbox"/> In person	<input type="checkbox"/> electronic	<input type="checkbox"/> mailed
DEPT OF DEC 19 2011 LAND CONSERVATION AND DEVELOPMENT		
DATE STAMP		
For Office Use Only		

Jurisdiction: City of PortlandLocal file number: LU 11-138415 CP ZCDate of Adoption: December 15, 2011Date Mailed: December 16, 2011Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date:☐ Comprehensive Plan Text Amendment☒ Comprehensive Plan Map Amendment☐ Land Use Regulation Amendment☒ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

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

Change Comprehensive Plan Map designation, from Central Residential (RX) to Central Employment (EX)

Change Zoning Map designation from IRd to EXd.

(Institutional Residential w/Design overlay)

(Central Employment w/Design Overlay)

Does the Adoption differ from proposal? Please select one

↑ No, but conditions of approval
limited maximum buildout and
preserved minimum residential density.

Plan Map Changed from: RX (Central Residential) to: EX (Central Employment)

Zone Map Changed from: IRd (Institutional Residential) to: EXd (Central Employment, w/Design Overlay)

Location: SE Main St, SE 96th to SE 100th Av. (w/1500 SE 96th) Acres Involved: 6.15

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ NoDLCD file No. 007-11 (18928) [16877]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Metro

Local Contact: Kathleen Stokes
Address: 1900 SW 4th Av. Ste 5000
City: Portland, OR Zip: 97201

Phone: (503) 823-7843 Extension:

Fax Number: 503-823-5630

E-mail Address: kathleen.stokes@portlandoregon.gov

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated April 22, 2011



**OFFICE OF CITY AUDITOR
CITY OF PORTLAND**

**LaVonne Griffin-Valade, City Auditor
Council/Contracts Division**

Mailing Address:
1221 SW 4th, Room 140
Portland, Oregon 97204-1987
Email: Karla.Moore-Love@portlandoregon.gov
Phone: (503) 823-4086 Fax: (503) 823-4571

December 16, 2011

NOTICE OF DECISION

RE CASE FILE: LU 11- 138415 CP ZC

Consider the proposal of Portland Adventist Academy and the recommendation from the Hearings Officer for approval, with conditions, to change the Comprehensive Plan Map designation for this 267,738 square-foot parcel from Central Residential to Central Employment and a concurrent Zoning Map amendment from IRd to EXd at 1500 SE 96th Avenue. (Hearing; LU 11-138415 CP ZC)

To Whom It May Concern:

On December 15, 2011, at approximately 2:00 p.m., at a regularly scheduled meeting in Council Chambers, the Council voted 5-0 and passed Ordinance No.185077.

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with the Board within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. The Board's address is: Public Utility Commission Building, 550 Capitol Street NE, Suite 235, Salem, OR 97310-2552. You may call the Land Use Board of Appeals at 1-503-373-1265 for further information on filing an appeal.

Yours sincerely,

LaVonne Griffin-Valade
Auditor of the City of Portland

By: 

Karla Moore-Love, Council Clerk

Enc.

ORDINANCE No. 185077

*Amend the Comprehensive Plan Map designation and change zoning of two lots in the vicinity of 1500 SE 96th Ave at the request of Ty Johnson, Portland Adventist Academy (Ordinance; LU 11-138415 CP ZC)

The City of Portland ordains:

Section 1. Council finds:

1. The Applicant seeks, in the vicinity of 1500 SE 96th Avenue, the following:
 - a. a Comprehensive Plan Map Amendment from Central Residential to Central Employment for the area identified as state ID No. 1S2E04DA 12500, 1S2E04A 02500, 1S2E04A 02501, 1S2E04A 02601, 1S2E04A 02600 and legally described as TL 12500 0.04 ACRES, CANCEL INTO R643109 SECTION 04 1S 2E, TL 12500 0.04 ACRES; TL 2500 5.29 ACRES SPLIT LEVY R332448 (R992044390), SECTION 04 1S 2E; TL 2501 0.86 ACRES SPLIT LEVY R332431 (R992044130), SECTION 04 1S 2E; TL 2601 0.01 ACRES SPLIT LEVY R332465 (R992044740), CANCEL INTO R332431 / SECTION 04 1S 2E, TL 2601 0.01 ACRES; TL 2600 0.01 ACRES SPLIT LEVY R332455 (R992044480), CANCEL INTO R332465 / SECTION 04 1S 2E, TL 2600 0.01 ACRES in the City of Portland, County of Multnomah and State of Oregon (hereafter referred to as the "Property") ;
 - b. a Zoning Map Amendment from Institutional Residential with a Design Overlay (IRd) to General Employment with a Design Overlay (EXd) 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 amendments of the Comprehensive Plan Map and Zoning Map, with Adjustments has been received with the proper fee for filing paid.
3. The Hearings Officer held a duly noticed public hearing on October 19, 2011 and a Recommendation was issued on November 4, 2011 (BDS File No. LU 11-138415 CP ZC). The Hearings Officer recommended approval of the requested Comprehensive Map Amendment and Zoning Map Amendment, with conditions.
4. The requested amendments to the Comprehensive Plan Map and Zoning Map, based on the findings contained in the Recommendation of the Hearings Officer, 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 11-138415 CP ZC.

185077

b. The Comprehensive Plan Map Amendment and Zoning Map Amendment for the Property are approved as follows:

1. a Comprehensive Plan Map Amendment from Central Residential to Central Employment; and
2. a Zoning Map Amendment from Institutional Residential with a Design Overlay (IRd) to General Employment with a Design Overlay (EXd).
3. the Comprehensive Plan Map Amendment and Zoning Map Amendment 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 Amendment, Zoning Map Amendment:
 - A. As part of the building permit application submittal, the following development-related conditions (B through E) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 11-138415 CP ZC." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
 - B. To ensure that future development will not over-burden the downstream sanitary sewer system, it must be shown that one of the following is achieved:
 1. All future development is restricted such that the peak daily sanitary flows coming off of the site to the public system will not exceed 2.5 cfs peak daily flow to the piped system or 3 cfs peak daily flow to the Cherry Park Pump Station (or numbers updated by BES staff to reflect changes to factors such as the public system itself or modeling assumptions); or
 2. The applicant or owner improves the overall public sanitary system such that available capacity exists for the development. This could include changes such as upsizing downstream pipes or modifying the Cherry Park Pump Station such that it has increased pumping capabilities.
 - C. To ensure that future development will not over-burden the localized sewer system immediately adjacent to the site, it must be shown that one of the following is achieved:
 1. All development discharges its sanitary flows to the 15" sanitary sewer in 100th (or the largest sanitary sewer available to it at the time), provided all applicable BES and plumbing code standards and requirements can be met; or
 2. BES finds that available capacity exists in the sewer in Main; or

3. The applicant or owner improves the local public sanitary system such that the connection point has available capacity, to the satisfaction of BES.

D. Allowed land uses in the EX zone shall be limited to 998 equivalent PM peak hour trips. Equivalencies shall be applied per those presented in Table 1 below. To ensure the trip cap is not exceeded, applicants shall submit a written verification at the time of building permit, identifying all site uses, both existing and proposed, and showing a maximum equivalent PM peak hour trip generation of 998 trips.

Table 1. Weekday PM Peak Hour Trip Rates for Trip Cap Comparison

Table 1 – Land Use Trip Conversions				
EX Allowed Land Use	ITE Use Code	Unit	Size	PM Peak Hour Trip Equivalent
Household Living	220	Dwelling	2	1 Trip
Retail	820	SF	300	1 Trip
Office	710	SF	780	1 Trip
Vehicular Repair	942	SF	240	1 Trip
Manufacturing and Production	140	SF	1,560	1 Trip
Warehouse and Freight Movement	150	SF	2,640	1 Trip
Wholesale Sales	860	SF	2,280	1 Trip
Industrial Service	130	SF	1,320	1 Trip
Parks and Open Areas	412	SF	8,760	1 Trip
Schools	530	SF	540	1 Trip
Colleges	540	SF	420	1 Trip
Medical Center	610	SF	780	1 Trip
Religious Institutions	560	SF	1,200	1 Trip
Daycare	565	SF	84	1 Trip

E. A minimum of 268 of the 998 PM peak hour motor vehicle trips that are allotted to the site must be reserved for the 536 residential units that are required to preserve the minimum residential density for the site. The remaining 730 trips may be allotted to other uses, in accordance with the floor area equivalencies shown in Table 1.

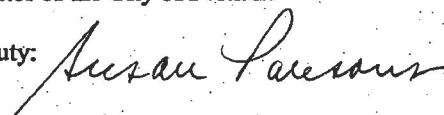
1. Residential units that are created on the site must be preserved for residential use through a 25-year covenant.
2. If more trips are desired for allocation to nonresidential uses, then an equivalent number of non-required residential units must be created on another site and must be preserved for residential use through a 25-year covenant.

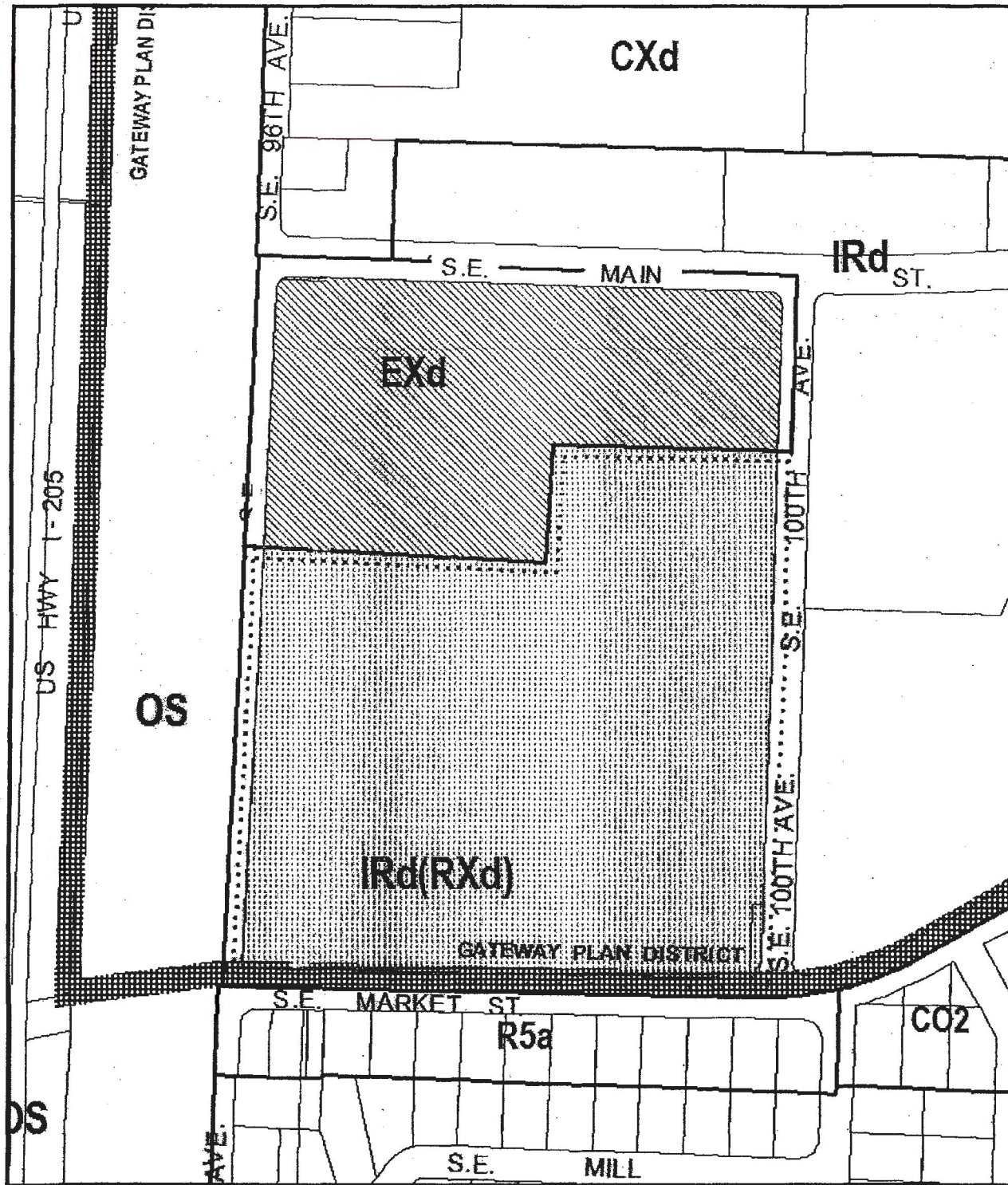
185077

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.

DEC 15 2011

Passed by the Council:
Introduced by City Auditor LaVonne Griffin-Valade
Gregory J. Frank/rs
Date: December 7, 2011

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland
By:
Deputy: 



ZONING PROPOSED



This site lies within the:
GATEWAY PLAN DISTRICT

Site
Also Owned

File No. LU 11-138415 CP,ZC
1/4 Section 3140
Scale 1 inch = 200 feet
State Id 1S2E04A 2500
Exhibit B (May 26, 2011)



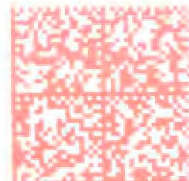
P 524



CITY

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

ADDRESS SERVICE REQUESTED



Hasler

016H265204

\$01.08

12/16/2011

Mailed From 97204
US POSTAGE

DEPT OF

DEC 19 2011

LAND CONSERVATION
AND DEVELOPMENT

Attn: Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol St. NE, Ste. 150
Salem, OR
97301-2540